

[DISCUSSION DRAFT]

113TH CONGRESS
1ST SESSION

H. R. _____

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

IN THE HOUSE OF REPRESENTATIVES

Ms. FOXX introduced the following bill; which was referred to the Committee on _____

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Supporting Knowledge
5 and Investing in Lifelong Skills Act” or the “SKILLS
6 Act”.

7 **SEC. 2. TABLE OF CONTENTS.**

8 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. References.
- Sec. 4. Effective date.

TITLE I—AMENDMENTS TO THE WORKFORCE INVESTMENT ACT
OF 1998

Subtitle A—Workforce Investment Definitions

- Sec. 101. Definitions.

Subtitle B—Statewide and Local Workforce Investment Systems

- Sec. 102. Purpose.
- Sec. 103. State workforce investment boards.
- Sec. 104. State plan.
- Sec. 105. Local workforce investment areas.
- Sec. 106. Local workforce investment boards.
- Sec. 107. Local plan.
- Sec. 108. Establishment of one-stop delivery system.
- Sec. 109. Identification of eligible providers of training services.
- Sec. 110. General authorization.
- Sec. 111. State allotments.
- Sec. 112. Within State allocations.
- Sec. 113. Use of funds for employment and training activities.
- Sec. 114. Performance accountability system.
- Sec. 115. Authorization of appropriations.

Subtitle C—Job Corps

- Sec. 116. Job Corps purposes.
- Sec. 117. Job Corps definitions.
- Sec. 118. Individuals eligible for the Job Corps.
- Sec. 119. Recruitment, screening, selection, and assignment of enrollees.
- Sec. 120. Job Corps centers.
- Sec. 121. Program activities.
- Sec. 122. Counseling and job placement.
- Sec. 123. Support.
- Sec. 124. Operations.
- Sec. 125. Community participation.
- Sec. 126. Workforce councils.
- Sec. 127. Technical assistance.
- Sec. 128. Special provisions.
- Sec. 129. Performance accountability management.
- Sec. 130. Closure of low-performing Job Corps centers.
- Sec. 131. Reforms for opening new Job Corps centers.

Subtitle D—National Programs

- Sec. 132. Technical assistance.
- Sec. 133. Evaluations.

Subtitle E—Administration

- Sec. 134. Requirements and restrictions.
- Sec. 135. Prompt allocation of funds.
- Sec. 136. Fiscal controls; sanctions.

- Sec. 137. Reports to Congress.
- Sec. 138. Administrative provisions.
- Sec. 139. State legislative authority.
- Sec. 140. General program requirements.
- Sec. 141. Department Staff.

Subtitle F—State Unified Plan

- Sec. 142. State unified plan.

TITLE II—ADULT EDUCATION AND FAMILY LITERACY
EDUCATION

- Sec. 201. Amendment.

TITLE III—AMENDMENTS TO THE WAGNER–PEYSER ACT

- Sec. 301. Amendments to the Wagner-Peyser Act.

TITLE IV—REPEALS AND CONFORMING AMENDMENTS

- Sec. 401. Repeals.
- Sec. 402. Amendment to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.
- Sec. 403. Amendments to the Food and Nutrition Act of 2008.
- Sec. 404. Amendments to section 412 of the Immigration and Nationality Act.
- Sec. 405. Amendments relating to the Second Chance Act of 2007.
- Sec. 406. Amendments to the Omnibus Crime Control and Safe Streets Act of 1968.
- Sec. 407. H–1B nonimmigrant petitioner account.
- Sec. 408. Conforming amendments to the United States Code.
- Sec. 409. Conforming amendment to table of contents.

TITLE V—AMENDMENTS TO THE REHABILITATION ACT OF 1973

- Sec. 501. Findings.
- Sec. 502. Rehabilitation services administration.
- Sec. 503. Definitions.
- Sec. 504. State plan.
- Sec. 505. Scope of services.
- Sec. 506. Standards and indicators.
- Sec. 507. Collaboration with industry.
- Sec. 508. Reservation for expanded transition services.
- Sec. 509. Client assistance program.
- Sec. 510. Title III amendments.
- Sec. 511. Repeal of title VI.
- Sec. 512. Chairperson.
- Sec. 513. Authorizations of appropriations.
- Sec. 514. Conforming amendments.

1 SEC. 3. REFERENCES.

2 Except as otherwise expressly provided, wherever in
3 this Act an amendment or repeal is expressed in terms
4 of an amendment to, or repeal of, a section or other provi-

1 sion, the amendment or repeal shall be considered to be
2 made to a section or other provision of the Workforce In-
3 vestment Act of 1998 (29 U.S.C. 9201 et seq.).

4 **SEC. 4. EFFECTIVE DATE.**

5 Except as otherwise provided, this Act and the
6 amendments made by this Act shall be effective with re-
7 spect to fiscal year 2014 and succeeding fiscal years.

8 **TITLE I—AMENDMENTS TO THE**
9 **WORKFORCE INVESTMENT**
10 **ACT OF 1998**

11 **Subtitle A—Workforce Investment**
12 **Definitions**

13 **SEC. 101. DEFINITIONS.**

14 Section 101 (29 U.S.C. 2801) is amended—

15 (1) by striking paragraphs (13) and (24);

16 (2) by redesignating paragraphs (1) through
17 (12) as paragraphs (3) through (14), and para-
18 graphs (14) through (23) as paragraphs (15)
19 through (24), respectively;

20 (3) by striking paragraphs (52) and (53);

21 (4) by inserting after “In this title:” the fol-
22 lowing new paragraphs:

23 “(1) ACCRUED EXPENDITURES.—The term ‘ac-
24 crued expenditures’ means charges incurred by re-
25 cipients of funds under this title for a given period

1 requiring the provision of funds for goods or other
2 tangible property received; services performed by
3 employees, contractors, subgrantees, subcontractors,
4 and other payees; and other amounts becoming owed
5 under programs assisted under this title for which
6 no current services or performance is required, such
7 as annuities, insurance claims, and other benefit
8 payments.

9 “(2) ADMINISTRATIVE COSTS.—The term ‘ad-
10 ministrative costs’ means expenditures incurred by
11 State and local workforce investment boards, direct
12 recipients (including State grant recipients under
13 subtitle B and recipients of awards under subtitles
14 C and D), local grant recipients, local fiscal agents
15 or local grant subrecipients, and one-stop operators
16 in the performance of administrative functions and
17 in carrying out activities under this title which are
18 not related to the direct provision of workforce in-
19 vestment services (including services to participants
20 and employers). Such costs include both personnel
21 and non-personnel and both direct and indirect.”;

22 (5) in paragraph (3) (as so redesignated), by
23 striking “Except in sections 127 and 132, the” and
24 inserting “The”;

1 (6) by amending paragraph (5) (as so redesignated) to read as follows:

2
3 “(5) AREA CAREER AND TECHNICAL EDUCATION SCHOOL.—The term ‘area career and technical education school’ has the meaning given the term in section 3(3) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302(3)).”;

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9 (7) in paragraph (6) (as so redesignated), by inserting “(or such other level as the Governor may establish)” after “8th grade level”;

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11
12 (8) in paragraph (10)(C) (as so redesignated), by striking “not less than 50 percent of the cost of the training” and inserting “a significant portion of the cost of training, as determined by the local board (or, in the case of an employer in multiple local areas in the State, as determined by the Governor), taking into account the size of the employer and such other factors as the local board determines to be appropriate”;

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21 (9) in paragraph (11) (as so redesignated)—

22 (A) in subparagraph (A)(ii)(II), by striking “section 134(e)” and inserting “section 121(e)”;

23
24
25 (B) in subparagraph (B)(iii)—

1 (i) by striking “134(d)(4)” and insert-
2 ing “134(e)(4)”; and

3 (ii) by striking “intensive services de-
4 scribed in section 134(d)(3)” and inserting
5 “work ready services described in section
6 117(d)(5)(C)”;

7 (C) in subparagraph (C), by striking “or”
8 after the semicolon;

9 (D) in subparagraph (D), by striking the
10 period and inserting “; or”; and

11 (E) by adding at the end the following:

12 “(E)(i) is the spouse of a member of the
13 Armed Forces on active duty for a period of
14 more than 30 days (as defined in section
15 101(d)(2) of title 10, United States Code) who
16 has experienced a loss of employment as a di-
17 rect result of relocation to accommodate a per-
18 manent change in duty station of such member;
19 or

20 “(ii) is the spouse of a member of the
21 Armed Forces on active duty who meets the cri-
22 teria described in paragraph (12)(B).”;

23 (10) in paragraph (12)(A) (as redesignated)—

24 (A) by striking “and” after the semicolon
25 and inserting “or”;

1 (B) by striking “(A)” and inserting
2 “(A)(i)”; and

3 (C) by adding at the end the following:

4 “(ii) is the spouse of a member of the
5 Armed Forces on active duty for a period of
6 more than 30 days (as defined in section
7 101(d)(2) of title 10, United States Code)
8 whose family income is significantly reduced be-
9 cause of a deployment (as defined in section
10 991(b) of title 10, United States Code, or pur-
11 suant to paragraph (4) of such section), a call
12 or order to active duty pursuant to a provision
13 of law referred to in section 101(a)(13)(B) of
14 title 10, United States Code, a permanent
15 change of station, or the service-connected (as
16 defined in section 101(16) of title 38, United
17 States Code) death or disability of the member;
18 and”;

19 (11) in paragraph (13) (as so redesignated), by
20 inserting “or regional” after “local” each place it
21 appears;

22 (12) in paragraph (14) (as so redesignated)—

23 (A) in subparagraph (A), by striking “sec-
24 tion 122(e)(3)” and inserting “section 122”;

1 (B) by striking subparagraph (B), and in-
2 serting the following:

3 “(B) work ready services, means a provider
4 who is identified or awarded a contract as de-
5 scribed in section 117(d)(5)(C); or”; and

6 (C) by striking subparagraph (C);

7 (13) in paragraph (15) (as so redesignated), by
8 striking “adult or dislocated worker” and inserting
9 “individual”;

10 (14) in paragraph (25)—

11 (A) in subparagraph (B), by striking
12 “higher of—” and all that follows through
13 clause (ii) and inserting “poverty line for an
14 equivalent period;”; and

15 (B) by redesignating subparagraphs (D)
16 through (F) as subparagraphs (E) through (G),
17 respectively; and

18 (C) by inserting after subparagraph (C)
19 the following:

20 “(D) receives or is eligible to receive free
21 or reduced price lunch under the Richard B.
22 Russell National School Lunch Act (42 U.S.C.
23 1751 et seq.);”;

1 (15) in paragraph (32), by striking “the Repub-
2 lic of the Marshall Islands, the Federated States of
3 Micronesia,”;

4 (16) by amending paragraph (33) to read as
5 follows:

6 “(33) OUT-OF-SCHOOL YOUTH.—The term ‘out-
7 of-school youth’ means—

8 “(A) an at-risk youth who is a school drop-
9 out; or

10 “(B) an at-risk youth who has received a
11 secondary school diploma or its recognized
12 equivalent but is basic skills deficient, unem-
13 ployed, or underemployed.”.

14 (17) in paragraph (38), by striking
15 “134(a)(1)(A)” and inserting “134(a)(1)(B)”;

16 (18) by amending paragraph (49) to read as
17 follows:

18 “(49) VETERAN.—The term ‘veteran’ has the
19 same meaning given the term in section 2108(1) of
20 title 5, United States Code.”;

21 (19) by amending paragraph (50) to read as
22 follows:

23 “(50) CAREER AND TECHNICAL EDUCATION.—
24 The term ‘career and technical education’ has the
25 meaning given the term in section 3 of the Carl D.

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

3 (20) in paragraph (51) by striking “, and a
4 youth activity”; and

5 (21) by adding at the end the following:

6 “(52) AT-RISK YOUTH.—Except as provided in
7 subtitle C, the term ‘at-risk youth’ means an indi-
8 vidual who—

9 “(A) is not less than age 16 and not more
10 than age 24;

11 “(B) is a low-income individual; and

12 “(C) is an individual who is one or more
13 of the following:

14 “(i) a secondary school dropout;

15 “(ii) a youth in foster care (including
16 youth aging out of foster care);

17 “(iii) a youth offender;

18 “(iv) a youth who is an individual
19 with a disability; or

20 “(v) a migrant youth.

21 “(53) INDUSTRY OR SECTOR PARTNERSHIP.—

22 The term ‘industry or sector partnership’ means a
23 partnership of a State or local board and one or
24 more industries and other entities that have the ca-
25 pability to help the State or local board determine

1 the immediate and long term skilled workforce needs
2 of in-demand industries and other occupations im-
3 portant to the State or local economy, respectively.

4 “(54) INDUSTRY-RECOGNIZED CREDENTIAL.—
5 The term ‘industry-recognized credential’ means a
6 credential that is sought or accepted by companies
7 within the industry sector involved, across multiple
8 States, as recognized, preferred, or required for re-
9 cruitment, screening, or hiring.

10 “(55) RECOGNIZED POSTSECONDARY CREDEN-
11 TIAL.—The term ‘recognized postsecondary creden-
12 tial’ means a credential awarded by a training pro-
13 vider or postsecondary educational institution based
14 on completion of all requirements for a program of
15 study, including coursework or tests or other per-
16 formance evaluations. The term includes an indus-
17 try-recognized credential, a certificate of completion
18 of an apprenticeship, or an associate or bacca-
19 laurate degree.”.

20 **Subtitle B—Statewide and Local** 21 **Workforce Investment Systems**

22 **SEC. 102. PURPOSE.**

23 Section 106 (29 U.S.C. 2811) is amended by adding
24 at the end the following: “It is also the purpose of this
25 subtitle to provide workforce investment activities in a

1 manner that enhances employer engagement, promotes
2 customer choices in the selection of training services, and
3 ensures accountability in the use of the taxpayer funds.”.

4 **SEC. 103. STATE WORKFORCE INVESTMENT BOARDS.**

5 Section 111 (29 U.S.C. 2821) is amended—

6 (1) in subsection (b)—

7 (A) in paragraph (1)—

8 (i) by striking subparagraph (B);

9 (ii) by redesignating subparagraph
10 (C) as subparagraph (B); and

11 (iii) in subparagraph (B) (as so rededesignated)—

12 (I) by amending clause (i)(I), by
13 striking “section 117(b)(2)(A)(i)” and
14 inserting “section 117(b)(2)(A)”;

15 (II) by amending clause (i)(II) to
16 read as follows:

17 “(II) represent businesses, in-
18 cluding large and small businesses,
19 with immediate and long-term employ-
20 ment opportunities in in-demand in-
21 dustries and other occupations impor-
22 tant to the State economy; and”;

23 (III) by striking clause (iii) and
24 inserting the following:
25

1 “(iii) a State agency official respon-
2 sible for economic development; and”;

3 (IV) by striking clauses (iv)
4 through (vi);

5 (V) by amending clause (vii) to
6 read as follows:

7 “(vii) such other representatives and
8 State agency officials as the Governor may
9 designate, including—

10 “(I) members of the State legis-
11 lature;

12 “(II) representatives of individ-
13 uals and organizations that have expe-
14 rience with respect to youth activities;

15 “(III) representatives of individ-
16 uals and organizations that have expe-
17 rience and expertise in the delivery of
18 workforce investment activities, in-
19 cluding chief executive officers of com-
20 munity colleges and community-based
21 organizations within the State;

22 “(IV) representatives of the lead
23 State agency officials with responsi-
24 bility for the programs and activities
25 that are described in section 121(b)

1 and carried out by one-stop partners;

2 or

3 “(V) representatives of veterans

4 service organizations; and”; and

5 (VI) by redesignating clause (vii)

6 (as so amended) as clause (iv); and

7 (B) by amending paragraph (3) to read as

8 follows:

9 “(3) MAJORITY.—A $\frac{2}{3}$ majority of the mem-
10 bers of the board shall be representatives described
11 in paragraph (1)(B)(i).”;

12 (2) in subsection (c), by striking “(b)(1)(C)(i)”
13 and inserting “(b)(1)(B)(i)”;

14 (3) by amending subsection (d) to read as fol-
15 lows:

16 “(d) FUNCTIONS.—The State board shall assist the
17 Governor of the State as follows:

18 “(1) STATE PLAN.—Consistent with section
19 112, develop a State plan.

20 “(2) STATEWIDE WORKFORCE DEVELOPMENT
21 SYSTEM.—Review and develop statewide policies and
22 programs in the State in a manner that supports a
23 comprehensive Statewide workforce development sys-
24 tem that will result in meeting the workforce needs
25 of the State and its local areas. Such review shall in-

1 clude determining whether the State should consoli-
2 date additional programs into the Workforce Invest-
3 ment Fund in accordance with section 501(e).

4 “(3) WORKFORCE AND LABOR MARKET INFOR-
5 MATION SYSTEM.—Develop a statewide workforce
6 and labor market information system described in
7 section 15(e) of the Wagner-Peyser Act, which may
8 include using existing information conducted by the
9 State economic development entity or related entity
10 in developing such system.

11 “(4) EMPLOYER ENGAGEMENT.—Develop strat-
12 egies across local areas that meet the needs of em-
13 ployers and support economic growth in the State by
14 enhancing communication, coordination, and collabo-
15 ration among employers, economic development enti-
16 ties, and service providers.

17 “(5) DESIGNATION OF LOCAL AREAS.—Des-
18 ignate local areas as required under section 116.

19 “(6) ONE-STOP DELIVERY SYSTEM.—Identify
20 and disseminate information on best practices for ef-
21 fective operation of one-stop centers, including use
22 of innovative business outreach, partnerships, and
23 service delivery strategies.

24 “(7) PROGRAM OVERSIGHT.—Conduct the fol-
25 lowing program oversight:

1 “(A) Reviewing and approving local plans
2 under section 118.

3 “(B) Ensuring the appropriate use and
4 management of the funds provided for State
5 employment and training activities authorized
6 under section 134.

7 “(C) Preparing an annual report to the
8 Secretary described in section 136(d).

9 “(8) DEVELOPMENT OF PERFORMANCE MEAS-
10 URES.—Develop and ensure continuous improvement
11 of comprehensive State performance measures, in-
12 cluding State adjusted levels of performance, as de-
13 scribed under section 136(b).”;

14 (4) by striking subsection (e) and redesignating
15 subsection (f) as subsection (e);

16 (5) in subsection (e) (as so redesignated), by in-
17 serting “or participate in any action taken” after
18 “vote”;

19 (6) by inserting after subsection (e) (as so re-
20 designated), the following:

21 “(f) STAFF.—The State board may employ staff to
22 assist in carrying out the functions described in subsection
23 (d).”; and

24 (7) in subsection (g), by inserting “electronic
25 means and” after “on a regular basis through”.

1 **SEC. 104. STATE PLAN.**

2 Section 112 (29 U.S.C. 2822)—

3 (1) in subsection (a)—

4 (A) by striking “127 or”; and

5 (B) by striking “5-year strategy” and in-
6 serting “3-year strategy”;

7 (2) in subsection (b)—

8 (A) by amending paragraph (4) to read as
9 follows:

10 “(4) information describing—

11 “(A) the economic conditions in the State;

12 “(B) the immediate and long-term skilled
13 workforce needs of in-demand industries, small
14 businesses, and other occupations important to
15 the State economy;

16 “(C) the knowledge and skills of the work-
17 force in the State; and

18 “(D) workforce development activities (in-
19 cluding education and training) in the State;”;

20 (B) by amending paragraph (7) to read as
21 follows:

22 “(7) a description of the State criteria for de-
23 termining the eligibility of training providers in ac-
24 cordance with section 122, including how the State
25 will take into account the performance of providers

1 and whether the training programs relate to occupa-
2 tions that are in-demand;”;

3 (C) by amending paragraph (8) to read as
4 follows:

5 “(8)(A) a description of the procedures that will
6 be taken by the State to assure coordination of, and
7 avoid duplication among, the programs and activities
8 identified under section 501(b)(2); and

9 “(B) a description of common data collection
10 and reporting processes used for the programs and
11 activities described in subparagraph (A), which are
12 carried out by one-stop partners, including—

13 “(i) assurances that such processes use
14 quarterly wage records for performance meas-
15 ures described in section 136(b)(2)(A) that are
16 applicable to such programs or activities; or

17 “(ii) if such wage records are not being
18 used for the performance measures, an identi-
19 fication of the barriers to using such wage
20 records and a description of how the State will
21 address such barriers within one year of the ap-
22 proval of the plan;”;

23 (D) in paragraph (9), by striking “, includ-
24 ing comment by representatives of businesses
25 and representatives of labor organizations;”;

1 (E) in paragraph (11), by striking “under
2 sections 127 and 132” and inserting “under
3 section 132”;

4 (F) by striking paragraph (12);

5 (G) by redesignating paragraphs (13)
6 through (18) as paragraphs (12) through (17),
7 respectively;

8 (H) in paragraph (12) (as so redesign-
9 dated), by striking “111(f)” and inserting
10 “111(e)”;

11 (I) in paragraph (13) (as so redesignated),
12 by striking “134(c)” and inserting “121(e)”;

13 (J) in paragraph (14) (as so redesignated),
14 by striking “116(a)(5)” and inserting
15 “116(a)(4)”;

16 (K) in paragraph (16) (as so redesign-
17 dated)—

18 (i) in subparagraph (A)—

19 (I) in clause (ii), by striking “to
20 dislocated workers”;

21 (II) in clause (iii), by striking
22 “134(d)(4)” and inserting
23 “134(e)(4)”;

24 (III) by striking “and” at the
25 end of clause (iii);

1 (IV) by amending clause (iv) to
2 read as follows:

3 “(iv) how the State will serve the em-
4 ployment and training needs of dislocated
5 workers (including displaced homemakers),
6 low-income individuals (including recipients
7 of public assistance such as supplemental
8 nutrition assistance program benefits pur-
9 suant to the Food and Nutrition Act of
10 2008 (7 U.S.C. 2011 et seq.)), long-term
11 unemployed individuals (including individ-
12 uals who have exhausted entitlement to
13 State and Federal unemployment com-
14 pensation), English learners, homeless in-
15 dividuals, individuals training for nontradi-
16 tional employment, youth (including out-of-
17 school youth and at-risk youth), older
18 workers, ex-offenders, migrant and sea-
19 sonal farmworkers, refugee and entrants,
20 veterans (including disabled and homeless
21 veterans), and Native Americans; and”;
22 and

23 (V) by adding at the end the fol-
24 lowing new clause:

25 “(v) how the State will—

1 “(I) consistent with section 188
2 and Executive Order 13217 (42
3 U.S.C. 12131 note), serve the employ-
4 ment and training needs of individuals
5 with disabilities; and

6 “(II) consistent with sections 504
7 and 508 of the Rehabilitation Act of
8 1973, include the provision of out-
9 reach, intake, assessments, and serv-
10 ice delivery, the development of per-
11 formance measures, the training of
12 staff, and other aspects of accessibility
13 to programs and services under this
14 subtitle;” and

15 (ii) in subparagraph (B), by striking
16 “to the extent practicable” and inserting
17 “in accordance with the requirements of
18 the Jobs for Veterans Act (Public Law
19 107–288) and the amendments made by
20 such Act”; and

21 (L) by striking paragraph (17) (as so re-
22 designated) and inserting the following:

23 “(17) a description of the strategies and serv-
24 ices that will be used in the State—

1 “(A) to more fully engage employers, in-
2 cluding small businesses and employers in in-
3 demand industries and occupations important
4 to the State economy;

5 “(B) to meet the needs of employers in the
6 State; and

7 “(C) to better coordinate workforce devel-
8 opment programs with economic development
9 activities;

10 “(18) a description of how the State board will
11 convene (or help to convene) industry or sector part-
12 nerships that lead to collaborative planning, resource
13 alignment, and training efforts across multiple firms
14 for a range of workers employed or potentially em-
15 ployed by a targeted industry cluster—

16 “(A) to encourage industry growth and
17 competitiveness and to improve worker training,
18 retention, and advancement in targeted indus-
19 try clusters;

20 “(B) to address the immediate and long-
21 term skilled workforce needs of in-demand in-
22 dustries and other occupations important to the
23 State economy, and

24 “(C) to address critical skill gaps within
25 and across industries;

1 “(19) a description of how the State will utilize
2 technology to facilitate access to services in remote
3 areas, which may be used throughout the State;

4 “(20) a description of the State strategy and
5 assistance to be provided for encouraging regional
6 cooperation within the State and across State bor-
7 ders, as appropriate;

8 “(21) a description of the actions that will be
9 taken by the State to foster communication, coordi-
10 nation, and partnerships with non-profit organiza-
11 tions (including public libraries, community, faith-
12 based, and philanthropic organizations) that provide
13 employment-related, training, and complementary
14 services, to enhance the quality and comprehensive-
15 ness of services available to participants under this
16 title;

17 “(22) a description of the process and method-
18 ology for determining—

19 “(A) one-stop partner program contribu-
20 tions for the cost of the infrastructure of one-
21 stop centers under section 121(h)(1); and

22 “(B) the formula for allocating such infra-
23 structure funds to local areas under section
24 121(h)(3);

1 “(23) a description of the strategies and serv-
2 ices that will be used in the State to assist at-risk
3 youth and out-of-school youth in acquiring the edu-
4 cation and skills, credentials (including recognized
5 postsecondary credentials and industry-recognized
6 credentials), and employment experience to succeed
7 in the labor market, including—

8 “(A) training and internships in in-demand
9 industries or occupations important to the State
10 and local economy;

11 “(B) dropout recovery activities that are
12 designed to lead to the attainment of a regular
13 secondary school diploma or its recognized
14 equivalent, or other State recognized equivalent
15 (including recognized alternative standards for
16 individuals with disabilities); and

17 “(C) activities combining remediation of
18 academic skills, work readiness training, and
19 work experience, and including linkages to post-
20 secondary education and training and career-
21 ladder employment; and

22 “(24) a description of—

23 “(A) how the State will furnish employ-
24 ment, training, supportive, and placement serv-

1 ices to veterans, including disabled and home-
2 less veterans;

3 “(B) the strategies and services that will
4 be used in the State to assist and expedite re-
5 integration of homeless veterans into the labor
6 force; and

7 “(C) the veteran population to be served in
8 the State.”;

9 (3) in subsection (c), by striking “period,
10 that—” all that follows through paragraph (2) and
11 inserting “period, that the plan is inconsistent with
12 the provisions of this title.”; and

13 (4) in subsection (d), by striking “5-year” and
14 inserting “3-year”.

15 **SEC. 105. LOCAL WORKFORCE INVESTMENT AREAS.**

16 Section 116 (29 U.S.C. 2831) is amended—

17 (1) in subsection (a)—

18 (A) in paragraph (1)—

19 (i) in subparagraph (A)—

20 (I) by striking “Except as pro-
21 vided in subsection (b), and consistent
22 with paragraphs (2), (3), and (4), in”
23 and inserting “In”; and

24 (II) by striking “127 or”; and

1 (ii) by amending subparagraph (B) to
2 read as follows:

3 “(B) CONSIDERATIONS.—In making the
4 designation of local areas, the Governor shall
5 take into consideration the following:

6 “(i) The extent to which such local
7 areas are consistent with labor market
8 areas.

9 “(ii) The extent to which labor market
10 areas align with economic development re-
11 gions.

12 “(iii) Whether such local areas have
13 the appropriate education and training
14 providers to meet the needs of the local
15 workforce.

16 “(iv) The distance that individuals
17 will need to travel to receive services pro-
18 vided in such local areas.”;

19 (B) by amending paragraph (2) to read as
20 follows:

21 “(2) TECHNICAL ASSISTANCE.—The Secretary
22 shall, if requested by the Governor of a State, pro-
23 vide the State with technical assistance in making
24 the determinations required under paragraph (1).

1 The Secretary shall not issue regulations governing
2 determinations to be made under paragraph (1).”;

3 (C) by striking paragraph (3) and insert-
4 ing the following:

5 “(3) DESIGNATION ON RECOMMENDATION OF
6 STATE BOARD.—The Governor may approve a re-
7 quest from any unit of general local government (in-
8 cluding a combination of such units) for designation
9 as a local area under paragraph (1) if the State
10 board determines, taking into account the factors
11 described in clauses (i) through (iv) of paragraph
12 (1)(B), and recommends to the Governor, that such
13 area shall be so designated.”;

14 (D) by striking paragraph (4); and

15 (E) by redesignating paragraph (5) as
16 paragraph (4);

17 (2) by amending subsection (b) to read as fol-
18 lows:

19 “(b) SINGLE STATES.—Consistent with subsection
20 (a)(1)(B), the Governor may designate a State as a single
21 State local area for the purposes of this title.”; and

22 (3) in subsection (c)—

23 (A) in paragraph (1), by adding at the end
24 the following: “The State may require the local
25 boards for the designated region to prepare a

1 single regional plan that incorporates the ele-
2 ments of the local plan under section 118 and
3 that is submitted and approved in lieu of sepa-
4 rate local plans under such section.”; and

5 (B) in paragraph (2), by striking “employ-
6 ment statistics” and inserting “workforce and
7 labor market information”.

8 **SEC. 106. LOCAL WORKFORCE INVESTMENT BOARDS.**

9 Section 117 (29 U.S.C. 2832) is amended—

10 (1) in subsection (b)—

11 (A) in paragraph (2)—

12 (I) in subparagraph (A)—

13 (I) by striking “include—” and
14 all that follows through “representa-
15 tives” and inserting “include rep-
16 resentatives”;

17 (II) by striking clauses (ii)
18 through (vi);

19 (III) by redesignating subclauses
20 (I) through (III) as clauses (i)
21 through (iii), respectively (and by
22 moving the margins of such clauses 2
23 ems to the left);

1 (IV) by striking clause (ii) (as so
2 redesignated) and inserting the fol-
3 lowing:

4 “(ii) represent businesses, including
5 large and small businesses, with immediate
6 and long-term employment opportunities in
7 in-demand industries and other occupa-
8 tions important to the local economy;
9 and”; and

10 (V) by striking the semicolon at
11 the end of clause (iii) (as so redesign-
12 ated) and inserting “; and”; and

13 (ii) by amending subparagraph (B) to
14 read as follows:

15 “(B) may include such other individuals or
16 representatives of entities as the chief elected
17 official in the local area may determine to be
18 appropriate, including—

19 “(i) a superintendent of the local sec-
20 ondary school system, the president or
21 chief executive officer of a postsecondary
22 educational institution (including a com-
23 munity college, where such an entity ex-
24 ists), or an administrator of local entities

1 providing adult education and literacy ac-
2 tivities;

3 “(ii) representatives of community-
4 based organizations (including organiza-
5 tions representing individuals with disabil-
6 ities and veterans, for a local area in which
7 such organizations are present); or

8 “(iii) representatives of veterans serv-
9 ice organizations.”;

10 (B) in paragraph (4)—

11 (i) by striking “A majority” and in-
12 serting “A $\frac{2}{3}$ majority”; and

13 (ii) by striking “(2)(A)(i)” and insert-
14 ing “(2)(A)”; and

15 (C) in paragraph (5) by striking
16 “(2)(A)(i)” and inserting “(2)(A)”;
17

(2) by striking subsection (c)(1)(C);

18 (3) by amending subsection (d) to read as fol-
19

lows:

20 “(d) **FUNCTIONS OF LOCAL BOARD.**—The functions
21 of the local board shall include the following:

22 “(1) **LOCAL PLAN.**—Consistent with section
23 118, each local board, in partnership with the chief
24 elected official for the local area involved, shall de-
25 velop and submit a local plan to the Governor.

1 “(2) WORKFORCE RESEARCH AND REGIONAL
2 LABOR MARKET ANALYSIS.—

3 “(A) IN GENERAL.—The local board
4 shall—

5 “(i) conduct, and regularly update, an
6 analysis of—

7 “(I) the economic conditions in
8 the local area;

9 “(II) the immediate and long-
10 term skilled workforce needs of in-de-
11 mand industries and other occupa-
12 tions important to the local economy;

13 “(III) the knowledge and skills of
14 the workforce in the local area; and

15 “(IV) workforce development ac-
16 tivities (including education and train-
17 ing) in the local area; and

18 “(ii) assist the Governor in developing
19 the statewide workforce and labor market
20 information system described in section
21 15(e) of the Wagner-Peyser Act.

22 “(B) EXISTING ANALYSIS.—A local board
23 shall use existing analysis by the local economic
24 development entity or related entity in order to
25 carry out requirements of subparagraph (A)(i).

1 “(3) EMPLOYER ENGAGEMENT.—The local
2 Board shall meet the needs of employers and sup-
3 port economic growth in the local area by enhancing
4 communication, coordination, and collaboration
5 among employers, economic development entities,
6 and service providers.

7 “(4) BUDGET AND ADMINISTRATION.—

8 “(A) BUDGET.—

9 “(i) IN GENERAL.—The local board
10 shall develop a budget for the activities of
11 the local board in the local area, consistent
12 with the requirements of this subsection.

13 “(ii) TRAINING RESERVATION.—In de-
14 veloping a budget under clause (i), the
15 local board shall reserve a percentage of
16 funds to carry out the activities specified
17 in section 134(c)(4). The local board shall
18 use the analysis conducted under para-
19 graph (2)(A)(i) to determine the appro-
20 priate percentage of funds to reserve under
21 this clause.

22 “(B) ADMINISTRATION.—

23 “(i) GRANT RECIPIENT.—

24 “(I) IN GENERAL.—The chief
25 elected official in a local area shall

1 serve as the local grant recipient for,
2 and shall be liable for any misuse of,
3 the grant funds allocated to the local
4 area under section 133, unless the
5 chief elected official reaches an agree-
6 ment with the Governor for the Gov-
7 ernor to act as the local grant recipi-
8 ent and bear such liability.

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

21 “(III) DISBURSAL.—The local
22 grant recipient or an entity designated
23 under subclause (II) shall disburse the
24 grant funds for workforce investment
25 activities at the direction of the local

1 board, pursuant to the requirements
2 of this title. The local grant recipient
3 or entity designated under subclause
4 (II) shall disburse the funds imme-
5 diately on receiving such direction
6 from the local board.

7 “(ii) STAFF.—The local board may
8 employ staff to assist in carrying out the
9 functions described in this subsection.

10 “(iii) GRANTS AND DONATIONS.—The
11 local board may solicit and accept grants
12 and donations from sources other than
13 Federal funds made available under this
14 Act.

15 “(5) SELECTION OF OPERATORS AND PRO-
16 VIDERS.—

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

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

24 “(ii) may terminate for cause the eli-
25 gibility of such operators.

1 “(B) IDENTIFICATION OF ELIGIBLE TRAIN-
2 ING SERVICE PROVIDERS.—Consistent with this
3 subtitle, the local board shall identify eligible
4 providers of training services described in sec-
5 tion 134(c)(4), in the local area.

6 “(C) IDENTIFICATION OF ELIGIBLE PRO-
7 VIDERS OF WORK READY SERVICES.—If the
8 one-stop operator does not provide the services
9 described in section 134(c)(2) in the local area,
10 the local board shall identify eligible providers
11 of such services in the local area by awarding
12 contracts.

13 “(6) PROGRAM OVERSIGHT.—The local board,
14 in partnership with the chief elected official, shall be
15 responsible for—

16 “(A) ensuring the appropriate use and
17 management of the funds provided for local em-
18 ployment and training activities authorized
19 under section 134(b); and

20 “(B) conducting oversight of the one-stop
21 delivery system in the local area authorized
22 under section 121.

23 “(7) NEGOTIATION OF LOCAL PERFORMANCE
24 MEASURES.—The local board, the chief elected offi-
25 cial, and the Governor shall negotiate and reach

1 agreement on local performance measures as de-
2 scribed in section 136(c).

3 “(8) TECHNOLOGY IMPROVEMENTS.—The local
4 board shall develop strategies for technology im-
5 provements to facilitate access to services authorized
6 under this subtitle and carried out in the local area,
7 including in remote areas.”;

8 (4) in subsection (e)—

9 (A) by inserting “electronic means and”
10 after “regular basis through”; and

11 (B) by striking “and the award of grants
12 or contracts to eligible providers of youth activi-
13 ties,”;

14 (5) in subsection (f)—

15 (A) in paragraph (1)(A), by striking “sec-
16 tion 134(d)(4)” and inserting “section
17 134(c)(4)”; and

18 (B) by striking paragraph (2) and insert-
19 ing the following:

20 “(2) WORK READY SERVICES, DESIGNATION, OR
21 CERTIFICATION AS ONE-STOP OPERATORS.—A local
22 board may provide work ready services described in
23 section 134(c)(2) through a one-stop delivery system
24 described in section 121 or be designated or certified

1 as a one-stop operator only with the agreement of
2 the chief elected official and the Governor.”;

3 (6) in subsection (g)(1), by inserting “or par-
4 ticipate in any action taken” after “vote”; and

5 (7) by striking subsections (h) and (i).

6 **SEC. 107. LOCAL PLAN.**

7 Section 118 (29 U.S.C. 2833) is amended—

8 (1) in subsection (a), by striking “5-year” and
9 inserting “3-year”;

10 (2) by amending subsection (b) to read as fol-
11 lows:

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

13 “(1) a description of the analysis of the local
14 area’s economic and workforce conditions conducted
15 under section 117(d)(2)(A)(i), and an assurance
16 that the local board will use such analysis to carry
17 out the activities under this subtitle;

18 “(2) a description of the one-stop delivery sys-
19 tem in the local area, including—

20 “(A) a description of how the local board
21 will ensure—

22 “(i) the continuous improvement of el-
23 igible providers of services through the sys-
24 tem; and

1 “(ii) that such providers meet the em-
2 ployment needs of local businesses and
3 participants; and

4 “(B) a description of how the local board
5 will facilitate access to services provided
6 through the one-stop delivery system consistent
7 with section 117(d)(8);

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

10 “(A) to more fully engage employers, in-
11 cluding small businesses and employers in in-
12 demand industries and occupations important
13 to the local economy;

14 “(B) to meet the needs of employers in the
15 local area;

16 “(C) to better coordinate workforce devel-
17 opment programs with economic development
18 activities; and

19 “(D) to better coordinate workforce devel-
20 opment programs with employment, training,
21 and literacy services carried out by nonprofit
22 organizations, including public libraries, as ap-
23 propriate;

24 “(4) a description of how the local board will
25 convene (or help to convene) industry or sector part-

1 nerships that lead to collaborative planning, resource
2 alignment, and training efforts across multiple firms
3 for a range of workers employed or potentially em-
4 ployed by a targeted industry cluster—

5 “(A) to encourage industry growth and
6 competitiveness and to improve worker training,
7 retention, and advancement in targeted indus-
8 try clusters;

9 “(B) to address the immediate and long-
10 term skilled workforce needs of in-demand in-
11 dustries, small businesses, and other occupa-
12 tions important to the local economy; and

13 “(C) to address critical skill gaps within
14 and across industries;

15 “(5) a description of how the funds reserved
16 under section 117(d)(4)(A)(ii) will be used to carry
17 out activities described in section 134(c)(4);

18 “(6) a description of how the local board will
19 coordinate workforce investment activities carried
20 out in the local area with statewide activities, as ap-
21 propriate;

22 “(7) a description of how the local area will—

23 “(A) coordinate activities with the local
24 area’s disability community and with services
25 provided under section 614(d)(1)(A)(i)(VIII) of

1 the Individuals with Disabilities Education Act
2 (20 U.S.C. 1414(d)(1)(A)(i)(VIII)) by local
3 educational agencies serving such local area to
4 make available comprehensive, high-quality
5 services to individuals with disabilities;

6 “(B) consistent with section 188 and Exec-
7utive Order 13217 (42 U.S.C. 12131 note),
8 serve the employment and training needs of in-
9dividuals with disabilities; and

10 “(C) consistent with sections 504 and 508
11 of the Rehabilitation Act of 1973, include the
12 provision of outreach, intake, assessments, and
13 service delivery, the development of perform-
14ance measures, the training of staff, and other
15 aspects of accessibility to programs and services
16 under this subtitle;

17 “(8) a description of the local levels of perform-
18ance negotiated with the Governor and chief elected
19 official pursuant to section 136(c), to be—

20 “(A) used to measure the performance of
21 the local area; and

22 “(B) used by the local board for measuring
23 performance of the local fiscal agent (where ap-
24propriate), eligible providers, and the one-stop
25 delivery system, in the local area;

1 “(9) a description of the process used by the
2 local board, consistent with subsection (c), to provide
3 an opportunity for public comment prior to submis-
4 sion of the plan;

5 “(10) a description of how the local area will
6 serve the employment and training needs of dis-
7 located workers (including displaced homemakers),
8 low-income individuals (including recipients of public
9 assistance such as the Supplemental Nutrition As-
10 sistance Program), long-term unemployed individ-
11 uals (including individuals who have exhausted enti-
12 tlement to State and Federal unemployment com-
13 pensation), English learners, homeless individuals,
14 individuals training for nontraditional employment,
15 youth (including out-of-school youth and at-risk
16 youth), older workers, ex-offenders, migrant and sea-
17 sonal farmworkers, refugee and entrants, veterans
18 (including disabled veterans and homeless veterans),
19 and Native Americans;

20 “(11) an identification of the entity responsible
21 for the disbursement of grant funds described in sub-
22 clause (III) of section 117(d)(4)(B)(i), as deter-
23 mined by the chief elected official or the Governor
24 under such section;

1 “(12) a description of the strategies and serv-
2 ices that will be used in the local area to assist at-
3 risk youth and out-of-school youth in acquiring the
4 education and skills, credentials (including recog-
5 nized postsecondary credentials and industry-recog-
6 nized credentials), and employment experience to
7 succeed in the labor market, including—

8 “(A) training and internships in in-demand
9 industries or occupations important to the local
10 economy;

11 “(B) dropout recovery activities that are
12 designed to lead to the attainment of a regular
13 secondary school diploma or its recognized
14 equivalent, or other State recognized equivalent
15 (including recognized alternative standards for
16 individuals with disabilities); and

17 “(C) activities combining remediation of
18 academic skills, work readiness training, and
19 work experience, and including linkages to post-
20 secondary education and training and career-
21 ladder employment;

22 “(13) a description of—

23 “(A) how the local area will furnish em-
24 ployment, training, supportive, and placement

1 services to veterans, including disabled and
2 homeless veterans;

3 “(B) the strategies and services that will
4 be used in the local area to assist and expedite
5 reintegration of homeless veterans into the
6 labor force; and

7 “(C) the veteran population to be served in
8 the local area;

9 “(14) a description of—

10 “(A) the duties assigned to the veteran
11 employment specialist consistent with the re-
12 quirements of section 134(f);

13 “(B) the manner in which the veteran em-
14 ployment specialist is integrated into the One-
15 Stop Career System described in section 121;

16 “(C) the date on which the veteran em-
17 ployment specialist was assigned; and

18 “(D) whether the veteran employment spe-
19 cialist has satisfactorily competed such training
20 by the National Veterans’ Employment and
21 Training Services Institute; and

22 “(15) such other information as the Governor
23 may require.”;

24 (3) in subsection (c)(1), by striking “such
25 means” and inserting “electronic means such”; and

1 (4) in subsection (c)(2), by striking “, including
2 representatives of business and representatives of
3 labor organizations,”.

4 **SEC. 108. ESTABLISHMENT OF ONE-STOP DELIVERY SYS-**
5 **TEM.**

6 Section 121 (29 U.S.C. 2841) is amended—

7 (1) in subsection (b)—

8 (A) by striking subparagraph (A) of para-
9 graph (1) and inserting the following:

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

14 “(i) provide access through the one-
15 stop delivery system to the program and
16 activities carried out by the entity, includ-
17 ing making the work ready services de-
18 scribed in section 134(c)(2) that are appli-
19 cable to the program of the entity available
20 at one-stop centers (in addition to any
21 other appropriate locations);

22 “(ii) use a portion of the funds avail-
23 able to the program of the entity to main-
24 tain the one-stop delivery system, including
25 payment of the infrastructure costs of one-

1 stop centers in accordance with subsection
2 (h);

3 “(iii) enter into a local memorandum
4 of understanding with the local board re-
5 lating to the operation of the one-stop de-
6 livery system that meets the requirements
7 of subsection (c); and

8 “(iv) participate in the operation of
9 the one-stop delivery system consistent
10 with the terms of the memorandum of un-
11 derstanding, the requirements of this title,
12 and the requirements of the Federal laws
13 authorizing the programs carried out by
14 the entity.”;

15 (B) in paragraph (1)(B)—

16 (i) by striking clauses (ii), (v), and
17 (vi);

18 (ii) by redesignating clauses (iii) and
19 (iv) as clauses (ii) and (iii), respectively;

20 (iii) by redesignating clauses (vii)
21 through (xii) as clauses (iv) through (ix),
22 respectively;

23 (iv) in clause (viii), as so redesign-
24 nated, by striking “and” at the end;

1 (v) in clause (ix), as so redesignated,
2 by striking the period and inserting “;
3 and”; and

4 (vi) by adding at the end the fol-
5 lowing:

6 “(x) subject to subparagraph (C), pro-
7 grams authorized under part A of title IV
8 of the Social Security Act (42 U.S.C. 601
9 et seq.) .”;

10 (C) by inserting after subparagraph (B)
11 the following:

12 “(C) DETERMINATION BY THE GOV-
13 ERNOR.—Each entity carrying out a program
14 described in subparagraph (B)(x) shall carry
15 out the required partner activities described in
16 subparagraph (A) unless the Governor of the
17 State in which the local area is located provides
18 the Secretary and Secretary of Health and
19 Human Services written notice of a determina-
20 tion by the Governor that such entities shall not
21 carry out such required partner activities.”; and

22 (D) in paragraph (2)—

23 (i) in subparagraph (A)(i), by striking
24 “section 134(d)(2)” and inserting “section
25 134(c)(2)”; and

- 1 (ii) in subparagraph (B)—
- 2 (I) by striking clauses (i), (ii),
- 3 and (v);
- 4 (II) in clause (iv), by striking
- 5 “and” at the end;
- 6 (III) by redesignating clauses
- 7 (iii) and (iv) as clauses (i) and (ii), re-
- 8 spectively; and
- 9 (IV) by adding at the end the fol-
- 10 lowing:
- 11 “(iii) employment and training pro-
- 12 grams administered by the Commissioner
- 13 of the Social Security Administration;
- 14 “(iv) employment and training pro-
- 15 grams carried out by the Administrator of
- 16 the Small Business Administration;
- 17 “(v) employment, training, and lit-
- 18 eracy services carried out by public librar-
- 19 ies; and
- 20 “(vi) other appropriate Federal, State,
- 21 or local programs, including programs in
- 22 the private sector.”;
- 23 (2) in subsection (c)(2), by amending subpara-
- 24 graph (A) to read as follows:
- 25 “(A) provisions describing—

1 “(i) the services to be provided
2 through the one-stop delivery system con-
3 sistent with the requirements of this sec-
4 tion, including the manner in which the
5 services will be coordinated through such
6 system;

7 “(ii) how the costs of such services
8 and the operating costs of such system will
9 be funded, through cash and in-kind con-
10 tributions, to provide a stable and equi-
11 table funding stream for ongoing one-stop
12 system operations, including the funding of
13 the infrastructure costs of one-stop centers
14 in accordance with subsection (h);

15 “(iii) methods of referral of individ-
16 uals between the one-stop operator and the
17 one-stop partners for appropriate services
18 and activities, including referrals for non-
19 traditional employment; and

20 “(iv) the duration of the memo-
21 randum of understanding and the proce-
22 dures for amending the memorandum dur-
23 ing the term of the memorandum, and as-
24 surances that such memorandum shall be
25 reviewed not less than once every 3-year

1 period to ensure appropriate funding and
2 delivery of services; and”;

3 (3) in subsection (d)—

4 (A) in the heading for paragraph (1), by
5 striking “DESIGNATION AND CERTIFICATION”
6 and inserting “LOCAL DESIGNATION AND CER-
7 TIFICATION”;

8 (B) in paragraph (2)—

9 (i) by striking “section 134(c)” and
10 inserting “subsection (e)”;

11 (ii) by amending subparagraph (A) to
12 read as follows:

13 “(A) shall be designated or certified as a
14 one-stop operator through a competitive proc-
15 ess; and”; and

16 (iii) in subparagraph (B), by striking
17 clause (ii) and redesignating clauses (iii)
18 through (vi) as clauses (ii) through (v), re-
19 spectively; and

20 (C) in paragraph (3), by striking “voca-
21 tional” and inserting “career and technical”;

22 (4) by amending subsection (e) to read as fol-
23 lows:

24 “(e) ESTABLISHMENT OF ONE-STOP DELIVERY SYS-
25 TEM.—

1 “(1) IN GENERAL.—There shall be established
2 in a State that receives an allotment under section
3 132(b) a one-stop delivery system, which shall—

4 “(A) provide the work ready services de-
5 scribed in section 134(c)(2);

6 “(B) provide access to training services as
7 described in section 134(c)(4), including serving
8 as the point of access to career enhancement
9 accounts for training services to participants in
10 accordance with paragraph (4)(F) of such sec-
11 tion;

12 “(C) provide access to the activities carried
13 out under section 134(d), if any;

14 “(D) provide access to programs and ac-
15 tivities carried out by one-stop partners that
16 are described in subsection (b) of this section;
17 and

18 “(E) provide access to the information de-
19 scribed in section 15(e) of the Wagner-Peyser
20 Act (29 U.S.C. 491–2(e)).

21 “(2) ONE-STOP DELIVERY.—At a minimum, the
22 one-stop delivery system—

23 “(A) shall make each of the programs,
24 services, and activities described in paragraph

1 (1) accessible at not less than one physical cen-
2 ter in each local area of the State; and

3 “(B) may also make programs, services,
4 and activities described in paragraph (1) avail-
5 able—

6 “(i) through a network of affiliated
7 sites that can provide one or more of the
8 programs, services, and activities to indi-
9 viduals; and

10 “(ii) through a network of eligible
11 one-stop partners—

12 “(I) in which each partner pro-
13 vides one or more of the programs,
14 services, and activities to such individ-
15 uals and is accessible at an affiliated
16 site that consists of a physical loca-
17 tion or an electronically- or techno-
18 logically-linked access point; and

19 “(II) that assures individuals
20 that information on the availability of
21 the work ready services will be avail-
22 able regardless of where the individ-
23 uals initially enter the statewide work-
24 force investment system, including in-
25 formation made available through an

1 access point described in subclause
2 (I).

3 “(3) SPECIALIZED CENTERS.—The centers and
4 sites described in paragraph (2) may have a speciali-
5 zation in addressing special needs.”; and

6 (5) by adding at the end the following:

7 “(g) CERTIFICATION OF ONE-STOP CENTERS.—

8 “(1) IN GENERAL.—

9 “(A) IN GENERAL.—The State board shall
10 establish objective procedures and criteria for
11 certifying, at least once every 3 years, one-stop
12 centers for the purpose of awarding the one-
13 stop infrastructure funding described in sub-
14 section (h).

15 “(B) CRITERIA.—The criteria for certifi-
16 cation under this subsection shall include—

17 “(i) meeting all of the expected levels
18 of performance for each of the core indica-
19 tors of performance as outlined in the
20 State plan under section 112;

21 “(ii) meeting minimum standards re-
22 lating to the scope and degree of service
23 integration achieved by the centers involv-
24 ing the programs provided by the one-stop
25 partners; and

1 “(iii) meeting minimum standards re-
2 lating to how the centers ensure that eligi-
3 ble providers meet the employment needs
4 of local employers and participants.

5 “(C) EFFECT OF CERTIFICATION.—One-
6 stop centers certified under this subsection shall
7 be eligible to receive the infrastructure grants
8 authorized under subsection (h).

9 “(2) LOCAL BOARDS.—Consistent with the cri-
10 teria developed by the State, the local board may de-
11 velop additional criteria of higher standards to re-
12 spond to local labor market and demographic condi-
13 tions and trends.

14 “(h) ONE-STOP INFRASTRUCTURE FUNDING.—

15 “(1) PARTNER CONTRIBUTIONS.—

16 “(A) PROVISION OF FUNDS.—Notwith-
17 standing any other provision of law, as deter-
18 mined under subparagraph (B), a portion of the
19 Federal funds provided to the State and areas
20 within the State under the Federal laws author-
21 izing the one-stop partner programs described
22 in subsection (b)(1)(B) and participating addi-
23 tional partner programs described in (b)(2)(B)
24 for a fiscal year shall be provided to the Gov-

1 ernor by such programs to carry out this sub-
2 section.

3 “(B) DETERMINATION OF GOVERNOR.—

4 “(i) IN GENERAL.—Subject to sub-
5 paragraph (C), the Governor, in consulta-
6 tion with the State board, shall determine
7 the portion of funds to be provided under
8 subparagraph (A) by each one-stop partner
9 and in making such determination shall
10 consider the proportionate use of the one-
11 stop centers by each partner, the costs of
12 administration for purposes not related to
13 one-stop centers for each partner, and
14 other relevant factors described in para-
15 graph (3).

16 “(ii) SPECIAL RULE.—In those States
17 where the State constitution places policy-
18 making authority that is independent of
19 the authority of the Governor in an entity
20 or official with respect to the funds pro-
21 vided for adult education and literacy ac-
22 tivities authorized under title II of this Act
23 and for postsecondary career education ac-
24 tivities authorized under the Carl D. Per-
25 kins Career and Technical Education Act,

1 the determination described in clause (i)
2 with respect to such programs shall be
3 made by the Governor with the appropriate
4 entity or official with such independent
5 policy-making authority.

6 “(iii) APPEAL BY ONE-STOP PART-
7 NERS.—The Governor shall establish a
8 procedure for the one-stop partner admin-
9 istering a program described in subsection
10 (b) to appeal a determination regarding
11 the portion of funds to be contributed
12 under this paragraph on the basis that
13 such determination is inconsistent with the
14 criteria described in the State plan or with
15 the requirements of this paragraph. Such
16 procedure shall ensure prompt resolution
17 of the appeal.

18 “(C) LIMITATIONS.—

19 “(i) PROVISION FROM ADMINISTRA-
20 TIVE FUNDS.—The funds provided under
21 this paragraph by each one-stop partner
22 shall be provided only from funds available
23 for the costs of administration under the
24 program administered by such partner,
25 and shall be subject to the limitations with

1 respect to the portion of funds under such
2 programs that may be used for administra-
3 tion.

4 “(ii) FEDERAL DIRECT SPENDING
5 PROGRAMS.—Programs that are Federal
6 direct spending under section 250(c)(8) of
7 the Balanced Budget and Emergency Def-
8 icit Control Act of 1985 (2 U.S.C.
9 900(c)(8)) shall not, for purposes of this
10 paragraph, be required to provide an
11 amount in excess of the amount deter-
12 mined to be equivalent to the proportionate
13 use of the one-stop centers by such pro-
14 grams in the State.

15 “(2) ALLOCATION BY GOVERNOR.—From the
16 funds provided under paragraph (1), the Governor
17 shall allocate funds to local areas in accordance with
18 the formula established under paragraph (3) for the
19 purposes of assisting in paying the costs of the in-
20 frastructure of one-stop centers certified under sub-
21 section (g).

22 “(3) ALLOCATION FORMULA.—The State board
23 shall develop a formula to be used by the Governor
24 to allocate the funds described in paragraph (1).
25 The formula shall include such factors as the State

1 board determines are appropriate, which may in-
2 clude factors such as the number of centers in the
3 local area that have been certified, the population
4 served by such centers, and the performance of such
5 centers.

6 “(4) COSTS OF INFRASTRUCTURE.—For pur-
7 poses of this subsection, the term ‘costs of infra-
8 structure’ means the nonpersonnel costs that are
9 necessary for the general operation of a one-stop
10 center, including the rental costs of the facilities, the
11 costs of utilities and maintenance, and equipment
12 (including assistive technology for individuals with
13 disabilities).

14 “(i) OTHER FUNDS.—

15 “(1) IN GENERAL.—In addition to the funds
16 provided to carry out subsection (h), a portion of
17 funds made available under Federal law authorizing
18 the one-stop partner programs described in sub-
19 section (b)(1)(B) and participating additional part-
20 ner programs described in subsection (b)(2)(B), or
21 the noncash resources available under such pro-
22 grams shall be used to pay the costs relating to the
23 operation of the one-stop delivery system that are
24 not paid for from the funds provided under sub-

1 section (h), to the extent not inconsistent with the
2 Federal law involved including—

3 “(A) infrastructure costs that are in excess
4 of the funds provided under subsection (h);

5 “(B) common costs that are in addition to
6 the costs of infrastructure; and

7 “(C) the costs of the provision of work
8 ready services applicable to each program.

9 “(2) DETERMINATION AND GUIDANCE.—The
10 method for determining the appropriate portion of
11 funds and noncash resources to be provided by each
12 program under paragraph (1) shall be determined as
13 part of the memorandum of understanding under
14 subsection (c). The State board shall provide guid-
15 ance to facilitate the determination of appropriate
16 allocation of the funds and noncash resources in
17 local areas.”.

18 **SEC. 109. IDENTIFICATION OF ELIGIBLE PROVIDERS OF**
19 **TRAINING SERVICES.**

20 Section 122 (29 U.S.C. 2842) is amended to read as
21 follows:

22 **“SEC. 122. IDENTIFICATION OF ELIGIBLE PROVIDERS OF**
23 **TRAINING SERVICES.**

24 “(a) ELIGIBILITY.—

1 “(1) IN GENERAL.—The Governor, after con-
2 sultation with the State board, shall establish cri-
3 teria and procedures regarding the eligibility of pro-
4 viders of training services described in section
5 134(c)(4) to receive funds provided under section
6 133(b) for the provision of such training services.

7 “(2) PROVIDERS.—Subject to the provisions of
8 this section, to be eligible to receive the funds pro-
9 vided under section 133(b) for the provision of train-
10 ing services, the provider shall be—

11 “(A) a postsecondary educational institu-
12 tion that—

13 “(i) is eligible to receive Federal funds
14 under title IV of the Higher Education Act
15 of 1965 (20 U.S.C. 1070 et seq.); and

16 “(ii) provides a program that leads to
17 a recognized postsecondary credential;

18 “(B) an entity that carries out programs
19 under the Act of August 16, 1937 (commonly
20 known as the ‘National Apprenticeship Act’; 50
21 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.);
22 or

23 “(C) another public or private provider of
24 a program of training services.

1 “(3) INCLUSION IN LIST OF ELIGIBLE PRO-
2 VIDERS.—A provider described in subparagraph (A)
3 or (C) of paragraph (2) shall comply with the cri-
4 teria and procedures established under this section
5 to be included on the list of eligible providers of
6 training services described in subsection (d). A pro-
7 vider described in paragraph (2)(B) shall be in-
8 cluded on the list of eligible providers of training
9 services described in subsection (d) for so long as
10 the provider remains certified by the Secretary of
11 Labor to carry out the programs described in para-
12 graph (2)(B).

13 “(b) CRITERIA.—

14 “(1) IN GENERAL.—The criteria established
15 pursuant to subsection (a) shall take into account—

16 “(A) the performance of providers of train-
17 ing services with respect to the performance
18 measures described in section 136 and other
19 matters for which information is required under
20 paragraph (2) and other appropriate measures
21 of performance outcomes for those participants
22 receiving training services under this subtitle;

23 “(B) whether the training programs of
24 such providers relate to occupations that are in
25 demand;

1 “(C) the need to ensure access to training
2 services throughout the State, including in rural
3 areas;

4 “(D) the ability of providers to offer pro-
5 grams that lead to a recognized postsecondary
6 credential;

7 “(E) the information such providers are
8 required to report to State agencies with re-
9 spect to other Federal and State programs
10 (other than the program carried out under this
11 subtitle), including one-stop partner programs;
12 and

13 “(F) such other factors as the Governor
14 determines are appropriate.

15 “(2) INFORMATION.—The criteria established
16 by the Governor shall require that a provider of
17 training services submit appropriate, accurate, and
18 timely information to the State for purposes of car-
19 rying out subsection (d), with respect to participants
20 receiving training services under this subtitle in the
21 applicable program, including—

22 “(A) information on recognized postsec-
23 ondary credentials received by such partici-
24 pants;

1 “(B) information on costs of attendance
2 for such participants;

3 “(C) information on the program comple-
4 tion rate for such participants; and

5 “(D) information on the performance of
6 the provider with respect to the performance
7 measures described in section 136 for such par-
8 ticipants.

9 “(3) RENEWAL.—The criteria established by
10 the Governor shall also provide for a review every 3
11 years and renewal of eligibility under this section for
12 providers of training services.

13 “(4) LOCAL CRITERIA.—A local board in the
14 State may establish criteria in addition to the cri-
15 teria established by the Governor, or may require
16 higher levels of performance than required under the
17 criteria established by the Governor, for purposes of
18 determining the eligibility of providers of training
19 services to receive funds described in subsection (a)
20 to provide the services in the local area involved.

21 “(5) LIMITATION.—In carrying out the require-
22 ments of this subsection, no personally identifiable
23 information regarding a student, including Social
24 Security number, student identification number, or
25 other identifier, may be disclosed without the prior

1 written consent of the parent or eligible student in
2 compliance with section 444 of the General Edu-
3 cation Provisions Act (20 U.S.C. 1232g).

4 “(c) PROCEDURES.—The procedures established
5 under subsection (a) shall—

6 “(1) identify—

7 “(A) the application process for a provider
8 of training services to become eligible to receive
9 funds under section 133(b) for the provision of
10 training services; and

11 “(B) the respective roles of the State and
12 local areas in receiving and reviewing applica-
13 tions and in making determinations of eligibility
14 based on the criteria established under this sec-
15 tion; and

16 “(2) establish a process for a provider of train-
17 ing services to appeal a denial or termination of eli-
18 gibility under this section that includes an oppor-
19 tunity for a hearing and prescribes appropriate time
20 limits to ensure prompt resolution of the appeal.

21 “(d) INFORMATION TO ASSIST PARTICIPANTS IN
22 CHOOSING PROVIDERS.—In order to facilitate and assist
23 participants under chapter 5 in choosing providers of
24 training services, the Governor shall ensure that an appro-
25 priate list or lists of providers determined eligible under

1 this section in the State, including information provided
2 under subsection (b)(2) with respect to such providers, is
3 provided to the local boards in the State and is made avail-
4 able to such participants and to members of the public
5 through the one-stop delivery system in the State.

6 “(e) ENFORCEMENT.—

7 “(1) IN GENERAL.—The criteria and proce-
8 dures established under this section shall provide the
9 following:

10 “(A) INTENTIONALLY SUPPLYING INAC-
11 CURATE INFORMATION.—Upon a determination,
12 by an individual or entity specified in the cri-
13 teria or procedures, that a provider of training
14 services, or individual providing information on
15 behalf of the provider, intentionally supplied in-
16 accurate information under this section, the eli-
17 gibility of such provider to receive funds under
18 chapter 5 shall be terminated for a period of
19 time that is not less than 2 years.

20 “(B) SUBSTANTIAL VIOLATIONS.—Upon a
21 determination, by an individual or entity speci-
22 fied in the criteria or procedures, that a pro-
23 vider of training services substantially violated
24 any requirement under this title, the eligibility
25 of such provider to receive funds under the pro-

1 gram involved shall be terminated for a period
2 of time that is not less than 10 years.

3 “(C) REPAYMENT.—A provider of training
4 services whose eligibility is terminated under
5 subparagraph (A) or (B) shall be liable for the
6 repayment of funds received under chapter 5
7 during a period of noncompliance described in
8 such subparagraph.

9 “(2) CONSTRUCTION.—Paragraph (1) shall be
10 construed to provide remedies and penalties that
11 supplement, but do not supplant, other civil and
12 criminal remedies and penalties.

13 “(f) AGREEMENTS WITH OTHER STATES.—States
14 may enter into agreements, on a reciprocal basis, to per-
15 mit eligible providers of training services to accept career
16 enhancement accounts provided in another State.

17 “(g) RECOMMENDATIONS.—In developing the cri-
18 teria, procedures, and information required under this sec-
19 tion, the Governor shall solicit and take into consideration
20 the recommendations of local boards and providers of
21 training services within the State.

22 “(h) OPPORTUNITY TO SUBMIT COMMENTS.—Dur-
23 ing the development of the criteria, procedures, require-
24 ments for information, and the list of eligible providers
25 required under this section, the Governor shall provide an

1 opportunity for interested members of the public to submit
2 comments regarding such criteria, procedures, and infor-
3 mation.

4 “(i) ON-THE-JOB TRAINING OR CUSTOMIZED TRAIN-
5 ING EXCEPTION.—

6 “(1) IN GENERAL.—Providers of on-the-job
7 training or customized training shall not be subject
8 to the requirements of subsections (a) through (d).

9 “(2) COLLECTION AND DISSEMINATION OF IN-
10 FORMATION.—A one-stop operator in a local area
11 shall collect such performance information from on-
12 the-job training and customized training providers
13 as the Governor may require, determine whether the
14 providers meet such performance criteria as the Gov-
15 ernor may require, and disseminate information
16 identifying providers that meet the criteria as eligi-
17 ble providers, and the performance information,
18 through the one-stop delivery system. Providers de-
19 termined to meet the criteria shall be considered to
20 be identified as eligible providers of training serv-
21 ices.”.

22 **SEC. 110. GENERAL AUTHORIZATION.**

23 Chapter 5 of subtitle B of title I is amended—

1 (1) by striking the heading for chapter 5 and
2 inserting the following: “**EMPLOYMENT AND**
3 **TRAINING ACTIVITIES**”; and

4 (2) in section 131 (29 U.S.C. 2861)—

5 (A) by striking “paragraphs (1)(B) and
6 (2)(B) of”; and

7 (B) by striking “adults, and dislocated
8 workers,” and inserting “individuals”.

9 **SEC. 111. STATE ALLOTMENTS.**

10 Section 132 (29 U.S.C. 2862) is amended—

11 (1) by amending subsection (a) to read as fol-
12 lows:

13 “(a) IN GENERAL.—The Secretary shall—

14 “(1) reserve $\frac{1}{2}$ of 1 percent of the total amount
15 appropriated under section 137 for a fiscal year, of
16 which—

17 “(A) 50 percent shall be used to provide
18 technical assistance under section 170; and

19 “(B) 50 percent shall be used for evalua-
20 tions under section 172;

21 “(2) reserve not more than 1 percent of the
22 total amount appropriated under section 137 for a
23 fiscal year to make grants to, and enter into con-
24 tracts or cooperative agreements with Indian tribes,
25 tribal organizations, Alaska-Native entities, Indian-

1 controlled organizations serving Indians, or Native
2 Hawaiian organizations to carry out employment
3 and training activities;

4 “(3) reserve not more than 25 percent of the
5 total amount appropriated under section 137 for a
6 fiscal year to carry out the Jobs Corps program
7 under subtitle C;

8 “(4) reserve not more than 3.5 percent of the
9 total amount appropriated under section 137 for a
10 fiscal year to—

11 “(A) make grants to State or local boards
12 to provide employment and training assistance
13 to workers affected by major economic disloca-
14 tions, such as plant closures, mass layoffs, or
15 closures and realignments of military installa-
16 tions; and

17 “(B) provide assistance to Governors of
18 States with an area that has suffered an emer-
19 gency or a major disaster (as such terms are
20 defined in paragraphs (1) and (2), respectively,
21 of section 102 of the Robert T. Stafford Dis-
22 aster Relief and Emergency Assistance Act (42
23 U.S.C. 5122)) to provide disaster relief employ-
24 ment in the area.

1 “(5) from the remaining amount appropriated
2 under section 137 for a fiscal year (after reserving
3 funds under paragraphs (1) through (4)), make al-
4 lotments in accordance with subsection (b) of this
5 section.”; and

6 (2) by amending subsection (b) to read as fol-
7 lows:

8 “(b) WORKFORCE INVESTMENT FUND.—

9 “(1) RESERVATION FOR OUTLYING AREAS.—

10 “(A) IN GENERAL.—From the amount
11 made available under subsection (a)(5) for a
12 fiscal year, the Secretary shall reserve not more
13 than $\frac{1}{4}$ of 1 percent to provide assistance to
14 the outlying areas.

15 “(B) RESTRICTION.—The Republic of
16 Palau shall cease to be eligible to receive fund-
17 ing under this subparagraph upon entering into
18 an agreement for extension of United States
19 educational assistance under the Compact of
20 Free Association (approved by the Compact of
21 Free Association Amendments Act of 2003
22 (Public Law 99–658)) after the date of enact-
23 ment of the SKILLS Act.

24 “(2) STATES.—

1 “(A) IN GENERAL.—After determining the
2 amount to be reserved under paragraph (1), the
3 Secretary shall allot the remainder of the
4 amount referred to in subsection (a)(5) for a
5 fiscal year to the States pursuant to subpara-
6 graph (B) for employment and training activi-
7 ties and statewide workforce investment activi-
8 ties.

9 “(B) FORMULA.—Subject to subpara-
10 graphs (C) and (D), of the remainder—

11 “(i) 25 percent shall be allotted on the
12 basis of the relative number of unemployed
13 individuals in areas of substantial unem-
14 ployment in each State, compared to the
15 total number of unemployed individuals in
16 areas of substantial unemployment in all
17 States;

18 “(ii) 25 percent shall be allotted on
19 the basis of the relative number of individ-
20 uals in the civilian labor force in each
21 State, compared to the total number of
22 such individuals in all States;

23 “(iii) 25 percent shall be allotted on
24 the basis of the relative number of individ-
25 uals in each State who have been unem-

1 employed for 15 weeks or more, compared to
2 the total number of individuals in all
3 States who have been unemployed for 15
4 weeks or more; and

5 “(iv) 25 percent shall be allotted on
6 the basis of the relative number of dis-
7 advantaged youth in each State, compared
8 to the total number of disadvantaged youth
9 in all States.

10 “(C) MINIMUM AND MAXIMUM PERCENT-
11 AGES.—

12 “(i) MINIMUM PERCENTAGE.—The
13 Secretary shall ensure that no State shall
14 receive an allotment under this paragraph
15 for—

16 “(I) fiscal year 2014, that is less
17 than 100 percent of the allotment per-
18 centage of the State for fiscal year
19 2012; and

20 “(II) fiscal year 2015 and each
21 succeeding fiscal year, that is less
22 than 90 percent of the allotment per-
23 centage of the State for the preceding
24 fiscal year.

1 “(ii) MAXIMUM PERCENTAGE.—Sub-
2 ject to clause (i), the Secretary shall en-
3 sure that no State shall receive an allot-
4 ment under this paragraph for—

5 “(I) fiscal year 2014, that is
6 more than 130 percent of the allot-
7 ment percentage of the State for fiscal
8 year 2012; and

9 “(II) fiscal year 2015 and each
10 succeeding fiscal year, that is more
11 than 130 percent of the allotment per-
12 centage of the State for the preceding
13 fiscal year.

14 “(D) SMALL STATE MINIMUM ALLOT-
15 MENT.—Subject to subparagraph (C), the Sec-
16 retary shall ensure that no State shall receive
17 an allotment under this paragraph for a fiscal
18 year that is less than $\frac{1}{5}$ of 1 percent of the re-
19 mainder described in subparagraph (A) for the
20 fiscal year.

21 “(E) DEFINITIONS.—For the purpose of
22 the formula specified in this paragraph:

23 “(i) ALLOTMENT PERCENTAGE.—The
24 term ‘allotment percentage’—

1 “(I) used with respect to fiscal
2 year 2012, means the percentage of
3 the amounts allotted to States under
4 title I of this Act, title V of the Older
5 Americans Act of 1965 (42 U.S.C.
6 3056 et seq.), the Women in Appren-
7 ticeship and Nontraditional Occupa-
8 tions Act (29 U.S.C. 2501 et seq.),
9 sections 4103A and 4104 of title 38,
10 United States Code, and sections 1
11 through 14 of the Wagner-Peyser Act
12 (29 U.S.C. 49 et seq.), as such provi-
13 sions were in effect for fiscal year
14 2012, that is received under such pro-
15 visions by the State involved for fiscal
16 year 2012; and

17 “(II) used with respect to fiscal
18 year 2014 or a succeeding fiscal year,
19 means the percentage of the amounts
20 allotted to States under this para-
21 graph for the fiscal year that is re-
22 ceived under this paragraph by the
23 State involved for the fiscal year.

24 “(ii) DISADVANTAGED YOUTH.—The
25 term ‘disadvantaged youth’ means an indi-

1 vidual who is not less than age 16 and not
2 more than age 24 who receives an income,
3 or is a member of a family that received a
4 total family income, that in relation to
5 family size, does not exceed the higher
6 of—

7 “(I) the poverty line; or

8 “(II) 70 percent of the lower liv-
9 ing standard income level.

10 “(iii) INDIVIDUAL.—The term ‘indi-
11 vidual’ means an individual who is age 16
12 or older.”.

13 **SEC. 112. WITHIN STATE ALLOCATIONS.**

14 Section 133 is amended—

15 (1) by amending subsection (a) to read as fol-
16 lows:

17 “(a) RESERVATIONS FOR STATEWIDE WORKFORCE
18 INVESTMENT ACTIVITIES.—

19 “(1) STATEWIDE EMPLOYMENT AND TRAINING
20 ACTIVITIES.—The Governor of a State shall reserve
21 up to 15 percent of the total amount allotted to the
22 State under section 132(b)(2) for a fiscal year to
23 carry out the statewide activities described in section
24 134(a).

1 “(2) STATEWIDE RAPID RESPONSE ACTIVI-
2 TIES.—Of the amount reserved under paragraph (1)
3 for a fiscal year, the Governor of the State shall re-
4 serve not more than 25 percent for statewide rapid
5 response activities described in section 134(a)(4).

6 “(3) STATEWIDE GRANTS FOR INDIVIDUALS
7 WITH BARRIERS TO EMPLOYMENT.—Of the amount
8 reserved under paragraph (1) for a fiscal year, the
9 Governor of a State shall reserve 15 percent to carry
10 out statewide activities described in section
11 134(a)(5).

12 “(4) STATE ADMINISTRATIVE COST LIMIT.—Not
13 more than 5 percent of the funds reserved under
14 paragraph (1) may be used by the Governor of a
15 State for administrative costs of carrying out the
16 statewide activities described in section 134(a).”;

17 (2) by amending subsection (b) to read as fol-
18 lows:

19 “(b) WITHIN STATE ALLOCATION.—

20 “(1) METHODS.—The Governor, acting in ac-
21 cordance with the State plan, and after consulting
22 with chief elected officials in the local areas, shall—

23 “(A) allocate the funds that are allotted to
24 the State for employment and training activities

1 and not reserved under subsection (a), in ac-
2 cordance with paragraph (2)(A); and

3 “(B) award the funds that are reserved by
4 the State under subsection (a)(3) through com-
5 petitive grants to eligible entities, in accordance
6 with section 134(a)(1)(C).

7 “(2) FORMULA ALLOCATIONS FOR THE WORK-
8 FORCE INVESTMENT FUND.—

9 “(A) ALLOCATION.—In allocating the
10 funds described in paragraph (1)(A) to local
11 areas, a State shall allocate—

12 “(i) 25 percent on the basis described
13 in section 132(b)(2)(B)(i);

14 “(ii) 25 percent on the basis described
15 in section 132(b)(2)(B)(ii);

16 “(iii) 25 percent on the basis de-
17 scribed in section 132(b)(2)(B)(iii); and

18 “(iv) 25 percent on the basis de-
19 scribed in section 132(b)(2)(B)(iv).

20 “(B) MINIMUM AND MAXIMUM PERCENT-
21 AGES.—

22 “(i) MINIMUM PERCENTAGE.—The
23 State shall ensure that no local area shall
24 receive an allocation under this paragraph
25 for—

1 “(I) fiscal year 2014, that is less
2 than 100 percent of the allocation
3 percentage of the local area for fiscal
4 year 2012; and

5 “(II) fiscal year 2015 and each
6 succeeding fiscal year, that is less
7 than 90 percent of the allocation per-
8 centage of the local area for the pre-
9 ceding fiscal year.

10 “(ii) MAXIMUM PERCENTAGE.—Sub-
11 ject to clause (i), the State shall ensure
12 that no local area shall receive an alloca-
13 tion for a fiscal year under this paragraph
14 for—

15 “(I) fiscal year 2014, that is
16 more than 130 percent of the alloca-
17 tion percentage of the local area for
18 fiscal year 2012; and

19 “(II) fiscal year 2015 and each
20 succeeding fiscal year, that is more
21 than 130 percentage of the allocation
22 percentage of the local area for the
23 preceding fiscal year.

1 “(C) DEFINITIONS.—For the purpose of
2 the formula specified in this paragraph, the
3 term ‘allocation percentage’—

4 “(i) used with respect to fiscal year
5 2012, means the percentage of the
6 amounts allocated to local areas under title
7 I of this Act, title V of the Older Ameri-
8 cans Act of 1965 (42 U.S.C. 3056 et seq.),
9 the Women in Apprenticeship and Non-
10 traditional Occupations Act (29 U.S.C.
11 2501 et seq.), sections 4103A and 4104 of
12 title 38, United States Code, and sections
13 1 through 14 of the Wagner-Peyser Act
14 (29 U.S.C. 49 et seq.), as such provisions
15 were in effect for fiscal year 2012, that is
16 received under such provisions by the local
17 area involved for fiscal year 2012; and

18 “(ii) used with respect to fiscal year
19 2014 or a succeeding fiscal year, means
20 the percentage of the amounts allocated to
21 local areas for the fiscal year under this
22 paragraph that is received under this para-
23 graph by the local area involved for the fis-
24 cal year.”;

25 (3) in subsection (c)—

1 (A) by amending paragraph (1) to read as
2 follows:

3 “(1) IN GENERAL.—The Governor, may in ac-
4 cordance with this subsection, reallocate to eligible
5 local areas within the State amounts that are allo-
6 cated under subsection (b) for employment and
7 training activities and that are available for realloca-
8 tion.”;

9 (B) in paragraph (2), by striking “para-
10 graph (2)(A) or (3) of subsection (b) for such
11 activities” and inserting “subsection (b) for
12 such activities”;

13 (C) by amending paragraph (3) to read as
14 follows:

15 “(3) REALLOCATIONS.—In making reallocations
16 to eligible local areas of amounts available pursuant
17 to paragraph (2) for a program year, the Governor
18 shall allocate to each eligible local area within the
19 State an amount based on the relative amount allo-
20 cated to such local area under subsection (b)(2) for
21 such activities for such prior program year, as com-
22 pared to the total amount allocated to all eligible
23 local areas in the State under subsection (b)(2) for
24 such activities for such prior program year.”; and

1 (D) in paragraph (4), by striking “para-
2 graph (2)(A) or (3) of”; and

3 (4) by adding at the end the following new sub-
4 section:

5 “(d) LOCAL ADMINISTRATIVE COST LIMIT.—Of the
6 amounts allocated to a local area under this section for
7 a fiscal year, not more than 10 percent of the amount
8 may be used by the local board involved for the adminis-
9 trative costs of carrying out local workforce investment ac-
10 tivities in the local area under this chapter.”.

11 **SEC. 113. USE OF FUNDS FOR EMPLOYMENT AND TRAINING**
12 **ACTIVITIES.**

13 Section 134 is amended—

14 (1) by amending subsection (a) to read as fol-
15 lows:

16 “(a) STATEWIDE EMPLOYMENT AND TRAINING AC-
17 TIVITIES.—

18 “(1) IN GENERAL.—

19 “(A) DISTRIBUTION OF STATEWIDE AC-
20 TIVITIES.—Funds reserved by a Governor for a
21 State as described in section 133(a)(1)—

22 “(i) shall be used to carry out the
23 statewide employment and training activi-
24 ties described in paragraph (2); and

1 “(ii) may be used to carry out any of
2 the statewide employment and training ac-
3 tivities described in paragraph (3).

4 “(B) STATEWIDE RAPID RESPONSE ACTIVI-
5 TIES.—Funds reserved by a Governor for a
6 State as described in section 133(a)(2) shall be
7 used to carry out the statewide rapid response
8 activities described in paragraph (4).

9 “(C) STATEWIDE GRANTS FOR INDIVID-
10 UALS WITH BARRIERS TO EMPLOYMENT.—
11 Funds reserved by a Governor for a State as
12 described in section 133(a)(3) shall be used to
13 carry out the Statewide Grants for Individuals
14 with Barriers to Employment competition de-
15 scribed in paragraph (5).

16 “(2) REQUIRED STATEWIDE EMPLOYMENT AND
17 TRAINING ACTIVITIES.—A State shall use funds re-
18 served as described in section 133(a)(1) to carry out
19 statewide employment and training activities, which
20 shall include—

21 “(A) disseminating the State list of eligible
22 providers of training described in section
23 122(d), information identifying eligible pro-
24 viders of on-the-job training and customized
25 training described in section 122(i), and per-

1 performance information and program cost infor-
2 mation described in section 122(b)(2);

3 “(B) supporting the provision of work
4 ready services described in subsection (c)(2) in
5 the one-stop delivery system;

6 “(C) implementing strategies and services
7 that will be used in the State to assist at-risk
8 youth and out-of-school youth in acquiring the
9 education and skills, recognized postsecondary
10 credentials, and employment experience to suc-
11 ceed in the labor market;

12 “(D) conducting evaluations under section
13 136(e) of activities authorized under this chap-
14 ter in coordination with evaluations carried out
15 by the Secretary under section 172;

16 “(E) providing technical assistance to local
17 areas that fail to meet local performance meas-
18 ures;

19 “(F) operating a fiscal and management
20 accountability system under section 136(f); and

21 “(G) carrying out monitoring and over-
22 sight of activities carried out under this chap-
23 ter.

24 “(3) ALLOWABLE STATEWIDE EMPLOYMENT
25 AND TRAINING ACTIVITIES.—A State may use funds

1 reserved as described in section 133(a)(1) to carry
2 out statewide employment and training activities
3 which may include—

4 “(A) implementing innovative programs
5 and strategies designed to meet the needs of all
6 employers in the State, including small employ-
7 ers, which may include incumbent worker train-
8 ing programs, sectoral and industry cluster
9 strategies and partnerships, career ladder pro-
10 grams, micro-enterprise and entrepreneurial
11 training and support programs, utilization of ef-
12 fective business intermediaries, activities to im-
13 prove linkages between the one-stop delivery
14 system in the State and all employers (includ-
15 ing small employers) in the State, and other
16 business services and strategies that better en-
17 gage employers in workforce investment activi-
18 ties and make the workforce investment system
19 more relevant to the needs of State and local
20 businesses, consistent with the objectives of this
21 title;

22 “(B) providing incentive grants to local
23 areas for regional cooperation among local
24 boards (including local boards in a designated
25 region as described in section 116(c)), for local

1 coordination of activities carried out under this
2 Act, and for exemplary performance by local
3 areas on the local performance measures;

4 “(C) developing strategies for effectively
5 integrating programs and services among one-
6 stop partners;

7 “(D) carrying out activities to facilitate re-
8 mote access to services provided through a one-
9 stop delivery system, including facilitating ac-
10 cess through the use of technology;

11 “(E) incorporating pay-for-performance
12 contracting strategies as an element in funding
13 activities under this section;

14 “(F) carrying out the State option under
15 subsection (f)(8); and

16 “(G) carrying out other activities author-
17 ized under this section that the State deter-
18 mines to be necessary to assist local areas in
19 carrying out activities described in subsection
20 (c) or (d) through the statewide workforce in-
21 vestment system.

22 “(4) STATEWIDE RAPID RESPONSE ACTIVI-
23 TIES.—A State shall use funds reserved as described
24 in section 133(a)(2) to carry out statewide rapid re-
25 sponse activities, which shall include—

1 “(A) provision of rapid response activities,
2 carried out in local areas by the State or by an
3 entity designated by the State, working in con-
4 junction with the local boards and the chief
5 elected officials in the local areas; and

6 “(B) provision of additional assistance to
7 local areas that experience disasters, mass lay-
8 offs or plant closings, or other events that pre-
9 cipitate substantial increases in the number of
10 unemployed individuals, carried out in local
11 areas by the State or by an entity designated
12 by the State, working in conjunction with the
13 local boards and the chief elected officials in the
14 local areas.

15 “(5) STATEWIDE GRANTS FOR INDIVIDUALS
16 WITH BARRIERS TO EMPLOYMENT.—

17 “(A) IN GENERAL.—Of the funds reserved
18 as described in section 133(a)(3), the Governor
19 of a State—

20 “(i) may reserve up to 5 percent to
21 provide technical assistance to, and con-
22 duct evaluations as described in section
23 136(e), of the programs and activities car-
24 ried out under this paragraph; and

1 “(ii) using the remainder, shall award
2 grants on a competitive basis to eligible en-
3 tities described in subparagraph (B) to
4 carry out employment and training pro-
5 grams authorized under this paragraph for
6 individuals with barriers to employment
7 that meet specific performance outcomes
8 and criteria established by the Governor.

9 “(B) ELIGIBLE ENTITY DEFINED.—For
10 purposes of this paragraph, the term ‘eligible
11 entity’ means an entity that—

12 “(i) is a—

13 “(I) local board or a consortium
14 of local boards;

15 “(II) nonprofit entity, for-profit
16 entity, or a consortium of nonprofit or
17 for-profit entities; or

18 “(III) consortium of the entities
19 described in subclauses (I) and (II);

20 “(ii) has a demonstrated record of
21 placing individuals into unsubsidized em-
22 ployment and serving hard to serve individ-
23 uals; and

24 “(iii) agrees to be reimbursed pri-
25 marily on the basis of achievement of spec-

1 ified performance outcomes and criteria es-
2 tablished by the Governor.

3 “(C) GRANT PERIOD.—

4 “(i) IN GENERAL.—A grant under
5 this paragraph shall be awarded for a pe-
6 riod of 1 year.

7 “(ii) GRANT RENEWAL.—A Governor
8 of a State may renew, for up to 4 addi-
9 tional 1-year periods, a grant awarded
10 under this paragraph.

11 “(D) ELIGIBLE PARTICIPANTS.—To be eli-
12 gible to participate in activities under this para-
13 graph, an individual shall be a low-income indi-
14 vidual age 16 or older or a member of a low-
15 income family.

16 “(E) USE OF FUNDS.—An eligible entity
17 receiving a grant under this paragraph shall use
18 such funds for activities that are designed to
19 assist eligible participants in obtaining employ-
20 ment and acquiring the education and skills
21 necessary to succeed in the labor market.

22 “(F) APPLICATIONS.—To be eligible to re-
23 ceive a grant under this paragraph, an eligible
24 entity shall submit an application to a State at
25 such time, in such manner, and containing such

1 information as the State may require, includ-
2 ing—

3 “(i) a description of how the strate-
4 gies and activities will be aligned with the
5 State plan submitted under section 112
6 and the local plan submitted under section
7 118 with respect to the areas of the State
8 that will be the focus of grant activities
9 under this paragraph;

10 “(ii) a description of the educational
11 and skills training programs and activities
12 the eligible entity will provide to eligible
13 participants under this paragraph;

14 “(iii) how the eligible entity will col-
15 laborate with State and local workforce in-
16 vestment systems established under this
17 title in the provision of such programs and
18 activities;

19 “(iv) a description of the programs of
20 demonstrated effectiveness on which the
21 provision of such educational and skills
22 training programs and activities are based,
23 and a description of how such programs
24 and activities will improve the education
25 and skills training for eligible participants;

1 “(v) a description of the populations
2 to be served and the skill needs of those
3 populations, and the manner in which eligi-
4 ble participants will be recruited and se-
5 lected as participants;

6 “(vi) a description of the private, pub-
7 lic, local, and State resources that will be
8 leveraged, in addition to the grant funds
9 provided for the programs and activities
10 under this paragraph, and how the entity
11 will ensure the sustainability of such pro-
12 grams and activities after grant funds are
13 no longer available;

14 “(vii) a description of the extent of
15 the involvement of employers in such pro-
16 grams and activities;

17 “(viii) a description of the levels of
18 performance the eligible entity expects to
19 achieve with respect to the indicators of
20 performance for all individuals specified in
21 section in 136(b)(2);

22 “(ix) a detailed budget and a descrip-
23 tion of the system of fiscal controls, and
24 auditing and accountability procedures
25 that will be used to ensure fiscal soundness

1 for the programs and activities provided
2 under this paragraph; and

3 “(x) any other criteria the Governor
4 may require.”;

5 (2) by amending subsection (b) to read as fol-
6 lows:

7 “(b) LOCAL EMPLOYMENT AND TRAINING ACTIVI-
8 TIES.—Funds allocated to a local area under section
9 133(b)—

10 “(1) shall be used to carry out employment and
11 training activities described in subsection (c); and

12 “(2) may be used to carry out employment and
13 training activities described in subsection (d).”;

14 (3) by striking subsection (c);

15 (4) by redesignating subsections (d) and (e), as
16 subsections (c) and (d), respectively;

17 (5) in subsection (c) (as so redesignated)—

18 (A) by amending paragraph (1) to read as
19 follows:

20 “(1) IN GENERAL.—Funds allocated to a local
21 area under section 133(b) shall be used—

22 “(A) to establish a one-stop delivery sys-
23 tem as described in section 121(e);

24 “(B) to provide the work ready services de-
25 scribed in paragraph (2) through the one-stop

1 delivery system in accordance with such para-
2 graph; and

3 “(C) to provide training services described
4 in paragraph (4) in accordance with such para-
5 graph.”;

6 (B) in paragraph (2)—

7 (i) in the heading, by striking “CORE
8 SERVICES” and inserting “WORK READY
9 SERVICES”;

10 (ii) in the matter preceding subpara-
11 graph (A)—

12 (I) by striking “(1)(A)” and in-
13 serting “(1)(B)”;

14 (II) by striking “core services”
15 and inserting “work ready services”;
16 and

17 (III) by striking “who are adults
18 or dislocated workers”;

19 (iii) by redesignating subparagraph
20 (K) as subparagraph (V);

21 (iv) by redesignating subparagraphs
22 (B) through (J) as subparagraphs (C)
23 through (K), respectively;

24 (v) by inserting after subparagraph
25 (A) the following:

1 “(B) assistance in obtaining eligibility de-
2 terminations under the other one-stop partner
3 programs through activities, where appropriate
4 and consistent with the authorizing statute of
5 the one-stop partner program, such as assisting
6 in the submission of applications, the provision
7 of information on the results of such applica-
8 tions, and the provision of intake services and
9 information;”.

10 (vi) by amending subparagraph (E),
11 as so redesignated, to read as follows:

12 “(E) labor exchange services, including—

13 “(i) job search and placement assist-
14 ance, and where appropriate, career coun-
15 seling;

16 “(ii) appropriate recruitment services
17 for employers, including small employers,
18 in the local area, which may include serv-
19 ices described in this subsection, including
20 information and referral to specialized
21 business services not traditionally offered
22 through the one-stop delivery system; and

23 “(iii) reemployment services provided
24 to unemployment claimants, including
25 claimants identified as in need of such

1 services under the worker profiling system
2 established under section 303(j) of the So-
3 cial Security Act (42 U.S.C. 503(j));”;

4 (vii) in subparagraph (F), as so redese-
5 gnated, by striking “employment statis-
6 tics” and inserting “workforce and labor
7 market”;

8 (viii) in subparagraph (G), as so re-
9 designated, by striking “and eligible pro-
10 viders of youth activities described in sec-
11 tion 123,”;

12 (ix) in subparagraph (H), as so redese-
13 gnated, by inserting “under section 136”
14 after “local performance measures”;

15 (x) in subparagraph (J), as so redese-
16 gnated, by inserting “and the administra-
17 tion of the work test for the unemployment
18 compensation system” after “compensa-
19 tion”;

20 (xi) by amending subparagraph (K),
21 as so redesignated, to read as follows:

22 “(K) assistance in establishing eligibility
23 for programs of financial aid assistance for
24 training and education programs that are not

1 funded under this Act and are available in the
2 local area;” and

3 (xii) by inserting the following new
4 subparagraphs after subparagraph (K), as
5 so redesignated:

6 “(L) the provision of information from of-
7 ficial publications of the Internal Revenue Serv-
8 ice regarding Federal tax credits available to in-
9 dividuals relating to education, job training and
10 employment;

11 “(M) comprehensive and specialized assess-
12 ments of the skill levels and service needs of
13 workers, which may include—

14 “(i) diagnostic testing and use of
15 other assessment tools; and

16 “(ii) in-depth interviewing and evalua-
17 tion to identify employment barriers and
18 appropriate employment goals;

19 “(N) development of an individual employ-
20 ment plan, to identify the employment goals,
21 appropriate achievement objectives, and appro-
22 priate combination of services for the partici-
23 pant;

24 “(O) group counseling;

1 “(P) individual counseling and career plan-
2 ning;

3 “(Q) case management;

4 “(R) short-term pre-career services, includ-
5 ing development of learning skills, communica-
6 tions skills, interviewing skills, punctuality, per-
7 sonal maintenance skills, and professional con-
8 duct, to prepare individuals for unsubsidized
9 employment or training;

10 “(S) internships and work experience;

11 “(T) literacy activities relating to basic
12 work readiness, information and communication
13 technology literacy activities, and financial lit-
14 eracy activities, if such activities are not avail-
15 able to participants in the local area under pro-
16 grams administered under the Adult Education
17 and Family Literacy Act (20 U.S.C. 2901 et
18 seq.);

19 “(U) out-of-area job search assistance and
20 relocation assistance; and”;

21 (C) by amending paragraph (3) to read as
22 follows:

23 “(3) DELIVERY OF SERVICES.—The work ready
24 services described in paragraph (2) shall be provided
25 through the one-stop delivery system and may be

1 provided through contracts with public, private for-
2 profit, and private nonprofit service providers, ap-
3 proved by the local board.”;

4 (D) in paragraph (4)—

5 (i) by amending subparagraph (A) to
6 read as follows:

7 “(A) IN GENERAL.—Funds described in
8 paragraph (1)(C) shall be used to provide train-
9 ing services to individuals who—

10 “(i) after an interview, evaluation, or
11 assessment, and case management, have
12 been determined by a one-stop operator or
13 one-stop partner, as appropriate, to—

14 “(I) be in need of training serv-
15 ices to obtain or retain employment;
16 and

17 “(II) have the skills and quali-
18 fications to successfully participate in
19 the selected program of training serv-
20 ices;

21 “(ii) select programs of training serv-
22 ices that are directly linked to the employ-
23 ment opportunities in the local area in-
24 volved or in another area in which the indi-

1 vidual receiving such services are willing to
2 commute or relocate; and

3 “(iii) who meet the requirements of
4 subparagraph (B);”; and

5 (ii) in subparagraph (B)(i), by strik-
6 ing “Except” and inserting “Notwith-
7 standing section 479B of the Higher Edu-
8 cation Act of 1965 (20 U.S.C. 1087uu)
9 and except”;

10 (iii) by amending subparagraph (D) to
11 read as follows:

12 “(D) TRAINING SERVICES.—Training serv-
13 ices authorized under this paragraph may in-
14 clude—

15 “(i) occupational skills training;

16 “(ii) on-the-job training;

17 “(iii) skill upgrading and retraining;

18 “(iv) entrepreneurial training;

19 “(v) education activities leading to a
20 regular secondary school diploma or its
21 recognized equivalent in combination with,
22 concurrently or subsequently, occupational
23 skills training;

24 “(vi) adult education and literacy ac-
25 tivities provided in conjunction with other

1 training authorized under this subpara-
2 graph;

3 “(vii) workplace training combined
4 with related instruction;

5 “(viii) occupational skills training that
6 incorporates English language acquisition;

7 “(ix) customized training conducted
8 with a commitment by an employer or
9 group of employers to employ an individual
10 upon successful completion of the training;
11 and

12 “(x) training programs operated by
13 the private sector.”;

14 (iv) by striking subparagraph (E) and
15 redesignating subparagraphs (F) and (G)
16 as subparagraphs (E) and (F), respec-
17 tively; and

18 (v) in subparagraph (E) (as so reded-
19 ignated)—

20 (I) in clause (ii)—

21 (aa) in the matter preceding
22 subclause (I), by striking “sub-
23 section (c)” and inserting “sec-
24 tion 121”;

1 (bb) in subclause (I), by
2 striking “section 122(e)” and in-
3 serting “section 122(d)” and by
4 striking “section 122(h)” and in-
5 serting “section 122(i)”; and

6 (cc) in subclause (II), by
7 striking “subsections (e) and
8 (h)” and inserting “subsection
9 (i)”; and

10 (II) by striking clause (iii) and
11 inserting the following:

12 “(iii) CAREER ENHANCEMENT AC-
13 COUNTS.—An individual who seeks train-
14 ing services and who is eligible pursuant to
15 subparagraph (A), may, in consultation
16 with a case manager, select an eligible pro-
17 vider of training services from the list or
18 identifying information for providers de-
19 scribed in clause (ii)(I). Upon such selec-
20 tion, the one-stop operator involved shall,
21 to the extent practicable, refer such indi-
22 vidual to the eligible provider of training
23 services, and arrange for payment for such
24 services through a career enhancement ac-
25 count.

1 “(iv) COORDINATION.—Each local
2 board may, through one-stop centers, co-
3 ordinate career enhancement accounts with
4 other Federal, State, local, or private job
5 training programs or sources to assist the
6 individual in obtaining training services.

7 “(v) ASSISTANCE.—Each local board
8 may, through one-stop centers, assist indi-
9 viduals receiving career enhancement ac-
10 counts in obtaining funds (in addition to
11 the funds provided under this section)
12 from other programs and sources that will
13 assist the individual in obtaining training
14 services.”; and

15 (vi) in subparagraph (F) (as so reded-
16 icated)—

17 (I) in the subparagraph heading,
18 by striking “INDIVIDUAL TRAINING
19 ACCOUNTS” and inserting “CAREER
20 ENHANCEMENT ACCOUNTS”;

21 (II) in clause (i) by striking “in-
22 dividual training accounts” and in-
23 serting “career enhancement ac-
24 counts”;

25 (III) in clause (ii)—

1 (aa) by striking “an indi-
2 vidual training account” and in-
3 sserting “a career enhancement
4 account”;

5 (bb) by striking “subpara-
6 graph (F)” and inserting “sub-
7 paragraph (E)”;

8 (cc) in subclause (II), by
9 striking “individual training ac-
10 counts” and inserting “career en-
11 hancement accounts”;

12 (dd) in subclause (II) by
13 striking “or” after the semicolon;

14 (ee) in subclause (III) by
15 striking the period and inserting
16 “; or”; and

17 (ff) by adding at the end the
18 following:

19 “(IV) the local board determines
20 that it would be most appropriate to
21 award a contract to an institution of
22 higher education in order to facilitate
23 the training of multiple individuals in
24 in-demand sectors or occupations, if

1 such contract does not limit customer
2 choice.”;

3 (IV) in clause (iii), by striking
4 “adult or dislocated worker” and in-
5 serting “individual”; and

6 (V) in clause (iv)—

7 (aa) by redesignating sub-
8 clause (IV) as subclause (V) and
9 inserting after subclause (III) the
10 following:

11 “(IV) Individuals with disabili-
12 ties.”;

13 (6) in subsection (d) (as so redesignated)—

14 (A) by amending paragraph (1) to read as
15 follows:

16 “(1) DISCRETIONARY ONE-STOP DELIVERY AC-
17 TIVITIES.—

18 “(A) IN GENERAL.—Funds allocated to a
19 local area under section 133(b)(2) may be used
20 to provide, through the one-stop delivery sys-
21 tem—

22 “(i) customized screening and referral
23 of qualified participants in training serv-
24 ices to employers;

1 “(ii) customized employment-related
2 services to employers on a fee-for-service
3 basis;

4 “(iii) customer supports, including
5 transportation and childcare, to navigate
6 among multiple services and activities for
7 special participant populations that face
8 multiple barriers to employment, including
9 individuals with disabilities;

10 “(iv) employment and training assist-
11 ance provided in coordination with child
12 support enforcement activities of the State
13 agency carrying out subtitle D of title IV
14 of the Social Security Act (42 U.S.C. 651
15 et seq.);

16 “(v) incorporating pay-for-perform-
17 ance contracting strategies as an element
18 in funding activities under this section;

19 “(vi) activities to facilitate remote ac-
20 cess to services provided through a one-
21 stop delivery system, including facilitating
22 access through the use of technology; and

23 “(vii) activities to carry out business
24 services and strategies that meet the work-
25 force investment needs of local area em-

1 ployers, as determined by the local board,
2 consistent with the local plan under section
3 118.”.

4 (B) by striking paragraphs (2) and (3);
5 and

6 (C) by adding at the end the following:

7 “(2) INCUMBENT WORKER TRAINING PRO-
8 GRAMS.—

9 “(A) IN GENERAL.—The local board may
10 use funds allocated to a local area under section
11 133(b)(2) to carry out incumbent worker train-
12 ing programs in accordance with this para-
13 graph.

14 “(B) TRAINING ACTIVITIES.—The training
15 programs for incumbent workers under this
16 paragraph shall be carried out by the local area
17 in conjunction with the employers of such work-
18 ers for the purpose of assisting such workers in
19 obtaining the skills necessary to retain employ-
20 ment and avert layoffs.

21 “(C) EMPLOYER MATCH REQUIRED.—

22 “(i) IN GENERAL.—Employers partici-
23 pating in programs under this paragraph
24 shall be required to pay a proportion of the
25 costs of providing the training to the in-

1 cumbent workers of the employers. The
2 local board shall establish the required por-
3 tion of such costs, which may include in-
4 kind contributions.

5 “(ii) CALCULATION OF MATCH.—The
6 wages paid by an employer to a worker
7 while they are attending training may be
8 included as part of the required payment
9 of the employer.”; and

10 (7) by adding at the end the following:

11 “(e) PRIORITY FOR PLACEMENT IN PRIVATE SECTOR
12 JOBS.—In providing employment and training activities
13 authorized under this section, the State and local board
14 shall give priority to placing participants in jobs in the
15 private sector.

16 “(f) VETERAN EMPLOYMENT SPECIALIST.—

17 “(1) IN GENERAL.—Subject to paragraph (8), a
18 local board shall hire and employ one or more vet-
19 eran employment specialist to carry out employment,
20 training, and placement services under this sub-
21 section in the local area served by the local board.

22 “(2) PRINCIPAL DUTIES.—A veteran employ-
23 ment specialist in a local area shall—

1 “(A) conduct outreach to employers in the
2 local area to assist veterans, including disabled
3 veterans, in gaining employment, including—

4 “(i) conducting seminars for employ-
5 ers; and

6 “(ii) in conjunction with employers,
7 conducting job search workshops, and es-
8 tablishing job search groups; and

9 “(B) facilitate employment, training, sup-
10 portive, and placement services furnished to
11 veterans, including disabled and homeless vet-
12 erans, in the local area.

13 “(3) HIRING PREFERENCE FOR VETERANS AND
14 INDIVIDUALS WITH EXPERTISE IN SERVING VET-
15 ERANS.—Subject to paragraph (8), a local board
16 shall, to the maximum extent practicable, employ
17 veterans or individuals with expertise in serving vet-
18 erans to carry out the services described in para-
19 graph (2) in the local area served by the local board.
20 In hiring an individual to serve as a veteran employ-
21 ment specialist, a local board shall give preference to
22 veterans and other individuals in the following order:

23 “(A) To service-connected disabled vet-
24 erans.

1 “(B) If no veteran described in subpara-
2 graph (A) is available, to veterans.

3 “(C) If no veteran described in subpara-
4 graph (A) or (B) is available, to any member of
5 the Armed Forces transitioning out of military
6 service.

7 “(D) If no veteran described in subpara-
8 graph (A), (B), or (C) is available, to any
9 spouse of a veteran or a spouse of a member of
10 the Armed Forces transitioning out of military
11 service.

12 “(E) If no veteran described in subpara-
13 graph (A), (B), or (C) is available and no
14 spouse described in paragraph (D) is available,
15 to any other individuals with expertise in serv-
16 ing veterans.

17 “(4) ADMINISTRATION AND REPORTING.—

18 “(A) IN GENERAL.—Each veteran employ-
19 ment specialist shall be administratively respon-
20 sible to the manager of the one-stop delivery
21 center in the local area and shall provide, at a
22 minimum, quarterly reports to the manager of
23 such center and to the Director for Veterans’
24 Employment and Training for the State on the
25 performance and compliance by the specialist

1 with Federal law and regulations with respect
2 to the—

3 “(i) principal duties and special serv-
4 ices for veterans described in paragraph
5 (2); and

6 “(ii) hiring preferences described in
7 paragraph (3) for veterans and individuals
8 with expertise in serving veterans.

9 “(B) REPORT TO SECRETARY.—Each
10 State shall submit to the Secretary an annual
11 report on the qualifications used by the local
12 board in making hiring determinations for a
13 veteran employment specialist and the salary
14 structure under which such specialist is com-
15 pensated.

16 “(C) REPORT TO CONGRESS.—The Sec-
17 retary shall submit to the Committee on Edu-
18 cation and the Workforce and the Committee
19 on Veterans’ Affairs of the House of Represent-
20 atives and the Committee on Health, Edu-
21 cation, Labor, and Pensions and the Committee
22 on Veterans’ Affairs of the Senate an annual
23 report summarizing the reports submitted
24 under subparagraph (B), including summaries

1 of outcomes achieved by participating veterans
2 disaggregated by local areas.

3 “(5) PART-TIME EMPLOYEES.—A part-time vet-
4 eran employment specialist shall perform the func-
5 tions of a veteran employment specialist under this
6 subsection on a halftime basis.

7 “(6) TRAINING REQUIREMENTS.—Each veteran
8 employment specialist described in paragraph (2)
9 shall satisfactorily complete training provided by the
10 National Veterans’ Employment and Training Insti-
11 tute during the three-year period that begins on the
12 date on which the employee is so assigned.

13 “(7) SPECIALIST’S DUTIES.—A full-time vet-
14 eran employment specialist shall perform only duties
15 related to the employment, training, supportive, and
16 placement services under this subsection, and shall
17 not perform other non-veteran-related duties if such
18 duties detract from the specialist’s ability to perform
19 the specialist’s duties related to employment, train-
20 ing, and placement services under this subsection.

21 “(8) STATE OPTION.—At the request of a local
22 board, a State may assume the duties assigned to
23 the local board under paragraphs (1) and (3), in-
24 cluding the hiring and employment of one or more

1 veteran employment specialist for placement in the
2 local area served by the local board.”.

3 **SEC. 114. PERFORMANCE ACCOUNTABILITY SYSTEM.**

4 Section 136 (29 U.S.C. 2871) is amended—

5 (1) in subsection (b)—

6 (A) by amending paragraphs (1) and (2)

7 to read as follows:

8 “(1) IN GENERAL.—For each State, the State
9 performance measures shall consist of—

10 “(A)(i) the core indicators of performance
11 described in paragraph (2)(A); and

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

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

18 “(2) INDICATORS OF PERFORMANCE.—

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

21 “(i) IN GENERAL.—The core indica-
22 tors of performance for the program of em-
23 ployment and training activities authorized
24 under sections 132(a)(2) and 134, the pro-
25 gram of adult education and literacy activi-

1 ties authorized under title II, and the pro-
2 gram authorized under title I of the Reha-
3 bilitation Act of 1973 (29 U.S.C. 720 et
4 seq.), other than section 112 or part C of
5 that title (29 U.S.C. 732, 741), shall con-
6 sist of the following indicators of perform-
7 ance, each disaggregated by the popu-
8 lations identified in the State and local
9 plans:

10 “(I) The percentage and number
11 of program participants who are in
12 unsubsidized employment during the
13 second full calendar quarter after exit
14 from the program.

15 “(II) The percentage and number
16 of program participants who are in
17 unsubsidized employment during the
18 fourth full calendar quarter after exit
19 from the program.

20 “(III) The median earnings of
21 program participants who are in un-
22 subsidized employment during the sec-
23 ond full calendar quarter after exit
24 from the program compared to the
25 median earnings of such participants

1 prior to the training received under
2 such program.

3 “(IV) The percentage and num-
4 ber of program participants who ob-
5 tain a recognized postsecondary cre-
6 dential, a registered apprenticeship,
7 an industry-recognized credential, or a
8 regular secondary school diploma or
9 its recognized equivalent (subject to
10 clause (ii)), during participation in or
11 within 1 year after exit from program.

12 “(V) The percentage and number
13 of program participants who, during a
14 program year—

15 “(aa) are in an education or
16 training program that leads to a
17 recognized postsecondary creden-
18 tial, a registered apprenticeship
19 or on-the-job training program,
20 an industry-recognized credential,
21 a regular secondary school di-
22 ploma or its recognized equiva-
23 lent, or unsubsidized employ-
24 ment; and

1 “(bb) are achieving measur-
2 able basic skill gains toward such
3 a credential or employment.

4 “(VI) The percentage and num-
5 ber of program participants who ob-
6 tain unsubsidized employment in the
7 field relating to the training services
8 described in section 134(c)(4) that
9 such participants received.

10 “(ii) INDICATOR RELATING TO CRE-
11 DENTIAL.—For purposes of clause (i)(IV),
12 program participants who obtain a regular
13 secondary school diploma or its recognized
14 equivalent shall be included in the percent-
15 age counted as meeting the criterion under
16 such clause only if such participants, in
17 addition to obtaining such diploma or its
18 recognized equivalent, have, within 1 year
19 after exit from the program, obtained or
20 retained employment, have been removed
21 from public assistance, or are in an edu-
22 cation or training program leading to a
23 recognized postsecondary credential.

24 “(B) ADDITIONAL INDICATORS.—A State
25 may identify in the State plan additional indica-

1 tors for workforce investment activities author-
2 ized under this subtitle.”; and

3 (B) in paragraph (3)—

4 (i) in subparagraph (A)—

5 (I) in the heading, by striking
6 “AND CUSTOMER SATISFACTION INDI-
7 CATOR”;

8 (II) in clause (i), by striking
9 “and the customer satisfaction indi-
10 cator described in paragraph (2)(B)”;

11 (III) in clause (ii), by striking
12 “and the customer satisfaction indi-
13 cator of performance, for the first 3”
14 and inserting “, for all 3”;

15 (IV) in clause (iii)—

16 (aa) in the heading, by
17 striking “FOR FIRST 3 YEARS” ;
18 and

19 (bb) by striking “and the
20 customer satisfaction indicator of
21 performance, for the first 3 pro-
22 gram years” and inserting “for
23 all 3 program years”;

24 (V) in clause (iv)—

25 (aa) by striking “or (v)”;

1 (bb) by striking subclause
2 (I) and redesignating subclauses
3 (II) and (III) as subclauses (I)
4 and (II), respectively; and
5 (cc) in subclause (I) (as so
6 redesignated)—

7 (AA) by striking “tak-
8 ing into account” and in-
9 serting “which shall be ad-
10 justed based on”;

11 (BB) by inserting “,
12 such as unemployment rates
13 and job losses or gains in
14 particular industries” after
15 “economic conditions”; and

16 (CC) by inserting “,
17 such as indicators of poor
18 work experience, dislocation
19 from high-wage employment,
20 low levels of literacy or
21 English proficiency, dis-
22 ability status, including the
23 number of veterans with dis-
24 abilities, and welfare de-
25 pendency” after “program”;

1 (VI) by striking clause (v) and
2 redesignating clause (vi) as clause (v);
3 and

4 (VII) in clause (v) (as so redesign-
5 nated),

6 (aa) by striking “described
7 in clause (iv)(II)” and inserting
8 “described in clause (iv)(I)”; and

9 (bb) by striking “or (v)”;
10 and

11 (ii) in subparagraph (B), by striking
12 “paragraph (2)(C)” and inserting “para-
13 graph (2)(B)”;

14 (2) in subsection (c)(1)(A)—

15 (A) by amending clause (i) to read as fol-
16 lows: “(i) the core indicators of performance de-
17 scribed in subsection (b)(2)(A) for activities de-
18 scribed in such subsections, other than state-
19 wide workforce investment activities; and”;

20 (B) in clause (ii), by striking “(b)(2)(C)”
21 and inserting “(b)(2)(B)”; and

22 (C) by amending paragraph (3) to read as
23 follows:

24 “(3) DETERMINATIONS.—In determining such
25 local levels of performance, the local board, the chief

1 elected official, and the Governor shall ensure such
2 levels are adjusted based on the specific economic
3 characteristics (such as unemployment rates and job
4 losses or gains in particular industries), demographic
5 characteristics, or other characteristics of the popu-
6 lation to be served in the local area.”;

7 (3) in subsection (d)—

8 (A) in paragraph (1)—

9 (i) by striking “127 or”; and

10 (ii) by striking “and the customer sat-
11 isfaction indicator” each place it appears;

12 (B) in paragraph (2)—

13 (i) by striking subparagraphs (A),
14 (B), and (D);

15 (ii) by redesignating subparagraph
16 (C) as subparagraph (A);

17 (iii) by redesignating subparagraph
18 (E) as subparagraph (B);

19 (iv) in subparagraph (B), as so redesi-
20 gnated—

21 (I) by striking “(excluding par-
22 ticipants who received only self-service
23 and informational activities)”; and

24 (II) by striking “and” at the end;

25 (v) by striking subparagraph (F);

1 (vi) by adding at the end the fol-
2 lowing:

3 “(C) with respect to each local area in the
4 State—

5 “(i) the number of individuals who re-
6 ceived work ready services described under
7 section 134(c)(2) and the number of indi-
8 viduals who received training services de-
9 scribed under section 134(c)(4) during the
10 most recent program year and fiscal year,
11 and the preceding 5 program years, where
12 the individuals received the training,
13 disaggregated by the type of entity that
14 provided the training, and the amount of
15 funds spent on each type of service;

16 “(ii) the number of individuals who
17 successfully exited out of work ready serv-
18 ices described under section 134(c)(2) and
19 the number of individuals who exited out
20 of training services described under section
21 134(c)(4) during the most recent program
22 year and fiscal year, and the preceding 5
23 program years, and where the individuals
24 received the training, disaggregated by the

1 type of entity that provided the training;
2 and

3 “(iii) the average cost per participant
4 of those individuals who received work
5 ready services described under section
6 134(e)(2) and the average cost per partici-
7 pant of those individuals who received
8 training services described under section
9 134(e)(4) during the most recent program
10 year and fiscal year, and the preceding 5
11 program years, and where the individuals
12 received the training, disaggregated by the
13 type of entity that provided the training;
14 and

15 “(E) the amount of funds spent on train-
16 ing services and discretionary one-stop delivery
17 activities, disaggregated by the populations
18 identified in the State and local plans.”;

19 (C) in paragraph (3)(A), by striking
20 “through publication” and inserting “through
21 electronic means”; and

22 (D) by adding at the end the following:

23 “(4) DATA VALIDATION.—In preparing the re-
24 ports described in this subsection, each State shall
25 establish procedures, consistent with guidelines

1 issued by the Secretary, to ensure the information
2 contained in the report is valid and reliable.

3 “(5) STATE AND LOCAL POLICIES.—

4 “(A) STATE POLICIES.—Each State that
5 receives an allotment under section 132 shall
6 maintain a central repository of policies related
7 to access, eligibility, availability of services, and
8 other matters and plans approved by the State
9 board and make such repository available to the
10 public, including by electronic means.

11 “(B) LOCAL POLICIES.—Each local area
12 that receives an allotment under section 133
13 shall maintain a central repository of policies
14 related to access, eligibility, availability of serv-
15 ices, and other matters and plans approved by
16 the local board and make such repository avail-
17 able to the public, including by electronic
18 means.”;

19 (4) in subsection (g)—

20 (A) in paragraph (1)(A), by striking “or
21 (B)”;

22 (B) in paragraph (1)(B), by striking “may
23 reduce by not more than 5 percent,” and insert-
24 ing “shall reduce”; and

1 (C) by striking paragraph (2) and insert-
2 ing the following:

3 “(2) FUNDS RESULTING FROM REDUCED AL-
4 LOTMENTS.—The Secretary shall return to the
5 Treasury the amount retained, as a result of a re-
6 duction in an allotment to a State made under para-
7 graph (1)(B).”;

8 (5) in subsection (h)(1), by striking “or (B)”;
9 (6) in subsection (h)(2)—

10 (A) in subparagraph (A), by amending the
11 matter preceding clause (i) to read as follows:

12 “(A) IN GENERAL.—If such failure con-
13 tinues for a second consecutive year, the Gov-
14 ernor shall take corrective actions, including the
15 development of a reorganization plan. Such
16 plan shall—”;

17 (B) by redesignating subparagraphs (B)
18 and (C) as subparagraphs (C) and (D), respec-
19 tively;

20 (C) by inserting after subparagraph (A),
21 the following:

22 “(B) REDUCTION IN THE AMOUNT OF
23 GRANT.—If such failure continues for a third
24 consecutive year, the Governor of a State shall
25 reduce the amount of the grant that would (in

1 the absence of this subparagraph) be payable to
2 the local area under such program for the pro-
3 gram year after such third consecutive year.
4 Such penalty shall be based on the degree of
5 failure to meet local levels of performance.”;

6 (D) in subparagraph (C)(i) (as so redesign-
7 ated), by striking “a reorganization plan
8 under subparagraph (A) may, not later than 30
9 days after receiving notice of the reorganization
10 plan, appeal to the Governor to rescind or re-
11 vise such plan” and inserting “corrective ac-
12 tions under subparagraphs (A) and (B) may,
13 not later than 30 days after receiving notice of
14 the actions, appeal to the Governor to rescind
15 or revise such actions”; and

16 (E) in subparagraph (D) (as so redesign-
17 ated), by striking “subparagraph (B)” each
18 place it appears and inserting “subparagraph
19 (C)”;

20 (7) in subsection (i)(1)(B), by striking “sub-
21 section (b)(2)(C)” and inserting “subsection
22 (b)(2)(B)”;

23 (8) in subsection (i)(1)(C), by striking
24 “(b)(3)(A)(vi)” and inserting “(b)(3)(A)(v)”;

1 (9) in subsection (i)(2), by striking “the activi-
2 ties described in section 502 concerning”;

3 (10) in subsection (i)(3), by striking “described
4 in paragraph (1) and in the activities described in
5 section 502” and inserting “and activities described
6 in this subsection”; and

7 (11) by adding at the end the following new
8 subsection:

9 “(j) USE OF CORE INDICATORS FOR OTHER PRO-
10 GRAMS.—In addition to the programs carried out under
11 chapter 5, and consistent with the requirements of the ap-
12 plicable authorizing laws, the Secretary shall use the core
13 indicators of performance described in subsection
14 (b)(2)(A) to assess the effectiveness of the programs de-
15 scribed under section 121(b)(1)(B) that are carried out
16 by the Secretary.”.

17 **SEC. 115. AUTHORIZATION OF APPROPRIATIONS.**

18 Section 137 (29 U.S.C. 2872) is amended to read as
19 follows:

20 **“SEC. 137. AUTHORIZATION OF APPROPRIATIONS.**

21 “There are authorized to be appropriated to carry out
22 the activities described in section 132, \$6,245,318,000 for
23 fiscal year 2014 and each of the 6 succeeding fiscal
24 years.”.

1 **Subtitle C—Job Corps**

2 **SEC. 116. JOB CORPS PURPOSES.**

3 Paragraph (1) of section 141 (29 U.S.C. 2881(1))
4 is amended to read as follows:

5 “(1) to maintain a national Job Corps program
6 for at-risk youth, carried out in partnership with
7 States and communities, to assist eligible youth to
8 connect to the workforce by providing them with in-
9 tensive academic, career and technical education,
10 and service-learning opportunities, in residential and
11 nonresidential centers, in order for such youth to ob-
12 tain regular secondary school diplomas and recog-
13 nized postsecondary credentials leading to successful
14 careers in in-demand industries that will result in
15 opportunities for advancement;”.

16 **SEC. 117. JOB CORPS DEFINITIONS.**

17 Section 142 (29 U.S.C. 2882) is amended—

18 (1) in paragraph (2)—

19 (A) in the paragraph heading, by striking

20 “APPLICABLE”;

21 (B) by striking “applicable”;

22 (C) by striking “customer service”; and

23 (D) by striking “intake” and inserting “as-

24 sessment”;

1 (2) in paragraph (4), by striking “before com-
2 pleting the requirements” and all that follows and
3 inserting “prior to becoming a graduate.”; and

4 (3) in paragraph (5), by striking “has com-
5 pleted the requirements” and all that follows and in-
6 serting the following: “who, as a result of participa-
7 tion in the Job Corps program, has received a reg-
8 ular secondary school diploma, completed the re-
9 quirements of a career and technical education and
10 training program, or received, or is making satisfac-
11 tory progress (as defined under section 484(c) of the
12 Higher Education Act of 1965 (20 U.S.C. 1091(c))
13 toward receiving, a recognized postsecondary creden-
14 tial, including an industry-recognized credential that
15 prepares individuals for employment leading to eco-
16 nomic self-sufficiency.”.

17 **SEC. 118. INDIVIDUALS ELIGIBLE FOR THE JOB CORPS.**

18 Section 144 (29 U.S.C. 2884) is amended—

19 (1) by amending paragraph (1) to read as fol-
20 lows:

21 “(1) not less than age 16 and not more than
22 age 24 on the date of enrollment;”;

23 (2) in paragraph (3)(B), by inserting “sec-
24 ondary” before “school”; and

1 (3) in paragraph (3)(E), by striking “voca-
2 tional” and inserting “career and technical edu-
3 cation and”.

4 **SEC. 119. RECRUITMENT, SCREENING, SELECTION, AND AS-**
5 **SIGNMENT OF ENROLLEES.**

6 Section 145 (29 U.S.C. 2885) is amended—

7 (1) in subsection (a)—

8 (A) in paragraph (2)(C)(i) by striking “vo-
9 cational” and inserting “career and technical
10 education and training”; and

11 (B) in paragraph (3)—

12 (i) by striking “To the extent prac-
13 ticable, the” and inserting “The”;

14 (ii) in subparagraph (A)—

15 (I) by striking “applicable”; and

16 (II) by inserting “and” after the
17 semicolon;

18 (iii) by striking subparagraphs (B)
19 and (C); and

20 (iv) by adding at the end the fol-
21 lowing:

22 “(B) organizations that have a dem-
23 onstrated record of effectiveness in placing at-
24 risk youth into employment.”;

25 (2) in subsection (b)—

1 (A) in paragraph (1)—

2 (i) in subparagraph (B), by inserting
3 “and agrees to such rules” after “failure
4 to observe the rules”; and

5 (ii) by amending subparagraph (C) to
6 read as follows:

7 “(C) the individual has passed a back-
8 ground check conducted in accordance with pro-
9 cedures established by the Secretary, which
10 shall include—

11 “(i) a search of the State criminal
12 registry or repository in the State where
13 the individual resides and each State where
14 the individual previously resided;

15 “(ii) a search of State-based child
16 abuse and neglect registries and databases
17 in the State where the individual resides
18 and each State where the individual pre-
19 viously resided;

20 “(iii) a search of the National Crime
21 Information Center;

22 “(iv) a Federal Bureau of Investiga-
23 tion fingerprint check using the Integrated
24 Automated Fingerprint Identification Sys-
25 tem; and

1 “(v) a search of the National Sex Of-
2 fender Registry established under the
3 Adam Walsh Child Protection and Safety
4 Act of 2006 (42 U.S.C. 16901 et seq.)”;
5 and

6 (B) by adding at the end the following new
7 paragraph:

8 “(3) INDIVIDUALS CONVICTED OF A CRIME.—
9 An individual shall be ineligible for enrollment if the
10 individual—

11 “(A) makes a false statement in connection
12 with the criminal background check described in
13 paragraph (1)(C);

14 “(B) is registered or is required to be reg-
15 istered on a State sex offender registry or the
16 National Sex Offender Registry established
17 under the Adam Walsh Child Protection and
18 Safety Act of 2006 (42 U.S.C. 16901 et seq.);
19 or

20 “(C) has been convicted of a felony con-
21 sisting of—

22 “(i) homicide;

23 “(ii) child abuse or neglect;

24 “(iii) a crime against children, includ-
25 ing child pornography;

1 “(iv) a crime involving rape or sexual
2 assault; or

3 “(v) physical assault, battery, or a
4 drug-related offense, committed within the
5 past 5 years.”;

6 (3) in subsection (c)—

7 (A) in paragraph (1)—

8 (i) by striking “2 years” and inserting
9 “year”; and

10 (ii) by striking “an assignment” and
11 inserting “a”;

12 (B) in paragraph (2)—

13 (i) in the matter preceding subpara-
14 graph (A), by striking “, every 2 years,”;

15 (ii) in subparagraph (B), by striking
16 “and” at the end; and

17 (iii) in subparagraph (C)—

18 (I) by inserting “the education
19 and training” after “including”; and

20 (II) by striking the period at the
21 end and inserting “; and”; and

22 (C) by adding at the end the following:

23 “(D) the performance of the Job Corps
24 center relating to the indicators described in
25 paragraphs (1) and (2) in section 159(c), and

1 whether any actions have been taken with re-
2 spect to such center pursuant to section
3 159(f).”; and

4 (4) in subsection (d)—

5 (A) in paragraph (1)—

6 (i) in the matter preceding subpara-
7 graph (A), by striking “is closest to the
8 home of the enrollee, except that the” and
9 inserting “offers the type of career and
10 technical education and training selected
11 by the individual and, among the centers
12 that offer such education and training, is
13 closest to the home of the individual. The”;

14 (ii) by striking subparagraph (A); and

15 (iii) by redesignating subparagraphs
16 (B) and (C) as subparagraphs (A) and
17 (B), respectively; and

18 (B) in paragraph (2), by inserting “that
19 offers the career and technical education and
20 training desired by” after “home of the en-
21 rollee”.

22 **SEC. 120. JOB CORPS CENTERS.**

23 Section 147 (29 U.S.C. 2887) is amended—

24 (1) in subsection (a)—

25 (A) in paragraph (1)—

- 1 (i) in subparagraph (A), by striking
2 “vocational” both places it appears and in-
3 serting “career and technical”; and
- 4 (ii) in subparagraph (B)—
- 5 (I) by striking “may” and insert-
6 ing “shall”;
- 7 (II) by inserting “that resides in
8 the State in which the Jobs Corps
9 center is located” before “to provide”;
10 and
- 11 (III) by inserting before the pe-
12 riod at the end the following: “, as ap-
13 propriate”;
- 14 (B) in paragraph (2)—
- 15 (i) in subparagraph (A)—
- 16 (I) by striking “subsections (c)
17 and (d) of section 303 of the Federal
18 Property and Administrative Services
19 Act of 1949 (41 U.S.C. 253)” and in-
20 serting “subsections (a) and (b) of
21 section 3304 of title 41, United States
22 Code”; and
- 23 (II) by striking “industry coun-
24 cil” and inserting “workforce coun-
25 cil”;

1 (ii) in subparagraph (B)(i)—

2 (I) by amending subclause (II) to
3 read as follows:

4 “(II) the ability of the entity to
5 offer career and technical education
6 and training that the workforce coun-
7 cil proposes under section 154(c);”;

8 (II) in subclause (III), by strik-
9 ing “is familiar with the surrounding
10 communities, applicable” and insert-
11 ing “demonstrates relationships with
12 the surrounding communities, employ-
13 ers, workforce boards,” and by strik-
14 ing “and” at the end;

15 (III) by amending subclause (IV)
16 to read as follows:

17 “(IV) the performance of the en-
18 tity, if any, relating to operating or
19 providing activities described in this
20 subtitle to a Job Corps center, includ-
21 ing the entity’s demonstrated effec-
22 tiveness in assisting individuals in
23 achieving the primary and secondary
24 indicators of performance described in

1 paragraphs (1) and (2) of section
2 159(c); and”;

3 (IV) by adding at the end the fol-
4 lowing new subclause:

5 “(V) the ability of the entity to
6 demonstrate a record of successfully
7 assisting at-risk youth to connect to
8 the workforce, including by providing
9 them with intensive academic, and ca-
10 reer and technical education and
11 training.”;

12 (iii) in subparagraph (B)(ii), by strik-
13 ing “, as appropriate”;

14 (2) in subsection (b), by striking “In any year,
15 no more than 20 percent of the individuals enrolled
16 in the Job Corps may be nonresidential participants
17 in the Job Corps.”;

18 (3) by amending subsection (c) to read as fol-
19 lows:

20 “(c) CIVILIAN CONSERVATION CENTERS.—

21 “(1) IN GENERAL.—The Job Corps centers may
22 include Civilian Conservation Centers, operated
23 under an agreement between the Secretary of Labor
24 and the Secretary of Agriculture, that are located
25 primarily in rural areas. Such centers shall adhere

1 to all the provisions of this subtitle, and shall pro-
2 vide, in addition to education, career and technical
3 education and training, and workforce preparation
4 skills training described in section 148, programs of
5 work experience to conserve, develop, or manage
6 public natural resources or public recreational areas
7 or to develop community projects in the public inter-
8 est.

9 “(2) SELECTION PROCESS.—The Secretary
10 shall select an entity that submits an application
11 under subsection (d) to operate a Civilian Conserva-
12 tion Center on a competitive basis, as provided in
13 subsection (a).”; and

14 (4) by striking subsection (d) and inserting the
15 following:

16 “(d) APPLICATION.—To be eligible to operate a Job
17 Corps center under this subtitle, an entity shall submit
18 an application to the Secretary at such time, in such man-
19 ner, and containing such information as the Secretary may
20 require, including—

21 “(1) a description of the program activities that
22 will be offered at the center, including how the ca-
23 reer and technical education and training reflect
24 State and local employment opportunities, including
25 in in-demand industries;

1 “(2) a description of the counseling, placement,
2 and support activities that will be offered at the cen-
3 ter, including a description of the strategies and pro-
4 cedures the entity will use to place graduates into
5 unsubsidized employment upon completion of the
6 program;

7 “(3) a description of the demonstrated record
8 of effectiveness that the entity has in placing at-risk
9 youth into employment, including past performance
10 of operating a Job Corps center under this subtitle;

11 “(4) a description of the relationships that the
12 entity has developed with State and local workforce
13 boards, employers, State and local educational agen-
14 cies, and the surrounding communities in an effort
15 to promote a comprehensive statewide workforce in-
16 vestment system;

17 “(5) a description of the strong fiscal controls
18 the entity has in place to ensure proper accounting
19 of Federal funds, and a description of how the entity
20 will meet the requirements of section 159(a);

21 “(6) a description of the strategies and policies
22 the entity will utilize to reduce participant costs;

23 “(7) a detailed budget of the activities that will
24 be supported using funds under this subtitle;

1 “(8) a detailed budget of the activities that will
2 be supported using funds from non-Federal re-
3 sources;

4 “(9) an assurance the entity will comply with
5 the administrative cost limitation included in section
6 151(c);

7 “(10) an assurance the entity is licensed to op-
8 erate in the State in which the center is located; and

9 “(11) an assurance the entity will comply with
10 and meet basic health and safety codes, including
11 those measures described in section 152(b).

12 “(e) LENGTH OF AGREEMENT.—The agreement de-
13 scribed in subsection (a)(1)(A) shall be for not longer than
14 a 2-year period. The Secretary may renew the agreement
15 for 3 one-year periods if the entity meets the requirements
16 of subsection (f).

17 “(f) RENEWAL.—

18 “(1) IN GENERAL.—Subject to paragraph (2),
19 the Secretary may renew the terms of an agreement
20 described in subsection (a)(1)(A) for an entity to op-
21 erate a Job Corps center if the center meets or ex-
22 ceeds each of the indicators of performance de-
23 scribed in section 159(c)(1).

24 “(2) RECOMPETITION.—

1 “(A) IN GENERAL.—Notwithstanding para-
2 graph (1), the Secretary shall not renew the
3 terms of the agreement for an entity to operate
4 a Job Corps center if such center is ranked in
5 the bottom quintile of centers described in sec-
6 tion 159(f)(2) for any program year. Such enti-
7 ty may submit a new application under sub-
8 section (d) only if such center has shown sig-
9 nificant improvement on the indicators of per-
10 formance described in section 159(c)(1) over
11 the last program year.

12 “(B) VIOLATIONS.—The Secretary shall
13 not select an entity to operate a Job Corps cen-
14 ter if such entity or such center has been found
15 to have a systemic or substantial material fail-
16 ure that involves—

17 “(i) a threat to the health, safety, or
18 civil rights of program participants or
19 staff;

20 “(ii) the misuse of funds received
21 under this subtitle;

22 “(iii) loss of legal status or financial
23 viability, loss of permits, debarment from
24 receiving Federal grants or contracts, or
25 the improper use of Federal funds;

1 “(iv) failure to meet any other Fed-
2 eral or State requirement that the entity
3 has shown an unwillingness or inability to
4 correct, after notice from the Secretary,
5 within the period specified; or

6 “(v) an unresolved area of noncompli-
7 ance.

8 “(g) CURRENT GRANTEES.—Not later than 60 days
9 after the date of enactment of the SKILLS Act and not-
10 withstanding any previous grant award or renewals of
11 such award under this subtitle, the Secretary shall require
12 all entities operating a Job Corps center under this sub-
13 title to submit an application under subsection (d) to carry
14 out the requirements of this section.”.

15 **SEC. 121. PROGRAM ACTIVITIES.**

16 Section 148 (29 U.S.C. 2888) is amended—

17 (1) by amending subsection (a) to read as fol-
18 lows:

19 “(a) ACTIVITIES PROVIDED THROUGH JOB CORPS
20 CENTERS.—

21 “(1) IN GENERAL.—Each Job Corps center
22 shall provide enrollees with an intensive, well-orga-
23 nized, and supervised program of education, career,
24 and technical education and training, work experi-
25 ence, recreational activities, physical rehabilitation

1 and development, and counseling. Each Job Corps
2 center shall provide enrollees assigned to the center
3 with access to work-ready services described in sec-
4 tion 134(c)(2).

5 “(2) RELATIONSHIP TO OPPORTUNITIES.—

6 “(A) IN GENERAL.—The activities pro-
7 vided under this subsection shall be targeted to
8 helping enrollees, on completion of their enroll-
9 ment—

10 “(i) secure and maintain meaningful
11 unsubsidized employment;

12 “(ii) complete secondary education
13 and obtain a regular secondary school di-
14 ploma;

15 “(iii) enroll in and complete postsec-
16 ondary education or training programs, in-
17 cluding obtaining recognized postsecondary
18 credentials, industry-recognized creden-
19 tials, and registered apprenticeships; or

20 “(iv) satisfy Armed Forces require-
21 ments.

22 “(B) LINK TO EMPLOYMENT OPPORTUNI-
23 TIES.—The career and technical education and
24 training provided shall be linked to the employ-
25 ment opportunities in in-demand industries in

1 the State in which the Job Corps center is lo-
2 cated.”; and

3 (2) in subsection (b)—

4 (A) in the subsection heading, by striking
5 “EDUCATION AND VOCATIONAL” and inserting
6 “ACADEMIC AND CAREER AND TECHNICAL
7 EDUCATION AND”;

8 (B) by striking “may” after “The Sec-
9 retary” and inserting “shall”; and

10 (C) by striking “vocational” each place it
11 appears and inserting “career and technical”;
12 and

13 (3) by amending paragraph (3) of subsection
14 (c) to read as follows:

15 “(3) DEMONSTRATION.—Each year, any oper-
16 ator seeking to enroll additional enrollees in an ad-
17 vanced career training program shall demonstrate,
18 before the operator may carry out such additional
19 enrollment, that—

20 “(A) participants in such program have
21 achieved a satisfactory rate of completion and
22 placement in training-related jobs; and

23 “(B) such operator has met or exceeded
24 the indicators of performance described in para-

1 graphs (1) and (2) of section 159(c) for the
2 previous year.”.

3 **SEC. 122. COUNSELING AND JOB PLACEMENT.**

4 Section 149 (29 U.S.C. 2889) is amended—

5 (1) in subsection (a), by striking “vocational”
6 and inserting “career and technical education and”;

7 (2) in subsection (b), by striking “make every
8 effort to arrange to”; and

9 (3) by striking subsection (d).

10 **SEC. 123. SUPPORT.**

11 Subsection (b) of section 150 (29 U.S.C. 2890) is
12 amended to read as follows:

13 “(b) **TRANSITION ALLOWANCES AND SUPPORT FOR**
14 **GRADUATES.**—The Secretary shall arrange for a transi-
15 tion allowance to be paid to graduates. The transition al-
16 lowance shall be incentive-based to reflect a graduate’s
17 completion of academic, career and technical education or
18 training, and attainment of a recognized postsecondary
19 credential, including an industry-recognized credential.”.

20 **SEC. 124. OPERATIONS.**

21 Section 151 (29 U.S.C. 2891) is amended—

22 (1) in the header, by striking “**OPERATING**
23 **PLAN.**” and inserting “**OPERATIONS.**”;

24 (2) in subsection (a), by striking “**IN GEN-**
25 **ERAL.—**” and inserting “**OPERATING PLAN.—**”;

1 (3) by striking subsection (b) and redesignating
2 subsection (c) as subsection (b);

3 (4) by amending subsection (b) (as so redesign-
4 nated)—

5 (A) in the heading by inserting “OF OPER-
6 ATING PLAN” after “AVAILABILITY”; and

7 (B) by striking “subsections (a) and (b)”
8 and inserting “subsection (a)”; and

9 (5) by adding at the end the following new sub-
10 section:

11 “(c) ADMINISTRATIVE COSTS.—Not more than 10
12 percent of the funds allotted under section 147 to an enti-
13 ty selected to operate a Job Corps center may be used
14 by the entity for administrative costs under this subtitle.”.

15 **SEC. 125. COMMUNITY PARTICIPATION.**

16 Section 153 (29 U.S.C. 2893) is amended to read as
17 follows:

18 **“SEC. 153. COMMUNITY PARTICIPATION.**

19 “The director of each Job Corps center shall encour-
20 age and cooperate in activities to establish a mutually ben-
21 eficial relationship between Job Corps centers in the State
22 and nearby communities. Such activities may include the
23 use of any local workforce development boards established
24 under section 117 to provide a mechanism for joint discus-

1 sion of common problems and for planning programs of
2 mutual interest.”.

3 **SEC. 126. WORKFORCE COUNCILS.**

4 Section 154 (29 U.S.C. 2894) is amended to read as
5 follows:

6 **“SEC. 154. WORKFORCE COUNCILS.**

7 “(a) IN GENERAL.—Each Job Corps center shall
8 have a workforce council appointed by the Governor of the
9 State in which the Job Corps center is located.

10 “(b) WORKFORCE COUNCIL COMPOSITION.—

11 “(1) IN GENERAL.—A workforce council shall
12 be comprised of—

13 “(A) business members of the State board
14 described in section 111(b)(1)(B)(i);

15 “(B) business members of the local boards
16 described in section 117(b)(2)(A) located in the
17 State;

18 “(C) a representative of the State board
19 described in section 111(f); and

20 “(D) such other representatives and State
21 agency officials as the Governor may designate.

22 “(2) MAJORITY.—A $\frac{2}{3}$ rds majority of the mem-
23 bers of the workforce council shall be representatives
24 described in paragraph (1)(A).

1 “(c) RESPONSIBILITIES.—The responsibilities of the
2 workforce council shall be—

3 “(1) to review all the relevant labor market in-
4 formation, including related information in the State
5 plan described in section 112, to—

6 “(A) determine the in-demand industries
7 in the State in which enrollees intend to seek
8 employment after graduation;

9 “(B) determine the skills and education
10 that are necessary to obtain the employment
11 opportunities described in subparagraph (A);
12 and

13 “(C) determine the type or types of career
14 and technical education and training that will
15 be implemented at the center to enable the en-
16 rollees to obtain the employment opportunities;
17 and

18 “(2) to meet at least once a year to reevaluate
19 the labor market information, and other relevant in-
20 formation, to determine any necessary changes in
21 the career and technical education and training pro-
22 vided at the center.”.

23 **SEC. 127. TECHNICAL ASSISTANCE.**

24 Section 156 is amended to read as follows:

1 **“SEC. 156. TECHNICAL ASSISTANCE TO CENTERS.**

2 “(a) IN GENERAL.—From the funds reserved under
3 section 132(a)(3), the Secretary shall provide, directly or
4 through grants, contracts, or other agreements or ar-
5 rangements as the Secretary considers appropriate, tech-
6 nical assistance and training for the Job Corps program
7 for the purposes of improving program quality.

8 “(b) ACTIVITIES.—In providing training and tech-
9 nical assistance and for allocating resources for such as-
10 sistance, the Secretary shall—

11 “(1) assist entities, including those entities not
12 currently operating a Job Corps center, in devel-
13 oping the application described in section 147(d);

14 “(2) assist Job Corps centers and programs in
15 correcting deficiencies and violations under this sub-
16 title;

17 “(3) assist Job Corps centers and programs in
18 meeting or exceeding the indicators of performance
19 described in paragraph (1) and (2) of section 159(c);
20 and

21 “(4) assist Job Corps centers and programs in
22 the development of sound management practices, in-
23 cluding financial management procedures.”.

24 **SEC. 128. SPECIAL PROVISIONS.**

25 Section 158 (29 U.S.C. 2989) is amended—

1 (1) by amending paragraph (1) in subsection
2 (c), by striking “title II of the Federal Property and
3 Administrative Services Act of 1949 (40 U.S.C. 481
4 et seq.)” and inserting “chapter of 5 title 40, United
5 States Code,”;

6 (2) by striking subsection (e); and

7 (3) by redesignating subsections (f) and (g) as
8 subsections (e) and (f), respectively.

9 **SEC. 129. PERFORMANCE ACCOUNTABILITY MANAGEMENT.**

10 Section 159 (29 U.S.C. 2899) is amended—

11 (1) in the section heading, by striking “**MAN-**
12 **AGEMENT INFORMATION**” and inserting “**PER-**
13 **FORMANCE ACCOUNTABILITY AND MANAGE-**
14 **MENT**”; and

15 (2) by striking subsections (c) through (g);

16 (3) by inserting after subsection (b) the fol-
17 lowing:

18 “(c) INDICATORS OF PERFORMANCE.—

19 “(1) PRIMARY INDICATORS.—The annual pri-
20 mary indicators of performance for Job Corps cen-
21 ters shall include—

22 “(A) the percentage and number of enroll-
23 ees who graduate from the Job Corps center;

24 “(B) the percentage and number of grad-
25 uates who entered unsubsidized employment re-

1 lated to the career and technical education and
2 training received through the Job Corps center,
3 except that such calculation shall not include
4 enrollment in education, the military or volun-
5 teer service;

6 “(C) the percentage and number of grad-
7 uates who obtained a recognized postsecondary
8 credential, including an industry-recognized cre-
9 dential or a registered apprenticeship; and

10 “(D) the cost per successful performance
11 outcome, which is calculated by comparing the
12 number of graduates who were placed in unsub-
13 sidized employment or obtained a recognized
14 credential, including an industry-recognized cre-
15 dential, to total program costs, including all op-
16 erations, construction, and administration costs
17 at each Job Corp center.

18 “(2) SECONDARY INDICATORS.—The annual
19 secondary indicators of performance for Job Corps
20 centers shall include—

21 “(A) the percentage and number of grad-
22 uates who entered unsubsidized employment not
23 related to the career and technical education
24 and training received through the Job Corps
25 center;

1 “(B) the percentage and number of grad-
2 uates who entered into postsecondary education;

3 “(C) the percentage and number of grad-
4 uates who entered into the military;

5 “(D) the average wage of graduates who
6 are in unsubsidized employment—

7 “(i) on the first day of employment;

8 and

9 “(ii) 6 months after the first day;

10 “(E) the number and percentage of grad-
11 uates who entered unsubsidized employment
12 and were retained in the unsubsidized employ-
13 ment—

14 “(i) 6 months after the first day of
15 employment; and

16 “(ii) 12 months after the first day of
17 employment;

18 “(F) the percentage and number of enroll-
19 ees compared to the percentage and number of
20 enrollees the Secretary has established targets
21 in section 145(c)(1);

22 “(G) the cost per training slot, which is
23 calculated by comparing the program’s max-
24 imum number of students that can be enrolled
25 in a Job Corps center at any given time during

1 the program year to the number of enrollees in
2 the same program year; and

3 “(H) the number and percentage of former
4 enrollees, including the number dismissed under
5 the zero tolerance policy described in section
6 152(b).

7 “(3) INDICATORS OF PERFORMANCE FOR RE-
8 CRUITERS.—The annual indicators of performance
9 for recruiters shall include the measurements de-
10 scribed in subparagraph (A) of paragraph (1) and
11 subparagraphs (F), (G), and (H) of paragraph (2).

12 “(4) INDICATORS OF PERFORMANCE OF CAREER
13 TRANSITION SERVICE PROVIDERS.—The annual indi-
14 cators of performance of career transition service
15 providers shall include the measurements described
16 in subparagraphs (B) and (C) of paragraph (1) and
17 subparagraphs, (B), (C), (D), and (E) of paragraph
18 (2).

19 “(d) ADDITIONAL INFORMATION.—The Secretary
20 shall collect, and submit in the report described in sub-
21 section (f), information on the performance of each Job
22 Corps center, and the Job Corps program, regarding—

23 “(1) the number and percentage of former en-
24 rollees who obtained a regular secondary school di-
25 ploma;

1 “(2) the number and percentage of former en-
2 rollees who entered unsubsidized employment;

3 “(3) the number and percentage of former en-
4 rollees who obtained a recognized postsecondary cre-
5 dential, including an industry-recognized credential;

6 “(4) the number and percentage of former en-
7 rollees who entered into military service; and

8 “(5) any additional information required by the
9 Secretary.

10 “(e) METHODS.—The Secretary shall collect the in-
11 formation described in subsections (c) and (d), using
12 methods described in section 136(i)(2) and consistent with
13 State law, by entering into agreements with the States to
14 access such data for Job Corps enrollees, former enrollees,
15 and graduates.

16 “(f) TRANSPARENCY AND ACCOUNTABILITY.—

17 “(1) REPORT.—The Secretary shall collect and
18 annually submit to the Committee on Education and
19 the Workforce of the House of Representatives and
20 the Committee on Health, Education, Labor and
21 Pensions of the Senate, as well as make available to
22 the public by electronic means, a report containing—

23 “(A) information on the performance of
24 each Job Corps center, and the Job Corps pro-

1 gram, on the performance indicators described
2 in paragraphs (1) and (2) of subsection (c);

3 “(B) a comparison of each Job Corps cen-
4 ter, by rank, on the performance indicators de-
5 scribed in paragraphs (1) and (2) of subsection
6 (c);

7 “(C) a comparison of each Job Corps cen-
8 ter, by rank, on the average performance of all
9 primary indicators described in paragraph (1)
10 of subsection (c);

11 “(D) information on the performance of
12 the service providers described in paragraphs
13 (3) and (4) of subsection (c) on the perform-
14 ance indicators established under such para-
15 graphs; and

16 “(E) a comparison of each service pro-
17 vider, by rank, on the performance of all service
18 providers described in paragraphs (3) and (4)
19 of subsection (c) on the performance indicators
20 established under such paragraphs.

21 “(2) ASSESSMENT.—The Secretary shall con-
22 duct an annual assessment of the performance of
23 each Job Corps center which shall include informa-
24 tion on the Job Corps centers that—

1 “(A) are ranked in the bottom quintile on
2 the performance indicator described in para-
3 graph (1)(C); or

4 “(B) have failed safety and health code
5 violations described in subsection (g).

6 “(3) PERFORMANCE IMPROVEMENT.—With re-
7 spect to a Job Corps center that is identified under
8 paragraph (2) or reports less than 50 percent on the
9 performance indicators described in subparagraphs
10 (A), (B), or (C) of subsection (c)(1), the Secretary
11 shall develop and implement a 1 year performance
12 improvement plan. Such a plan shall require action
13 including—

14 “(A) providing technical assistance to the
15 center;

16 “(B) changing the management staff of
17 the center;

18 “(C) replacing the operator of the center;

19 “(D) reducing the capacity of the center;

20 or

21 “(E) closing the center.

22 “(4) CLOSURE OF JOB CORPS CENTERS.—Job
23 Corps centers that have been identified under para-
24 graph (2) or report less than 50 percent on the per-
25 formance indicators described in subparagraphs (A),

1 (B), or (C) of subsection (c)(1) for more than 4 con-
2 secutive years shall be closed. The Secretary shall
3 ensure—

4 “(A) that the proposed decision to close
5 the center is announced in advance to the gen-
6 eral public through publication in the Federal
7 Register and other appropriate means; and

8 “(B) the establishment of a reasonable
9 comment period, not to exceed 30 days, for in-
10 terested individuals to submit written comments
11 to the Secretary.

12 “(g) PARTICIPANT HEALTH AND SAFETY.—The Sec-
13 retary shall enter into an agreement with the General
14 Services Administration or the appropriate State agency
15 responsible for inspecting public buildings and safe-
16 guarding the health of disadvantaged students, to conduct
17 an in-person review of the physical condition and health-
18 related activities of each Job Corps center annually. Such
19 review shall include a passing rate of occupancy under
20 Federal and State ordinances.”.

21 **SEC. 130. CLOSURE OF LOW-PERFORMING JOB CORPS CEN-**
22 **TERS.**

23 Section 161 (29 U.S.C. 2901) is amended to read as
24 follows:

1 **“SEC. 161. CLOSURE OF LOW-PERFORMING JOB CORPS**
2 **CENTERS.**

3 “(a) **AUDIT.**—Not later than 3 months after the date
4 of enactment of the SKILLS Act, the Secretary shall con-
5 duct an audit on the past 10 years of performance of Job
6 Corps centers, including information indicating—

7 “(1) a comparison of each Job Corps center, by
8 rank, on the performance indicators described in
9 subsections (c) and (d) of section 159 (as such sec-
10 tions were in effect on the day before the date of en-
11 actment of the SKILLS Act);

12 “(2) a comparison of each Job Corps center, by
13 rank, on the average performance of all performance
14 indicators described in subsections (c) and (d) of
15 section 159 (as such sections were in effect on the
16 day before the date of enactment of the SKILLS
17 Act); and

18 “(3) a listing of the centers, by rank, that have
19 experienced the highest number of serious incidents
20 of crimes of violence, as defined in section 16 of title
21 18, United States Code.

22 “(b) **RECOMMENDATIONS.**—Not later than 6 months
23 after the date of enactment of the SKILLS Act, the Sec-
24 retary shall submit a report to the Committee on Edu-
25 cation and the Workforce of the House of Representatives
26 and the Committee on Health, Education, Labor, and

1 Pensions of the Senate, which shall contain a detailed
2 statement of the findings and conclusions from the audit
3 described in subsection (a), including information indi-
4 cating the centers that are ranked in the bottom quintile
5 on the performance indicators described in paragraphs (1)
6 and (2) of subsection (a).

7 “(c) CLOSURE.—Not later than 12 months after the
8 date of enactment of the SKILLS Act, the Secretary shall
9 close the Job Corps centers identified under subsection (b)
10 in accordance with subparagraphs (A) and (B) of section
11 159(f)(4).

12 “(d) TRANSITION.—The Secretary shall ensure that
13 program participants enrolled in low-performing Job
14 Corps centers slated for closure under this subsection re-
15 ceive priority placement to enroll in another center in the
16 State or neighboring State.”.

17 **SEC. 131. REFORMS FOR OPENING NEW JOB CORPS CEN-**
18 **TERS.**

19 Subtitle C of title I (29 U.S.C. 2881 et seq.) is
20 amended by adding at the end the following:

21 **“SEC. 162. REFORMS FOR OPENING NEW JOB CORPS CEN-**
22 **TERS.**

23 “(a) IN GENERAL.—The Secretary shall develop and
24 implement specific policies and procedures governing the
25 selection of the State and local area for construction of

1 Job Corps centers. Such policies and procedures shall be
2 the same across all regions, based on a needs assessment
3 of the assignment plan described under section 145(e),
4 and free from political favoritism, biases, or consider-
5 ations.

6 “(b) RESTRICTIONS.—

7 “(1) NOTIFICATION OF CONGRESS.—The Sec-
8 retary shall notify the Committee on Education and
9 the Workforce of the House of Representatives and
10 the Committee on Health, Education, Labor, and
11 Pensions of the Senate before releasing a Request
12 for Proposal for the designation and construction of
13 a Job Corps center.

14 “(2) NUMBER OF CENTERS.—Except as pro-
15 vided under paragraph (3), the Secretary shall enter
16 into agreements with not more than 20 Job Corps
17 centers per region, as those regions were in effect on
18 the date of enactment of the SKILLS Act.

19 “(3) EXCEPTION.—The Secretary may enter
20 into agreements with more than 20 Job Corps cen-
21 ters upon approval, in writing, of the Chairman and
22 Ranking Member of the Committee on Education
23 and the Workforce of the House of Representatives
24 and the Committee on Health, Education, Labor,
25 and Pensions of the Senate.”.

1 **Subtitle D—National Programs**

2 **SEC. 132. TECHNICAL ASSISTANCE.**

3 Section 170 (29 U.S.C. 2915) is amended—

4 (1) by striking subsection (b);

5 (2) by striking:

6 “(a) **GENERAL TECHNICAL ASSISTANCE.—**”;

7 (3) by redesignating paragraphs (1), (2), and

8 (3) as subsections (a), (b), and (c) respectively, and

9 moving such subsections 2 ems to the left;

10 (4) in subsection (a) (as so redesignated)—

11 (A) by inserting “the training of staff pro-

12 viding rapid response services, the training of

13 other staff of recipients of funds under this

14 title, assistance regarding accounting and pro-

15 gram operation practices (when such assistance

16 would not be duplicative to assistance provided

17 by the State), technical assistance to States

18 that do not meet State performance measures

19 described in section 136,” after “localities,”;

20 and

21 (B) by striking “from carrying out activi-

22 ties” and all that follows up to the period and

23 inserting “to implement the amendments made

24 by the SKILLS Act”;

25 (5) in subsection (b) (as so redesignated)—

1 (A) by striking “paragraph (1)” and in-
2 serting “subsection (a)”;

3 (B) by striking “, or recipient of financial
4 assistance under any of sections 166 through
5 169,”; and

6 (C) by striking “or grant recipient”;

7 (6) in subsection (c) (as so redesignated), by
8 striking “paragraph (1)” and inserting “subsection
9 (a)”;

10 (7) by inserting, after subsection (c) (as so re-
11 designated), the following:

12 “(d) BEST PRACTICES COORDINATION.—The Sec-
13 retary shall—

14 “(1) establish a system through which States
15 may share information regarding best practices with
16 regard to the operation of workforce investment ac-
17 tivities under this Act; and

18 “(2) evaluate and disseminate information re-
19 garding best practices and identify knowledge
20 gaps.”.

21 **SEC. 133. EVALUATIONS.**

22 Section 172 (29 U.S.C. 2917) is amended—

23 (1) in subsection (a), by striking “the Secretary
24 shall provide for the continuing evaluation of the
25 programs and activities, including those programs

1 and activities carried out under section 171” and in-
2 sserting “the Secretary, through grants, contracts, or
3 cooperative agreements, shall conduct, at least once
4 every 5 years, an independent evaluation of the pro-
5 grams and activities funded under this Act”;

6 (2) in subsection (a)(4) is amended to read as
7 follows:

8 “(4) the impact of receiving services and not re-
9 ceiving services under such programs and activities
10 on the community, businesses, and individuals;”;

11 (3) in subsection (c) is amended to read as fol-
12 lows:

13 “(c) **TECHNIQUES.**—Evaluations conducted under
14 this section shall utilize appropriate and rigorous method-
15 ology and research designs, including the use of control
16 groups chosen by scientific random assignment methodolo-
17 gies, quasi-experimental methods, impact analysis and the
18 use of administrative data. The Secretary shall conduct
19 an impact analysis, as described in subsection (a)(4), of
20 the formula grant program under subtitle B not later than
21 2015, and thereafter shall conduct such an analysis not
22 less than once every four years.”;

23 (4) in subsection (e) is amended by striking
24 “the Committee on Labor and Human Resources of
25 the Senate” and inserting “the Committee on

1 Health, Education, Labor, and Pensions of the Sen-
2 ate”; and

3 (5) by adding at the end, the following:

4 “(g) PUBLIC AVAILABILITY.—The results of the eval-
5 uations conducted under this section shall be made pub-
6 licly available, including by posting such results on the De-
7 partment’s website.”.

8 **Subtitle E—Administration**

9 **SEC. 134. REQUIREMENTS AND RESTRICTIONS.**

10 Section 181 (29 U.S.C. 2931) is amended—

11 (1) in subsection (b)(6), by striking “, including
12 representatives of businesses and of labor organiza-
13 tions”;

14 (2) in subsection (c)(2)(A), in the matter pre-
15 ceding clause (i), by striking “shall” and inserting
16 “may”;

17 (3) in subsection (e)—

18 (A) by striking “training for” and insert-
19 ing “the entry into employment, retention in
20 employment, or increases in earnings of”;

21 (B) by striking “subtitle B” and inserting
22 “this Act”;

23 (4) in subsection (f)(4), by striking
24 “134(a)(3)(B)” and inserting “134(a)(6)”; and

25 (5) by adding at the end the following:

1 “(g) SALARY AND BONUS LIMITATION.—No funds
2 provided under this title shall be used by a recipient or
3 subrecipient of such funds to pay the salary and bonuses
4 of an individual, either as direct costs or indirect costs,
5 at a rate in excess of Level II of the Federal Executive
6 Pay Schedule (5 U.S.C. 5313). This limitation shall not
7 apply to vendors providing goods and services as defined
8 in OMB Circular A–133. Where States are recipients of
9 such funds, States may establish a lower limit for salaries
10 and bonuses of those receiving salaries and bonuses from
11 subrecipients of such funds, taking into account factors
12 including the relative cost-of-living in the State, the com-
13 pensation levels for comparable State or local government
14 employees, and the size of the organizations that admin-
15 ister the programs.

16 “(h) GENERAL AUTHORITY.—

17 “(1) IN GENERAL.—The Employment and
18 Training Administration of the U.S. Department of
19 Labor (hereinafter in this Act referred to as the ‘Ad-
20 ministration’) shall administer all programs author-
21 ized under title I and III of this Act. The Adminis-
22 tration shall be headed by an Assistant Secretary
23 appointed by the President by and with the advice
24 and consent of the Senate. Except for titles II and
25 IV, the Administration shall be the principal agency,

1 and the Assistant Secretary shall be the principal of-
2 ficer, of such Department for carrying out this Act.

3 “(2) QUALIFICATIONS.—The Assistant Sec-
4 retary shall be an individual with substantial experi-
5 ence in workforce development and in workforce de-
6 velopment management. The Assistant Secretary
7 shall also, to the maximum extent possible, possess
8 knowledge and have worked in or with the State or
9 local workforce investment system or have been a
10 member of the business community. In the perform-
11 ance of the functions of the office, the Assistant Sec-
12 retary shall be directly responsible to the Secretary
13 or the Under Secretary as designed by the Sec-
14 retary. The functions of the Assistant Secretary
15 shall not be delegated to any officer not directly re-
16 sponsible, both with respect to program operation
17 and administration, to the Assistant Secretary. Any
18 reference in this Act to duties to be carried out by
19 the Assistant Secretary shall be considered to be a
20 reference to duties to be carried out by the Secretary
21 acting through the Assistant Secretary.”

22 **SEC. 135. PROMPT ALLOCATION OF FUNDS.**

23 Section 182 (29 U.S.C. 2932) is amended—

24 (1) in subsection (c), by striking “127 or”; and

25 (2) in subsection (e)—

1 (A) by striking “sections 128 and 133”
2 and inserting “section 133”; and
3 (B) by striking “127 or”.

4 **SEC. 136. FISCAL CONTROLS; SANCTIONS.**

5 Section 184(a)(2) (29 U.S.C. 2934(a)(2)) is amend-
6 ed—

7 (1) by striking “(A)” and all that follows
8 through “Each” and inserting “Each”; and
9 (2) by striking subparagraph (B).

10 **SEC. 137. REPORTS TO CONGRESS.**

11 Section 185 (29 U.S.C. 2935) is amended—

12 (1) in subsection (c)—

13 (A) in paragraph (2), by striking “and”
14 after the semicolon;

15 (B) in paragraph (3), by striking the pe-
16 riod and inserting “; and”; and

17 (C) by adding at the end the following:

18 “(4) shall have the option to submit or dissemi-
19 nate electronically any reports, records, plans, or any
20 other data that are required to be collected or dis-
21 seminated under this title.”; and

22 (2) in subsection (e)(2), by inserting “and the
23 Secretary shall submit to the Committee on Edu-
24 cation and the Workforce of the House of Rep-
25 resentatives and the Committee on Health, Edu-

1 cation, Labor, and Pensions of the Senate,” after
2 “Secretary.”

3 **SEC. 138. ADMINISTRATIVE PROVISIONS.**

4 Section 189 (29 U.S.C. 2939) is amended—

5 (1) in subsection (g)—

6 (A) by amending paragraph (1) to read as
7 follows:

8 “(1) IN GENERAL.—Appropriations for any fis-
9 cal year for programs and activities carried out
10 under this title shall be available for obligation only
11 on the basis of a program year. The program year
12 shall begin on July 1 in the fiscal year for which the
13 appropriation is made.”; and

14 (B) in paragraph (2)—

15 (i) by striking “each State” and in-
16 serting “each recipient”; and

17 (ii) by striking “171 or”;

18 (2) in subsection (i)—

19 (A) by striking paragraphs (2) and (3);

20 (B) by redesignating paragraph (4) as
21 paragraph (2);

22 (C) by amending paragraph (2)(A), as so
23 redesignated—

24 (i) by striking “requirements of sub-
25 paragraph (B)” and all that follows

1 through “any of the statutory or regu-
2 latory requirements of subtitle B” and in-
3 sserting “requirements of subparagraph (B)
4 or (D), any of the statutory or regulatory
5 requirements of subtitle B”;

6 (ii) by striking clause (ii); and

7 (iii) in clause (i), by striking “; and”

8 and inserting a period at the end; and

9 (D) by adding at the end the following:

10 “(D) EXPEDITED PROCESS FOR EXTEND-
11 ING APPROVED WAIVERS TO ADDITIONAL
12 STATES.—In lieu of the requirements of sub-
13 paragraphs (B) and (C), the Secretary may es-
14 tablish an expedited procedure for the purpose
15 of extending to additional States the waiver of
16 statutory or regulatory requirements that have
17 been approved for a State pursuant to a request
18 under subparagraph (B). Such procedure shall
19 ensure that the extension of such waivers to ad-
20 ditional States are accompanied by appropriate
21 conditions relating the implementation of such
22 waivers.”.

23 **SEC. 139. STATE LEGISLATIVE AUTHORITY.**

24 Section 191(a) (29 U.S.C. 2941(a)) is amended—

1 (1) by striking “consistent with the provisions
2 of this title” and inserting “consistent with State
3 law and the provisions of this title”; and

4 (2) by striking “consistent with the terms and
5 conditions required under this title” and inserting
6 “consistent with State law and the terms and condi-
7 tions required under this title”.

8 **SEC. 140. GENERAL PROGRAM REQUIREMENTS.**

9 Section 195 (29 U.S.C. 2945) is amended—

10 (1) in paragraph (7), by inserting at the end
11 the following:

12 “(D) Funds received by a public or private non-
13 profit entity that are not described in paragraph
14 (B), such as funds privately raised from philan-
15 thropic foundations, businesses, or other private en-
16 tities, shall not be considered to be income under
17 this title and shall not be subject to the require-
18 ments of this section.”; and

19 (2) by adding at the end the following new
20 paragraphs:

21 “(14) Funds provided under this title shall not
22 be used to establish or operate stand-alone fee-for-
23 service enterprises that compete with private sector
24 employment agencies within the meaning of section
25 701(c) of the Civil Rights Act of 1964 (42 U.S.C.

1 2000e(c)), except that for purposes of this para-
2 graph, such an enterprise does not include one-stop
3 centers.

4 “(15) Any report required to be submitted to
5 Congress, or to a Committee of Congress, under this
6 title shall be submitted to both the chairmen and
7 ranking minority members of the Committee on
8 Education and the Workforce of the House of Rep-
9 resentatives and the Committee on Health, Edu-
10 cation, Labor, and Pensions of the Senate.”.

11 **SEC. 141. DEPARTMENT STAFF.**

12 Subtitle E of title I (29 U.S.C. 2931 et seq.) is
13 amended by adding at the end the following new section:

14 **“SEC. 196. DEPARTMENT STAFF.**

15 “The Secretary shall—

16 “(1) not later than 60 days after the date of
17 the enactment of the SKILLS Act—

18 “(A) identify the number of Department of
19 Labor employees who work on or administer
20 programs under this Act, as such programs
21 were in effect on the day before such date of
22 enactment; and

23 “(B) publish such information on the De-
24 partment’s website;

1 “(2) not later than 60 days after such date of
2 enactment, identify the number of full-time equiva-
3 lent employees who work on or administer programs
4 authorized under this Act, as such programs were in
5 effect on the day before such date of enactment, that
6 have been eliminated or consolidated on or after
7 such date; and

8 “(3) not later than 1 year after such date of en-
9 actment—

10 “(A) reduce the workforce of the Depart-
11 ment of Labor by the number of full-time equiv-
12 alent employees identified under paragraph (2);
13 and

14 “(B) submit to Congress a report on—

15 “(i) the number of employees associ-
16 ated with each program authorized under
17 this Act and administered by the Depart-
18 ment;

19 “(ii) the number of full-time equiva-
20 lent employees identified under paragraph
21 (2); and

22 “(iii) how the Secretary reduced the
23 number of employees at the Department
24 under subparagraph (A).”.

1 **Subtitle F—State Unified Plan**

2 **SEC. 142. STATE UNIFIED PLAN.**

3 Section 501 (20 U.S.C. 9271) is amended—

4 (1) by amending subsection (b) to read as fol-
5 lows:

6 “(b) STATE UNIFIED PLAN.—

7 “(1) IN GENERAL.—A State may develop and
8 submit to the appropriate Secretaries a State unified
9 plan for 2 or more of the activities or programs set
10 forth in paragraph (2). The State unified plan shall
11 cover one or more of the activities set forth in sub-
12 paragraphs (A) and (B) of paragraph (2) and may
13 cover one or more of the activities set forth in sub-
14 paragraphs (C) through (N) of paragraph (2). For
15 purposes of this paragraph, the activities and pro-
16 grams described in subparagraphs (A) and (B) of
17 paragraph (2) shall not be considered to be 2 or
18 more activities or programs for purposes of the uni-
19 fied plan. Such activities or programs shall be con-
20 sidered to be 1 activity or program.

21 “(2) ACTIVITIES AND PROGRAMS.—The activi-
22 ties and programs referred to in paragraph (1) are
23 as follows:

24 “(A) Programs and activities authorized
25 under title I.

1 “(B) Programs and activities authorized
2 under title II.

3 “(C) Programs authorized under the Reha-
4 bilitation Act of 1973.

5 “(D) Secondary career education programs
6 authorized under the Carl D. Perkins Career
7 and Applied Technology Education Act.

8 “(E) Postsecondary career education pro-
9 grams authorized under the Carl D. Perkins
10 Career and Applied Technology Education Act.

11 “(F) Programs and activities authorized
12 under title II of the Trade Act of 1974.

13 “(G) National Apprenticeship Act of 1937.

14 “(H) Programs authorized under the Com-
15 munity Services Block Grant Act.

16 “(I) Programs authorized under the part A
17 of title IV of the Social Security Act.

18 “(J) Programs authorized under State un-
19 employment compensation laws (in accordance
20 with applicable Federal law).

21 “(K) Work programs authorized under sec-
22 tion 6(o) of the Food Stamp Act of 1977.

23 “(L) Programs and activities authorized
24 title I of the Housing and Community Develop-
25 ment Act of 1974.

1 “(M) Programs and activities authorized
2 under the Public Workers and Economic Devel-
3 opment Act of 1965.

4 “(N) Activities as defined under chapter
5 41 of title 38, United States Code.”; and

6 (2) by adding at the end, the following:

7 “(e) **ADDITIONAL EMPLOYMENT AND TRAINING**
8 **FUNDS.—**

9 “(1) **PURPOSE.—**It is the purpose of this sub-
10 section to reduce inefficiencies in the administration
11 of federally-funded State and local employment and
12 training programs.

13 “(2) **IN GENERAL.—**In developing a State uni-
14 fied plan for the activities or programs described in
15 subsection (b)(2) and subject to paragraph (4) and
16 the State plan approval process under subsection
17 (d), a State may propose to consolidate the amount,
18 in whole or part, provided for the activities or pro-
19 grams dedicated to employment and training into
20 the Workforce Investment Fund under section
21 132(b) to improve the administration of State and
22 local employment and training programs.

23 “(3) **REQUIREMENTS.—**A State with a State
24 unified plan approved under subsection (d) for pur-

1 poses of consolidation under paragraph (2) and that
2 is carrying out such consolidation shall—

3 “(A) continue to meet the program re-
4 quirements, limitations, and prohibitions of any
5 Federal statute authorizing the activity or pro-
6 gram consolidated into the Workforce Invest-
7 ment Fund;

8 “(B) meet the intent and purpose of the
9 activity or program consolidated into the Work-
10 force Investment Fund; and

11 “(C) continue to make reservations and al-
12 lotments under subsections (a) and (b) of sec-
13 tion 133.

14 “(4) EXCEPTIONS.—A State may not consoli-
15 date funds under paragraph (2) that are allocated to
16 the State under—

17 “(A) the Carl D. Perkins Career and Tech-
18 nical Education Act of 2006; or

19 “(B) the Rehabilitation Act of 1973.”.

20 **TITLE II—ADULT EDUCATION**
21 **AND FAMILY LITERACY EDU-**
22 **CATION**

23 **SEC. 201. AMENDMENT.**

24 Title II (20 U.S.C. 2901 et seq.) is amended to read
25 as follows:

1 **“TITLE II—ADULT EDUCATION**
2 **AND FAMILY LITERACY EDU-**
3 **CATION**

4 **“SEC. 201. SHORT TITLE.**

5 “This title may be cited as the ‘Adult Education and
6 Family Literacy Education Act’.

7 **“SEC. 202. PURPOSE.**

8 “It is the purpose of this title to provide instructional
9 opportunities for adults seeking to improve their literacy
10 skills, including their basic reading, writing, speaking, and
11 math skills, and support States and local communities in
12 providing, on a voluntary basis, adult education and family
13 literacy education programs, in order to—

14 “(1) increase the literacy of adults, including
15 the basic reading, writing, speaking, and math skills,
16 to a level of proficiency necessary for adults to ob-
17 tain employment and self-sufficiency and to success-
18 fully advance in the workforce;

19 “(2) assist adults in the completion of a sec-
20 ondary school education (or its equivalent) and the
21 transition to a postsecondary educational institution;

22 “(3) assist adults who are parents to enable
23 them to support the educational development of their
24 children and make informed choices regarding their
25 children’s education including, through instruction in

1 basic reading, writing, speaking, and math skills;
2 and

3 “(4) assist adults who are not proficient in
4 English in improving their reading, writing, speak-
5 ing, listening, comprehension, and math skills.

6 **“SEC. 203. DEFINITIONS.**

7 “In this title:

8 “(1) ADULT EDUCATION AND FAMILY LITERACY
9 EDUCATION PROGRAMS.—The term ‘adult education
10 and family literacy education programs’ means a se-
11 quence of academic instruction and educational serv-
12 ices below the postsecondary level that increase an
13 individual’s ability to read, write, and speak English
14 and perform mathematical computations leading to a
15 level of proficiency equivalent to at least a secondary
16 school completion that is provided for individuals—

17 “(A) who are at least 16 years of age;

18 “(B) who are not enrolled or required to be
19 enrolled in secondary school under State law;
20 and

21 “(C) who—

22 “(i) lack sufficient mastery of basic
23 reading, writing, speaking, and math skills
24 to enable the individuals to function effec-
25 tively in society;

1 “(ii) do not have a secondary school
2 diploma or its equivalent and have not
3 achieved an equivalent level of education;
4 or

5 “(iii) are English learners.

6 “(2) ELIGIBLE AGENCY.—The term ‘eligible
7 agency’—

8 “(A) means the primary entity or agency
9 in a State or an outlying area responsible for
10 administering or supervising policy for adult
11 education and family literacy education pro-
12 grams in the State or outlying area, respec-
13 tively, consistent with the law of the State or
14 outlying area, respectively; and

15 “(B) may be the State educational agency,
16 the State agency responsible for administering
17 workforce investment activities, or the State
18 agency responsible for administering community
19 or technical colleges.

20 “(3) ELIGIBLE PROVIDER.—The term ‘eligible
21 provider’ means an organization of demonstrated ef-
22 fectiveness which is—

23 “(A) a local educational agency;

24 “(B) a community-based or faith-based or-
25 ganization;

1 “(C) a volunteer literacy organization;

2 “(D) an institution of higher education;

3 “(E) a public or private educational agen-

4 cy;

5 “(F) a library;

6 “(G) a public housing authority;

7 “(H) an institution that is not described in
8 any of subparagraphs (A) through (G) and has
9 the ability to provide adult education, basic
10 skills, and family literacy education programs to
11 adults and families; or

12 “(I) a consortium of the agencies, organi-
13 zations, institutions, libraries, or authorities de-
14 scribed in any of subparagraphs (A) through
15 (H).

16 “(4) ENGLISH LANGUAGE ACQUISITION PRO-
17 GRAM.—The term ‘English language acquisition pro-
18 gram’ means a program of instruction—

19 “(A) designed to help English learners
20 achieve competence in reading, writing, speak-
21 ing, and comprehension of the English lan-
22 guage; and

23 “(B) that may lead to—

24 “(i) attainment of a secondary school
25 diploma or its recognized equivalent;

1 “(ii) transition to success in postsec-
2 ondary education and training; and

3 “(iii) employment or career advance-
4 ment.

5 “(5) FAMILY LITERACY EDUCATION PRO-
6 GRAM.—The term ‘family literacy education pro-
7 gram’ means an educational program that—

8 “(A) assists parents and students, on a
9 voluntary basis, in achieving the purposes of
10 this title as described in section 202; and

11 “(B) is of sufficient intensity in terms of
12 hours and of sufficient quality to make sustain-
13 able changes in a family, is evidence-based, and,
14 for the purpose of substantially increasing the
15 ability of parents and children to read, write,
16 and speak English, integrates—

17 “(i) interactive literacy activities be-
18 tween parents and their children;

19 “(ii) training for parents regarding
20 how to be the primary teacher for their
21 children and full partners in the education
22 of their children;

23 “(iii) parent literacy training that
24 leads to economic self-sufficiency; and

1 “(iv) an age-appropriate education to
2 prepare children for success in school and
3 life experiences.

4 “(6) GOVERNOR.—The term ‘Governor’ means
5 the chief executive officer of a State or outlying
6 area.

7 “(7) INDIVIDUAL WITH A DISABILITY.—

8 “(A) IN GENERAL.—The term ‘individual
9 with a disability’ means an individual with any
10 disability (as defined in section 3 of the Ameri-
11 cans with Disabilities Act of 1990).

12 “(B) INDIVIDUALS WITH DISABILITIES.—
13 The term ‘individuals with disabilities’ means
14 more than one individual with a disability.

15 “(8) ENGLISH LEARNER.—The term ‘English
16 learner’ means an adult or out-of-school youth who
17 has limited ability in reading, writing, speaking, or
18 understanding the English language, and—

19 “(A) whose native language is a language
20 other than English; or

21 “(B) who lives in a family or community
22 environment where a language other than
23 English is the dominant language.

24 “(9) INTEGRATED EDUCATION AND TRAIN-
25 ING.—The term ‘integrated education and training’

1 means services that provide adult education and lit-
2 eracy activities contextually and concurrently with
3 workforce preparation activities and workforce train-
4 ing for a specific occupation or occupational cluster.
5 Such services may include offering adult education
6 services concurrent with postsecondary education
7 and training, including through co-instruction.

8 “(10) INSTITUTION OF HIGHER EDUCATION.—
9 The term ‘institution of higher education’ has the
10 meaning given the term in section 101 of the Higher
11 Education Act of 1965.

12 “(11) LITERACY.—The term ‘literacy’ means an
13 individual’s ability to read, write, and speak in
14 English, compute, and solve problems at a level of
15 proficiency necessary to obtain employment and to
16 successfully make the transition to postsecondary
17 education.

18 “(12) LOCAL EDUCATIONAL AGENCY.—The
19 term ‘local educational agency’ has the meaning
20 given the term in section 9101 of the Elementary
21 and Secondary Education Act of 1965.

22 “(13) OUTLYING AREA.—The term ‘outlying
23 area’ has the meaning given the term in section 101
24 of this Act.

1 “(14) POSTSECONDARY EDUCATIONAL INSTITU-
2 TION.—The term ‘postsecondary educational institu-
3 tion’ means—

4 “(A) an institution of higher education
5 that provides not less than a 2-year program of
6 instruction that is acceptable for credit toward
7 a bachelor’s degree;

8 “(B) a tribally controlled community col-
9 lege; or

10 “(C) a nonprofit educational institution of-
11 fering certificate or apprenticeship programs at
12 the postsecondary level.

13 “(15) SECRETARY.—The term ‘Secretary’
14 means the Secretary of Education.

15 “(16) STATE.—The term ‘State’ means each of
16 the several States of the United States, the District
17 of Columbia, and the Commonwealth of Puerto Rico.

18 “(17) STATE EDUCATIONAL AGENCY.—The
19 term ‘State educational agency’ has the meaning
20 given the term in section 9101 of the Elementary
21 and Secondary Education Act of 1965.

22 “(18) WORKPLACE LITERACY PROGRAM.—The
23 term ‘workplace literacy program’ means an edu-
24 cational program that is offered in collaboration be-
25 tween eligible providers and employers or employee

1 organizations for the purpose of improving the pro-
2 ductivity of the workforce through the improvement
3 of reading, writing, speaking, and math skills.

4 **“SEC. 204. HOME SCHOOLS.**

5 “Nothing in this title shall be construed to affect
6 home schools, whether or not a home school is treated as
7 a home school or a private school under State law, or to
8 compel a parent engaged in home schooling to participate
9 in adult education and family literacy education activities
10 under this title.

11 **“SEC. 205. AUTHORIZATION OF APPROPRIATIONS.**

12 “There are authorized to be appropriated to carry out
13 this title, \$606,294,933 for fiscal years 2014 and for each
14 of the 6 succeeding fiscal years.

15 **“Subtitle A—Federal Provisions**

16 **“SEC. 211. RESERVATION OF FUNDS; GRANTS TO ELIGIBLE**
17 **AGENCIES; ALLOTMENTS.**

18 “(a) RESERVATION OF FUNDS.—From the sums ap-
19 propriated under section 205 for a fiscal year, the Sec-
20 retary shall reserve 2.0 percent to carry out section 242.

21 “(b) GRANTS TO ELIGIBLE AGENCIES.—

22 “(1) IN GENERAL.—From the sums appro-
23 priated under section 205 and not reserved under
24 subsection (a) for a fiscal year, the Secretary shall
25 award a grant to each eligible agency having a State

1 plan approved under section 224 in an amount equal
2 to the sum of the initial allotment under subsection
3 (c)(1) and the additional allotment under subsection
4 (c)(2) for the eligible agency for the fiscal year, sub-
5 ject to subsections (f) and (g).

6 “(2) PURPOSE OF GRANTS.—The Secretary
7 may award a grant under paragraph (1) only if the
8 eligible agency involved agrees to expend the grant
9 in accordance with the provisions of this title.

10 “(c) ALLOTMENTS.—

11 “(1) INITIAL ALLOTMENTS.—From the sums
12 appropriated under section 205 and not reserved
13 under subsection (a) for a fiscal year, the Secretary
14 shall allot to each eligible agency having a State
15 plan approved under section 224—

16 “(A) \$100,000, in the case of an eligible
17 agency serving an outlying area; and

18 “(B) \$250,000, in the case of any other el-
19 igible agency.

20 “(2) ADDITIONAL ALLOTMENTS.—From the
21 sums appropriated under section 205, not reserved
22 under subsection (a), and not allotted under para-
23 graph (1), for a fiscal year, the Secretary shall allot
24 to each eligible agency that receives an initial allot-
25 ment under paragraph (1) an additional amount

1 that bears the same relationship to such sums as the
2 number of qualifying adults in the State or outlying
3 area served by the eligible agency bears to the num-
4 ber of such adults in all States and outlying areas.

5 “(d) QUALIFYING ADULT.—For the purpose of sub-
6 section (c)(2), the term ‘qualifying adult’ means an adult
7 who—

8 “(1) is at least 16 years of age;

9 “(2) is beyond the age of compulsory school at-
10 tendance under the law of the State or outlying
11 area;

12 “(3) does not have a secondary school diploma
13 or its recognized equivalent; and

14 “(4) is not enrolled in secondary school.

15 “(e) SPECIAL RULE.—

16 “(1) IN GENERAL.—From amounts made avail-
17 able under subsection (c) for the Republic of Palau,
18 the Secretary shall award grants to Guam, American
19 Samoa, the Commonwealth of the Northern Mariana
20 Islands, or the Republic of Palau to carry out activi-
21 ties described in this title in accordance with the
22 provisions of this title as determined by the Sec-
23 retary.

24 “(2) TERMINATION OF ELIGIBILITY.—Notwith-
25 standing any other provision of law, the Republic of

1 Palau shall be eligible to receive a grant under this
2 title until an agreement for the extension of United
3 States education assistance under the Compact of
4 Free Association for the Republic of Palau becomes
5 effective.

6 “(f) HOLD-HARMLESS PROVISIONS.—

7 “(1) IN GENERAL.—Notwithstanding subsection
8 (c) and subject to paragraph (2), for—

9 “(A) fiscal year 2014, no eligible agency
10 shall receive an allotment under this title that
11 is less than 90 percent of the allotment the eli-
12 gible agency received for fiscal year 2012 under
13 this title; and

14 “(B) fiscal year 2015 and each succeeding
15 fiscal year, no eligible agency shall receive an
16 allotment under this title that is less than 90
17 percent of the allotment the eligible agency re-
18 ceived for the preceding fiscal year under this
19 title.

20 “(2) 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 graph (1), the Secretary shall ratable reduce the
24 payments to all eligible agencies, as necessary.

1 “(g) REALLOTMENT.—The portion of any eligible
2 agency’s allotment under this title for a fiscal year that
3 the Secretary determines will not be required for the pe-
4 riod such allotment is available for carrying out activities
5 under this title, shall be available for reallocation from
6 time to time, on such dates during such period as the Sec-
7 retary shall fix, to other eligible agencies in proportion to
8 the original allotments to such agencies under this title
9 for such year.

10 **“SEC. 212. PERFORMANCE ACCOUNTABILITY SYSTEM.**

11 “Programs and activities authorized under this title
12 are subject to the performance accountability provisions
13 described in paragraph (2)(A) and (3) of section 136(b)
14 and may, at a State’s discretion, include additional indica-
15 tors identified in the State plan approved under section
16 224.

17 **“Subtitle B—State Provisions**

18 **“SEC. 221. STATE ADMINISTRATION.**

19 “Each eligible agency shall be responsible for the fol-
20 lowing activities under this title:

21 “(1) The development, submission, implementa-
22 tion, and monitoring of the State plan.

23 “(2) Consultation with other appropriate agen-
24 cies, groups, and individuals that are involved in, or

1 interested in, the development and implementation
2 of activities assisted under this title.

3 “(3) Coordination and avoidance of duplication
4 with other Federal and State education, training,
5 corrections, public housing, and social service pro-
6 grams.

7 **“SEC. 222. STATE DISTRIBUTION OF FUNDS; MATCHING RE-**
8 **QUIREMENT.**

9 “(a) STATE DISTRIBUTION OF FUNDS.—Each eligi-
10 ble agency receiving a grant under this title for a fiscal
11 year—

12 “(1) shall use an amount not less than 82.5
13 percent of the grant funds to award grants and con-
14 tracts under section 231 and to carry out section
15 225, of which not more than 10 percent of such
16 amount shall be available to carry out section 225;

17 “(2) shall use not more than 12.5 percent of
18 the grant funds to carry out State leadership activi-
19 ties under section 223; and

20 “(3) shall use not more than 5 percent of the
21 grant funds, or \$65,000, whichever is greater, for
22 the administrative expenses of the eligible agency.

23 “(b) MATCHING REQUIREMENT.—

24 “(1) IN GENERAL.—In order to receive a grant
25 from the Secretary under section 211(b), each eligi-

1 ble agency shall provide, for the costs to be incurred
2 by the eligible agency in carrying out the adult edu-
3 cation and family literacy education programs for
4 which the grant is awarded, a non-Federal contribu-
5 tion in an amount that is not less than—

6 “(A) in the case of an eligible agency serv-
7 ing an outlying area, 12 percent of the total
8 amount of funds expended for adult education
9 and family literacy education programs in the
10 outlying area, except that the Secretary may
11 decrease the amount of funds required under
12 this subparagraph for an eligible agency; and

13 “(B) in the case of an eligible agency serv-
14 ing a State, 25 percent of the total amount of
15 funds expended for adult education and family
16 literacy education programs in the State.

17 “(2) NON-FEDERAL CONTRIBUTION.—An eligi-
18 ble agency’s non-Federal contribution required under
19 paragraph (1) may be provided in cash or in kind,
20 fairly evaluated, and shall include only non-Federal
21 funds that are used for adult education and family
22 literacy education programs in a manner that is con-
23 sistent with the purpose of this title.

1 **“SEC. 223. STATE LEADERSHIP ACTIVITIES.**

2 “(a) IN GENERAL.—Each eligible agency may use
3 funds made available under section 222(a)(2) for any of
4 the following adult education and family literacy education
5 programs:

6 “(1) The establishment or operation of profes-
7 sional development programs to improve the quality
8 of instruction provided pursuant to local activities
9 required under section 231(b).

10 “(2) The provision of technical assistance to eli-
11 gible providers of adult education and family literacy
12 education programs, including for the development
13 and dissemination of evidence based research in-
14 structional practices in reading, writing, speaking,
15 math, and English language acquisition programs.

16 “(3) The provision of assistance to eligible pro-
17 viders in developing, implementing, and reporting
18 measurable progress in achieving the objectives of
19 this title.

20 “(4) The monitoring and evaluation of the qual-
21 ity of, and the improvement in, adult education and
22 literacy activities.

23 “(5) The provision of technology assistance, in-
24 cluding staff training, to eligible providers of adult
25 education and family literacy education programs,
26 including distance education activities, to enable the

1 eligible providers to improve the quality of such ac-
2 tivities.

3 “(6) The development and implementation of
4 technology applications or distance education, in-
5 cluding professional development to support the use
6 of instructional technology.

7 “(7) Coordination with other public programs,
8 including programs under title I of this Act, and
9 other welfare-to-work, workforce development, and
10 job training programs.

11 “(8) Coordination with existing support serv-
12 ices, such as transportation, child care, and other
13 assistance designed to increase rates of enrollment
14 in, and successful completion of, adult education and
15 family literacy education programs, for adults en-
16 rolled in such activities.

17 “(9) The development and implementation of a
18 system to assist in the transition from adult basic
19 education to postsecondary education.

20 “(10) Activities to promote workplace literacy
21 programs.

22 “(11) Other activities of statewide significance,
23 including assisting eligible providers in achieving
24 progress in improving the skill levels of adults who
25 participate in programs under this title.

1 “(12) Integration of literacy, instructional, and
2 occupational skill training and promotion of linkages
3 with employees.

4 “(b) COORDINATION.—In carrying out this section,
5 eligible agencies shall coordinate where possible, and avoid
6 duplicating efforts, in order to maximize the impact of the
7 activities described in subsection (a).

8 “(c) STATE-IMPOSED REQUIREMENTS.—Whenever a
9 State or outlying area implements any rule or policy relat-
10 ing to the administration or operation of a program au-
11 thorized under this title that has the effect of imposing
12 a requirement that is not imposed under Federal law (in-
13 cluding any rule or policy based on a State or outlying
14 area interpretation of a Federal statute, regulation, or
15 guideline), the State or outlying area shall identify, to eli-
16 gible providers, the rule or policy as being imposed by the
17 State or outlying area.

18 **“SEC. 224. STATE PLAN.**

19 “(a) 3-YEAR PLANS.—

20 “(1) IN GENERAL.—Each eligible agency desir-
21 ing a grant under this title for any fiscal year shall
22 submit to, or have on file with, the Secretary a 3-
23 year State plan.

1 “(2) STATE UNIFIED PLAN.—The eligible agen-
2 cy may submit the State plan as part of a State uni-
3 fied plan described in section 501.

4 “(b) PLAN CONTENTS.—The eligible agency shall in-
5 clude in the State plan or any revisions to the State plan—

6 “(1) an objective assessment of the needs of in-
7 dividuals in the State or outlying area for adult edu-
8 cation and family literacy education programs, in-
9 cluding individuals most in need or hardest to serve;

10 “(2) a description of the adult education and
11 family literacy education programs that will be car-
12 ried out with funds received under this title;

13 “(3) an assurance that the funds received under
14 this title will not be expended for any purpose other
15 than for activities under this title;

16 “(4) a description of how the eligible agency
17 will annually evaluate and measure the effectiveness
18 and improvement of the adult education and family
19 literacy education programs funded under this title
20 using the indicators of performance described in sec-
21 tion 136, including how the eligible agency will con-
22 duct such annual evaluations and measures for each
23 grant received under this title;

1 “(5) a description of how the eligible agency
2 will fund local activities in accordance with the
3 measurable goals described in section 231(d);

4 “(6) an assurance that the eligible agency will
5 expend the funds under this title only in a manner
6 consistent with fiscal requirements in section 241;

7 “(7) a description of the process that will be
8 used for public participation and comment with re-
9 spect to the State plan, which—

10 “(A) shall include consultation with the
11 State workforce investment board, the State
12 board responsible for administering community
13 or technical colleges, the Governor, the State
14 educational agency, the State board or agency
15 responsible for administering block grants for
16 temporary assistance to needy families under
17 title IV of the Social Security Act, the State
18 council on disabilities, the State vocational re-
19 habilitation agency, and other State agencies
20 that promote the improvement of adult edu-
21 cation and family literacy education programs,
22 and direct providers of such programs; and

23 “(B) may include consultation with the
24 State agency on higher education, institutions
25 responsible for professional development of

1 adult education and family literacy education
2 programs instructors, representatives of busi-
3 ness and industry, refugee assistance programs,
4 and faith-based organizations;

5 “(8) a description of the eligible agency’s strat-
6 egies for serving populations that include, at a min-
7 imum—

8 “(A) low-income individuals;

9 “(B) individuals with disabilities;

10 “(C) the unemployed;

11 “(D) the underemployed; and

12 “(E) individuals with multiple barriers to
13 educational enhancement, including English
14 learners;

15 “(9) a description of how the adult education
16 and family literacy education programs that will be
17 carried out with any funds received under this title
18 will be integrated with other adult education, career
19 development, and employment and training activities
20 in the State or outlying area served by the eligible
21 agency;

22 “(10) a description of the steps the eligible
23 agency will take to ensure direct and equitable ac-
24 cess, as required in section 231(c)(1), including—

1 “(A) how the State will build the capacity
2 of community-based and faith-based organiza-
3 tions to provide adult education and family lit-
4 eracy education programs; and

5 “(B) how the State will increase the par-
6 ticipation of business and industry in adult edu-
7 cation and family literacy education programs;

8 “(11) an assessment of the adequacy of the sys-
9 tem of the State or outlying area to ensure teacher
10 quality and a description of how the State or out-
11 lying area will use funds received under this subtitle
12 to improve teacher quality, including evidence-based
13 professional development to improve instruction; and

14 “(12) a description of how the eligible agency
15 will consult with any State agency responsible for
16 postsecondary education to develop adult education
17 that prepares students to enter postsecondary edu-
18 cation without the need for remediation upon com-
19 pletion of secondary school equivalency programs.

20 “(c) PLAN REVISIONS.—When changes in conditions
21 or other factors require substantial revisions to an ap-
22 proved State plan, the eligible agency shall submit the re-
23 visions of the State plan to the Secretary.

24 “(d) CONSULTATION.—The eligible agency shall—

1 “(1) submit the State plan, and any revisions to
2 the State plan, to the Governor, the chief State
3 school officer, or the State officer responsible for ad-
4 ministering community or technical colleges, or out-
5 lying area for review and comment; and

6 “(2) ensure that any comments regarding the
7 State plan by the Governor, the chief State school
8 officer, or the State officer responsible for admin-
9 istering community or technical colleges, and any re-
10 vision to the State plan, are submitted to the Sec-
11 retary.

12 “(e) PLAN APPROVAL.—The Secretary shall—

13 “(1) approve a State plan within 90 days after
14 receiving the plan unless the Secretary makes a writ-
15 ten determination within 30 days after receiving the
16 plan that the plan does not meet the requirements
17 of this section or is inconsistent with specific provi-
18 sions of this subtitle; and

19 “(2) not finally disapprove of a State plan be-
20 fore offering the eligible agency the opportunity,
21 prior to the expiration of the 30-day period begin-
22 ning on the date on which the eligible agency re-
23 ceived the written determination described in para-
24 graph (3), to review the plan and providing technical

1 assistance in order to assist the eligible agency in
2 meeting the requirements of this subtitle.

3 **“SEC. 225. PROGRAMS FOR CORRECTIONS EDUCATION AND**
4 **OTHER INSTITUTIONALIZED INDIVIDUALS.**

5 “(a) PROGRAM AUTHORIZED.—From funds made
6 available under section 222(a)(1) for a fiscal year, each
7 eligible agency shall carry out corrections education and
8 education for other institutionalized individuals.

9 “(b) USES OF FUNDS.—The funds described in sub-
10 section (a) shall be used for the cost of educational pro-
11 grams for criminal offenders in correctional institutions
12 and for other institutionalized individuals, including aca-
13 demic programs for—

14 “(1) basic skills education;

15 “(2) special education programs as determined
16 by the eligible agency;

17 “(3) reading, writing, speaking, and math pro-
18 grams;

19 “(4) secondary school credit or diploma pro-
20 grams or their recognized equivalent; and

21 “(5) integrated education and training.

22 “(c) PRIORITY.—Each eligible agency that is using
23 assistance provided under this section to carry out a pro-
24 gram for criminal offenders within a correctional institu-
25 tion shall give priority to serving individuals who are likely

1 to leave the correctional institution within 5 years of par-
2 ticipation in the program.

3 “(d) DEFINITIONS.—For purposes of this section:

4 “(1) CORRECTIONAL INSTITUTION.—The term
5 ‘correctional institution’ means any—

6 “(A) prison;

7 “(B) jail;

8 “(C) reformatory;

9 “(D) work farm;

10 “(E) detention center; or

11 “(F) halfway house, community-based re-
12 habilitation center, or any other similar institu-
13 tion designed for the confinement or rehabilita-
14 tion of criminal offenders.

15 “(2) CRIMINAL OFFENDER.—The term ‘crimi-
16 nal offender’ means any individual who is charged
17 with, or convicted of, any criminal offense.

18 **“Subtitle C—Local Provisions**

19 **“SEC. 231. GRANTS AND CONTRACTS FOR ELIGIBLE PRO-** 20 **VIDERS.**

21 “(a) GRANTS AND CONTRACTS.—From grant funds
22 made available under section 222(a)(1), each eligible agen-
23 cy shall award multi-year grants or contracts, on a com-
24 petitive basis, to eligible providers within the State or out-
25 lying area that meet the conditions and requirements of

1 this title to enable the eligible providers to develop, imple-
2 ment, and improve adult education and family literacy
3 education programs within the State.

4 “(b) LOCAL ACTIVITIES.—The eligible agency shall
5 require eligible providers receiving a grant or contract
6 under subsection (a) to establish or operate—

7 “(1) programs that provide adult education and
8 literacy activities;

9 “(2) programs that provide integrated employ-
10 ment and training activities; or

11 “(3) credit-bearing postsecondary coursework.

12 “(c) DIRECT AND EQUITABLE ACCESS; SAME PROC-
13 ESS.—Each eligible agency receiving funds under this title
14 shall ensure that—

15 “(1) all eligible providers have direct and equi-
16 table access to apply for grants or contracts under
17 this section; and

18 “(2) the same grant or contract announcement
19 process and application process is used for all eligi-
20 ble providers in the State or outlying area.

21 “(d) MEASURABLE GOALS.—The eligible agency shall
22 require eligible providers receiving a grant or contract
23 under subsection (a) to demonstrate—

24 “(1) the eligible provider’s measurable goals for
25 participant outcomes to be achieved annually on the

1 core indicators of performance described in section
2 136(b)(2)(A);

3 “(2) the past effectiveness of the eligible pro-
4 vider in improving the basic academic skills of adults
5 and, for eligible providers receiving grants in the
6 prior year, the success of the eligible provider receiv-
7 ing funding under this title in exceeding its perform-
8 ance goals in the prior year;

9 “(3) the commitment of the eligible provider to
10 serve individuals in the community who are the most
11 in need of basic academic skills instruction services,
12 including individuals with disabilities and individuals
13 who are low-income or have minimal reading, writ-
14 ing, speaking, and math skills, or are English learn-
15 ers;

16 “(4) the program is of sufficient intensity and
17 quality for participants to achieve substantial learn-
18 ing gains;

19 “(5) educational practices are evidence-based;

20 “(6) the activities of the eligible provider effec-
21 tively employ advances in technology, and delivery
22 systems including distance education;

23 “(7) the activities provide instruction in real-life
24 contexts, including integrated education and training
25 when appropriate, to ensure that an individual has

1 the skills needed to compete in the workplace and
2 exercise the rights and responsibilities of citizenship;

3 “(8) the activities are staffed by well-trained in-
4 structors, counselors, and administrators who meet
5 minimum qualifications established by the State;

6 “(9) the activities are coordinated with other
7 available resources in the community, such as
8 through strong links with elementary schools and
9 secondary schools, postsecondary educational institu-
10 tions, local workforce investment boards, one-stop
11 centers, job training programs, community-based
12 and faith-based organizations, and social service
13 agencies;

14 “(10) the activities offer flexible schedules and
15 support services (such as child care and transpor-
16 tation) that are necessary to enable individuals, in-
17 cluding individuals with disabilities or other special
18 needs, to attend and complete programs;

19 “(11) the activities include a high-quality infor-
20 mation management system that has the capacity to
21 report measurable participant outcomes (consistent
22 with section 136) and to monitor program perform-
23 ance;

24 “(12) the local communities have a dem-
25 onstrated need for additional English language ac-

1 quisition programs, and integrated education and
2 training programs;

3 “(13) the capacity of the eligible provider to
4 produce valid information on performance results,
5 including enrollments and measurable participant
6 outcomes;

7 “(14) adult education and family literacy edu-
8 cation programs offer rigorous reading, writing,
9 speaking, and math content that are evidence based;
10 and

11 “(15) applications of technology, and services to
12 be provided by the eligible providers, are of sufficient
13 intensity and duration to increase the amount and
14 quality of learning and lead to measurable learning
15 gains within specified time periods.

16 “(e) SPECIAL RULE.—Eligible providers may use
17 grant funds under this title to serve children participating
18 in family literacy programs assisted under this part, pro-
19 vided that other sources of funds available to provide simi-
20 lar services for such children are used first.

21 **“SEC. 232. LOCAL APPLICATION.**

22 “Each eligible provider desiring a grant or contract
23 under this title shall submit an application to the eligible
24 agency containing such information and assurances as the
25 eligible agency may require, including—

1 “(1) a description of how funds awarded under
2 this title will be spent consistent with the require-
3 ments of this title;

4 “(2) a description of any cooperative arrange-
5 ments the eligible provider has with other agencies,
6 institutions, or organizations for the delivery of
7 adult education and family literacy education pro-
8 grams; and

9 “(3) each of the demonstrations required by
10 section 231(d).

11 **“SEC. 233. LOCAL ADMINISTRATIVE COST LIMITS.**

12 “(a) IN GENERAL.—Subject to subsection (b), of the
13 amount that is made available under this title to an eligi-
14 ble provider—

15 “(1) at least 95 percent shall be expended for
16 carrying out adult education and family literacy edu-
17 cation programs; and

18 “(2) the remaining amount shall be used for
19 planning, administration, personnel and professional
20 development, development of measurable goals in
21 reading, writing, speaking, and math, and inter-
22 agency coordination.

23 “(b) SPECIAL RULE.—In cases where the cost limits
24 described in subsection (a) are too restrictive to allow for
25 adequate planning, administration, personnel develop-

1 ment, and interagency coordination, the eligible provider
2 may negotiate with the eligible agency in order to deter-
3 mine an adequate level of funds to be used for noninstruc-
4 tional purposes.

5 **“Subtitle D—General Provisions**

6 **“SEC. 241. ADMINISTRATIVE PROVISIONS.**

7 “Funds made available for adult education and fam-
8 ily literacy education programs under this title shall sup-
9 plement and not supplant other State or local public funds
10 expended for adult education and family literacy education
11 programs.

12 **“SEC. 242. NATIONAL ACTIVITIES.**

13 “The Secretary shall establish and carry out a pro-
14 gram of national activities that may include the following:

15 “(1) Providing technical assistance to eligible
16 entities, on request, to—

17 “(A) improve their fiscal management, re-
18 search-based instruction, and reporting require-
19 ments to carry out the requirements of this
20 title;

21 “(B) improve its performance on the core
22 indicators of performance described in section
23 136;

24 “(C) provide adult education professional
25 development; and

1 “(D) use distance education and improve
2 the application of technology in the classroom,
3 including instruction in English language acqui-
4 sition for English learners.

5 “(2) Providing for the conduct of research on
6 national literacy basic skill acquisition levels among
7 adults, including the number of adult English learn-
8 ers functioning at different levels of reading pro-
9 ficiency.

10 “(3) Improving the coordination, efficiency, and
11 effectiveness of adult education and workforce devel-
12 opment services at the national, State, and local lev-
13 els.

14 “(4) Determining how participation in adult
15 education, English language acquisition, and family
16 literacy education programs prepares individuals for
17 entry into and success in postsecondary education
18 and employment, and in the case of prison-based
19 services, the effect on recidivism.

20 “(5) Evaluating how different types of pro-
21 viders, including community and faith-based organi-
22 zations or private for-profit agencies measurably im-
23 prove the skills of participants in adult education,
24 English language acquisition, and family literacy
25 education programs.

1 “(6) Identifying model integrated basic and
2 workplace skills education programs, including pro-
3 grams for English learners coordinated literacy and
4 employment services, and effective strategies for
5 serving adults with disabilities.

6 “(7) Initiating other activities designed to im-
7 prove the measurable quality and effectiveness of
8 adult education, English language acquisition, and
9 family literacy education programs nationwide.”.

10 **TITLE III—AMENDMENTS TO**
11 **THE WAGNER–PEYSER ACT**

12 **SEC. 301. AMENDMENTS TO THE WAGNER-PEYSER ACT.**

13 The Wagner-Peyser Act (29 U.S.C. 49 et seq.) is
14 amended by amending section 15 to read as follows:

15 **“SEC. 15. WORKFORCE AND LABOR MARKET INFORMATION**
16 **SYSTEM.**

17 “(a) SYSTEM CONTENT.—

18 “(1) IN GENERAL.—The Secretary of Labor, in
19 accordance with the provisions of this section, shall
20 oversee the development, maintenance, and contin-
21 uous improvement of a nationwide workforce and
22 labor market information system that includes—

23 “(A) statistical data from cooperative sta-
24 tistical survey and projection programs and
25 data from administrative reporting systems

1 that, taken together, enumerate, estimate, and
2 project employment opportunities and condi-
3 tions at national, State, and local levels in a
4 timely manner, including statistics on—

5 “(i) employment and unemployment
6 status of national, State, and local popu-
7 lations, including self-employed, part-time,
8 and seasonal workers;

9 “(ii) industrial distribution of occupa-
10 tions, as well as current and projected em-
11 ployment opportunities, wages, benefits
12 (where data is available), and skill trends
13 by occupation and industry, with particular
14 attention paid to State and local condi-
15 tions;

16 “(iii) the incidence of, industrial and
17 geographical location of, and number of
18 workers displaced by, permanent layoffs
19 and plant closings; and

20 “(iv) employment and earnings infor-
21 mation maintained in a longitudinal man-
22 ner to be used for research and program
23 evaluation;

24 “(B) information on State and local em-
25 ployment opportunities, and other appropriate

1 statistical data related to labor market dynam-
2 ics, which—

3 “(i) shall be current and comprehen-
4 sive;

5 “(ii) shall meet the needs identified
6 through the consultations described in sub-
7 paragraphs (A) and (B) of subsection
8 (e)(2); and

9 “(iii) shall meet the needs for the in-
10 formation identified in section 121;

11 “(C) technical standards (which the Sec-
12 retary shall publish annually) for data and in-
13 formation described in subparagraphs (A) and
14 (B) that, at a minimum, meet the criteria of
15 chapter 35 of title 44, United States Code;

16 “(D) procedures to ensure compatibility
17 and additivity of the data and information de-
18 scribed in subparagraphs (A) and (B) from na-
19 tional, State, and local levels;

20 “(E) procedures to support standardization
21 and aggregation of data from administrative re-
22 porting systems described in subparagraph (A)
23 of employment-related programs;

1 “(F) analysis of data and information de-
2 scribed in subparagraphs (A) and (B) for uses
3 such as—

4 “(i) national, State, and local policy-
5 making;

6 “(ii) implementation of Federal poli-
7 cies (including allocation formulas);

8 “(iii) program planning and evalua-
9 tion; and

10 “(iv) researching labor market dynam-
11 ics;

12 “(G) wide dissemination of such data, in-
13 formation, and analysis in a user-friendly man-
14 ner and voluntary technical standards for dis-
15 semination mechanisms; and

16 “(H) programs of—

17 “(i) training for effective data dis-
18 semination;

19 “(ii) research and demonstration; and

20 “(iii) programs and technical assist-
21 ance.

22 “(2) INFORMATION TO BE CONFIDENTIAL.—

23 “(A) IN GENERAL.—No officer or em-
24 ployee of the Federal Government or agent of
25 the Federal Government may—

1 “(i) use any submission that is fur-
2 nished for exclusively statistical purposes
3 under the provisions of this section for any
4 purpose other than the statistical purposes
5 for which the submission is furnished;

6 “(ii) disclose to the public any publi-
7 cation or media transmittal of the data
8 contained in the submission described in
9 clause (i) that permits information con-
10 cerning an individual subject to be reason-
11 ably inferred by either direct or indirect
12 means; or

13 “(iii) permit anyone other than a
14 sworn officer, employee, or agent of any
15 Federal department or agency, or a con-
16 tractor (including an employee of a con-
17 tractor) of such department or agency, to
18 examine an individual submission described
19 in clause (i),

20 without the consent of the individual, agency, or
21 other person who is the subject of the submis-
22 sion or provides that submission.

23 “(B) IMMUNITY FROM LEGAL PROCESS.—
24 Any submission (including any data derived
25 from the submission) that is collected and re-

1 tained by a Federal department or agency, or
2 an officer, employee, agent, or contractor of
3 such a department or agency, for exclusively
4 statistical purposes under this section shall be
5 immune from the legal process and shall not,
6 without the consent of the individual, agency, or
7 other person who is the subject of the submis-
8 sion or provides that submission, be admitted
9 as evidence or used for any purpose in any ac-
10 tion, suit, or other judicial or administrative
11 proceeding.

12 “(C) RULE OF CONSTRUCTION.—Nothing
13 in this section shall be construed to provide im-
14 munity from the legal process for such submis-
15 sion (including any data derived from the sub-
16 mission) if the submission is in the possession
17 of any person, agency, or entity other than the
18 Federal Government or an officer, employee,
19 agent, or contractor of the Federal Government,
20 or if the submission is independently collected,
21 retained, or produced for purposes other than
22 the purposes of this Act.

23 “(b) SYSTEM RESPONSIBILITIES.—

24 “(1) IN GENERAL.—The workforce and labor
25 market information system described in subsection

1 (a) shall be planned, administered, overseen, and
2 evaluated through a cooperative governance struc-
3 ture involving the Federal Government and States.

4 “(2) DUTIES.—The Secretary, with respect to
5 data collection, analysis, and dissemination of work-
6 force and labor market information for the system,
7 shall carry out the following duties:

8 “(A) Assign responsibilities within the De-
9 partment of Labor for elements of the work-
10 force and labor market information system de-
11 scribed in subsection (a) to ensure that all sta-
12 tistical and administrative data collected is con-
13 sistent with appropriate Bureau of Labor Sta-
14 tistics standards and definitions.

15 “(B) Actively seek the cooperation of other
16 Federal agencies to establish and maintain
17 mechanisms for ensuring complementarity and
18 nonduplication in the development and oper-
19 ation of statistical and administrative data col-
20 lection activities.

21 “(C) Eliminate gaps and duplication in
22 statistical undertakings, with the systemization
23 of wage surveys as an early priority.

24 “(D) In collaboration with the Bureau of
25 Labor Statistics and States, develop and main-

1 tain the elements of the workforce and labor
2 market information system described in sub-
3 section (a), including the development of con-
4 sistent procedures and definitions for use by the
5 States in collecting the data and information
6 described in subparagraphs (A) and (B) of sub-
7 section (a)(1).

8 “(E) Establish procedures for the system
9 to ensure that—

10 “(i) such data and information are
11 timely;

12 “(ii) paperwork and reporting for the
13 system are reduced to a minimum; and

14 “(iii) States and localities are fully in-
15 volved in the development and continuous
16 improvement of the system at all levels.

17 “(c) NATIONAL ELECTRONIC TOOLS TO PROVIDE
18 SERVICES.—The Secretary is authorized to assist in the
19 development of national electronic tools that may be used
20 to facilitate the delivery of work ready services described
21 in section 134(c)(2) and to provide workforce information
22 to individuals through the one-stop delivery systems de-
23 scribed in section 121 and through other appropriate de-
24 livery systems.

25 “(d) COORDINATION WITH THE STATES.—

1 “(1) IN GENERAL.—The Secretary, working
2 through the Bureau of Labor Statistics and the Em-
3 ployment and Training Administration, shall regu-
4 larly consult with representatives of State agencies
5 carrying out workforce information activities regard-
6 ing strategies for improving the workforce and labor
7 market information system.

8 “(2) FORMAL CONSULTATIONS.—At least twice
9 each year, the Secretary, working through the Bu-
10 reau of Labor Statistics, shall conduct formal con-
11 sultations regarding programs carried out by the
12 Bureau of Labor Statistics with representatives of
13 each of the Federal regions of the Bureau of Labor
14 Statistics, elected (pursuant to a process established
15 by the Secretary) from the State directors affiliated
16 with State agencies that perform the duties de-
17 scribed in subsection (e)(2).

18 “(e) STATE RESPONSIBILITIES.—

19 “(1) IN GENERAL.—In order to receive Federal
20 financial assistance under this section, the Governor
21 of a State shall—

22 “(A) be responsible for the management of
23 the portions of the workforce and labor market
24 information system described in subsection (a)
25 that comprise a statewide workforce and labor

1 market information system and for the State's
2 participation in the development of the annual
3 plan;

4 “(B) establish a process for the oversight
5 of such system;

6 “(C) consult with State and local employ-
7 ers, participants, and local workforce invest-
8 ment boards about the labor market relevance
9 of the data to be collected and disseminated
10 through the statewide workforce and labor mar-
11 ket information system;

12 “(D) consult with State educational agen-
13 cies and local educational agencies concerning
14 the provision of employment statistics in order
15 to meet the needs of secondary school and post-
16 secondary school students who seek such infor-
17 mation;

18 “(E) collect and disseminate for the sys-
19 tem, on behalf of the State and localities in the
20 State, the information and data described in
21 subparagraphs (A) and (B) of subsection
22 (a)(1);

23 “(F) maintain and continuously improve
24 the statewide workforce and labor market infor-
25 mation system in accordance with this section;

1 “(G) perform contract and grant respon-
2 sibilities for data collection, analysis, and dis-
3 semination for such system;

4 “(H) conduct such other data collection,
5 analysis, and dissemination activities as will en-
6 sure an effective statewide workforce and labor
7 market information system;

8 “(I) actively seek the participation of other
9 State and local agencies in data collection, anal-
10 ysis, and dissemination activities in order to en-
11 sure complementarity, compatibility, and useful-
12 ness of data;

13 “(J) participate in the development of the
14 annual plan described in subsection (c); and

15 “(K) utilize the quarterly records described
16 in section 136(f)(2) to assist the State and
17 other States in measuring State progress on
18 State performance measures.

19 “(2) **RULE OF CONSTRUCTION.**—Nothing in
20 this section shall be construed as limiting the ability
21 of a Governor to conduct additional data collection,
22 analysis, and dissemination activities with State
23 funds or with Federal funds from sources other than
24 this section.

1 “(f) NONDUPLICATION REQUIREMENT.—None of the
2 functions and activities carried out pursuant to this sec-
3 tion shall duplicate the functions and activities carried out
4 under the Carl D. Perkins Career and Technical Edu-
5 cation Act of 2006 (20 U.S.C. 2301 et seq.).

6 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
7 are authorized to be appropriated to carry out this section
8 \$63,473,000 for fiscal year 2014 and each of the 6 suc-
9 ceeding fiscal years.

10 “(h) DEFINITION.—In this section, the term ‘local
11 area’ means the smallest geographical area for which data
12 can be produced with statistical reliability.”

13 **TITLE IV—REPEALS AND** 14 **CONFORMING AMENDMENTS**

15 **SEC. 401. REPEALS.**

16 The following provisions are repealed:

17 (1) Chapter 4 of subtitle B of title I, and sec-
18 tions 123, 155, 166, 167, 168, 169, 171, 173, 173A,
19 174, 192, 194, 502, 503, and 506 of the Workforce
20 Investment Act of 1998.

21 (2) Title V of the Older Americans Act of 1965.

22 (3) Sections 1 through 14 of the Wagner-
23 Peyser Act.

24 (4) Youth Conservation Corps Act of 1970 (16
25 U.S.C. 1701 et seq.).

1 (5) Section 821 of the Higher Education
2 Amendments of 1998 (20 U.S.C. 1151) (Grants to
3 States for workplace and community transition
4 training for incarcerated individuals).

5 (6) The Women in Apprenticeship and Non-
6 traditional Occupations Act (29 U.S.C. 2501 et
7 seq.).

8 (7) Sections 4103A and 4104 of title 38,
9 United States Code.

10 **SEC. 402. AMENDMENT TO THE COMPREHENSIVE ENVIRON-**
11 **MENTAL RESPONSE, COMPENSATION, AND LI-**
12 **ABILITY ACT OF 1980.**

13 Section 104(k)(6) of the Comprehensive Environ-
14 mental Response, Compensation, and Liability Act of
15 1980 (42 U.S.C. 9604) is amended by striking “, train-
16 ing,”.

17 **SEC. 403. AMENDMENTS TO THE FOOD AND NUTRITION ACT**
18 **OF 2008.**

19 (a) DEFINITION.—Section 3(t) of the Food and Nu-
20 trition Act of 2008 (7 U.S.C. 2012(t)) is amended—

21 (1) by striking “and (2)” and inserting “(2)”,
22 and

23 (2) by inserting before the period at the end the
24 following: “

1 “, and (3) when referencing employment and training ac-
2 tivities under section 6(d)(4), a State board as defined in
3 section 101 of the Workforce Investment Act of 1998 (29
4 U.S.C. 2801)”.

5 (b) ELIGIBLE HOUSEHOLDS.—Section 5 of the Food
6 and Nutrition Act of 2008 (7 U.S.C. 2014) is amended—

7 (1) in subsection (d)(14) by striking “section
8 6(d)(4)(I)” and inserting “section 6(d)(4)(C)”, and

9 (2) in subsection (g)(3) by striking “constitutes
10 adequate participation in an employment and train-
11 ing program under section 6(d)” and inserting “al-
12 lows the individual to participate in employment and
13 training activities under section 6(d)(4)”.

14 (c) ELIGIBILITY DISQUALIFICATIONS.—Section
15 6(d)(4) of the Food and Nutrition Act of 2008 (7 U.S.C.
16 2015(d)(4)) is amended to read as follows:

17 “(4) EMPLOYMENT AND TRAINING.—

18 “(A) IMPLEMENTATION.—Each State
19 agency shall provide employment and training
20 services authorized under section 134 of the
21 Workforce Investment Act of 1998 (29 U.S.C.
22 2864) to eligible members of households partici-
23 pating in the supplemental nutrition assistance
24 program in gaining skills, training, work, or ex-

1 perience that will increase their ability to obtain
2 regular employment.

3 “(B) STATEWIDE WORKFORCE DEVELOP-
4 MENT SYSTEM.—Consistent with subparagraph
5 (A), employment and training services shall be
6 provided through the statewide workforce devel-
7 opment system, including the One-Stop delivery
8 system, authorized by the Workforce Invest-
9 ment Act of 1998 (29 U.S.C. 2801 et seq.).

10 “(C) REIMBURSEMENTS.—

11 “(i) ACTUAL COSTS.—The State agen-
12 cy shall provide payments or reimburse-
13 ment to participants served under this
14 paragraph for—

15 “(I) the actual costs of transpor-
16 tation and other actual costs (other
17 than dependent care costs) that are
18 reasonably necessary and directly re-
19 lated to the individual participating in
20 employment and training activities;
21 and

22 “(II) the actual costs of such de-
23 pendent care expenses that are deter-
24 mined by the State agency to be nec-
25 essary for the individual to participate

1 in employment and training activities
2 (other than an individual who is the
3 caretaker relative of a dependent in a
4 family receiving benefits under part A
5 of title IV of the Social Security Act
6 (42 U.S.C. 601 et seq.) in a local area
7 where an employment, training, or
8 education program under title IV of
9 such Act is in operation), except that
10 no such payment or reimbursement
11 shall exceed the applicable local mar-
12 ket rate.

13 “(ii) SERVICE CONTRACTS AND
14 VOUCHERS.—In lieu of providing reim-
15 bursements or payments for dependent
16 care expenses under clause (i), a State
17 agency may, at its option, arrange for de-
18 pendent care through providers by the use
19 of purchase of service contracts or vouch-
20 ers or by providing vouchers to the house-
21 hold.

22 “(iii) VALUE OF REIMBURSEMENTS.—
23 The value of any dependent care services
24 provided for or arranged under clause (ii),

1 or any amount received as a payment or
2 reimbursement under clause (i), shall—

3 “(I) not be treated as income for
4 the purposes of any other Federal or
5 federally assisted program that bases
6 eligibility for, or the amount of bene-
7 fits on, need; and

8 “(II) not be claimed as an em-
9 ployment-related expense for the pur-
10 poses of the credit provided under sec-
11 tion 21 of the Internal Revenue Code
12 of 1986 (26 U.S.C. 21).”.

13 (d) ADMINISTRATION.—Section 11(e)(19) of the
14 Food and Nutrition Act of 2008 (7 U.S.C. 2020(e)(11))
15 is amended to read as follows:

16 “(19) the plans of the State agency for pro-
17 viding employment and training services under sec-
18 tion 6(d)(4);”.

19 (e) ADMINISTRATIVE COST-SHARING AND QUALITY
20 CONTROL.—Section 16(h) of the Food and Nutrition Act
21 of 2008 (7 U.S.C. 2025) is amended—

22 (1) in paragraph (1)—

23 (A) in subparagraph (A) by striking “carry
24 out employment and training programs” and
25 inserting “provide employment and training

1 services to eligible households under section
2 6(d)(4)”, and

3 (B) in subparagraph (D) by striking “op-
4 erating an employment and training program”
5 and inserting “providing employment and train-
6 ing services consistent with section 6(d)(4)”,

7 (2) in paragraph (3) by striking “related to
8 participation in an employment and training pro-
9 gram” and inserting “the individual participating in
10 employment and training activities”,

11 (3) in paragraph (4) by striking “for operating
12 an employment and training program” and inserting
13 “to provide employment and training services”, and

14 (4) by amending paragraph (5) to read as fol-
15 lows:

16 “(5) MONITORING.—The Secretary, in conjunc-
17 tion with the Secretary of Labor, shall monitor each
18 State agency responsible for administering employ-
19 ment and training services under section 6(d)(4) to
20 ensure funds are being spent effectively and effi-
21 ciently. Each program of employment and training
22 receiving funds under section 6(d)(4) shall be sub-
23 ject to the requirements of the performance account-
24 ability system, including having to meet the state

1 performance measures included in section 136 of the
2 Workforce Investment Act (29 U.S.C. 2871).”.

3 (f) RESEARCH, DEMONSTRATION, AND EVALUA-
4 TIONS.—Section 17 of the Food and Nutrition Act of
5 2008 (7 U.S.C. 2026) is amended—

6 (1) in subsection (b) by striking paragraph (3),
7 and

8 (2) in subsection (g)—

9 (A) by inserting “, in conjunction with the
10 Secretary of Labor,” after “Secretary”, and

11 (B) by striking “programs established”
12 and inserting “activities provided to eligible
13 households”.

14 (g) MINNESOTA FAMILY INVESTMENT PROJECT.—
15 Section 22(b)(4) of the Food and Nutrition Act of 2008
16 (7 U.S.C. 2031(b)(4)) is amended by striking “equivalent
17 to those offered under the employment and training pro-
18 gram”.

19 **SEC. 404. AMENDMENTS TO SECTION 412 OF THE IMMIGRA-
20 TION AND NATIONALITY ACT.**

21 (a) CONDITIONS AND CONSIDERATIONS.—Section
22 412(a) of the Immigration and Nationality Act (8 U.S.C.
23 1522(a)) is amended—

24 (1) in paragraph (1)—

1 (A) in subparagraph (A)(i), by striking
2 “make available sufficient resources for employ-
3 ment training and placement” and inserting
4 “provide refugees with the opportunity to access
5 employment and training services, including job
6 placement,”; and

7 (B) in subparagraph (B)(ii), by striking
8 “services;” and inserting “services provided
9 through the Workforce Investment Act of 1998
10 (29 U.S.C. 2801 et seq.);”;

11 (2) in paragraph (2)(C)(iii)(II), by inserting
12 “and training” after “employment”;

13 (3) in paragraph (6)(A)—

14 (A) in clause (ii)—

15 (i) by striking “insure” and inserting
16 “ensure”;

17 (ii) by inserting “and training” after
18 “employment”; and

19 (iii) by striking “assistance,” and in-
20 sserting “assistance through the one-stop
21 delivery system under section 121 of the
22 Workforce Investment Act of 1998 (29
23 U.S.C. 2841),”; and

24 (4) in paragraph (9), by inserting “the Sec-
25 retary of Labor,” after “Education,”.

1 (b) PROGRAM OF INITIAL RESETTLEMENT.—Section
2 412(b)(2) of such Act (8 U.S.C. 1522(b)(2)) is amend-
3 ed—

4 (1) by striking “:orientation, instruction” and
5 inserting “orientation and instruction”; and

6 (2) by striking “, and job training for refugees,
7 and such other education and training of refugees,
8 as facilitates” and inserting “for refugees to facili-
9 tate”.

10 (c) PROJECT GRANTS AND CONTRACTS FOR SERV-
11 ICES FOR REFUGEES.—Section 412(c) of such Act (8
12 U.S.C. 1522(c)) is amended—

13 (1) in paragraph (1)—

14 (A) in subparagraph (A)(i), by inserting
15 “and training” after “employment”; and

16 (B) by striking subparagraph (C);

17 (2) in paragraph (2)(B), by striking “para-
18 graph—” through “in a manner” and inserting
19 “paragraph in a manner”; and

20 (3) by adding at the end the following:

21 “(3) In carrying out this section, the Director shall
22 ensure that employment and training services are provided
23 through the statewide workforce development system, as
24 appropriate, authorized by the Workforce Investment Act

1 of 1998 (29 U.S.C. 2801 et seq.). Such action may in-
2 clude—

3 “(A) making employment and training services
4 as described under section 134 of such Act (29
5 U.S.C. 2864) available to refugees; and

6 “(B) providing refugees with access to a one-
7 stop delivery system under section 121 of such Act
8 (29 U.S.C. 2841).”.

9 (d) CASH ASSISTANCE AND MEDICAL ASSISTANCE TO
10 REFUGEES.—Section 412(e) of such Act (8 U.S.C.
11 1522(e)) is amended—

12 (1) in paragraph (2)(A)(i), by inserting “and
13 training” after “providing employment”; and

14 (2) in paragraph (3), by striking “The” and in-
15 serting “Consistent with subsection (c)(3), the”.

16 **SEC. 405. AMENDMENTS RELATING TO THE SECOND**
17 **CHANCE ACT OF 2007.**

18 (a) FEDERAL PRISONER REENTRY INITIATIVE.—
19 Section 231 of the Second Chance Act of 2007 (42 U.S.C.
20 17541) is amended—

21 (1) in subsection (a)(1)(E)—

22 (A) by inserting “the Department of Labor
23 and” before “other Federal agencies”; and

1 (B) by inserting “State and local work-
2 force investment boards,” after “community-
3 based organizations,”;

4 (2) in subsection (c)—

5 (A) in paragraph (2), by striking at the
6 end “and”;

7 (B) in paragraph (3), by striking at the
8 end the period and inserting “; and”; and

9 (C) by adding at the end the following new
10 paragraph:

11 “(4) to coordinate reentry programs with the
12 employment and training services provided through
13 the statewide workforce investment system under
14 subtitle B of title I of the Workforce Investment Act
15 of 1998 (29 U.S.C. 2811 et seq.).”; and

16 (3) in subsection (d), by adding at the end the
17 following new paragraph:

18 “(6) INTERACTION WITH THE WORKFORCE IN-
19 VESTMENT SYSTEM.—

20 “(A) IN GENERAL.—In carrying out this
21 section, the Director shall ensure that employ-
22 ment and training services, including such em-
23 ployment and services offered through reentry
24 programs, are provided, as appropriate, through
25 the statewide workforce investment system

1 under subtitle B of title I of the Workforce In-
2 vestment Act of 1998 (29 U.S.C. 2811 et seq.).

3 Such action may include—

4 “(i) making employment and training
5 services available to prisoners prior to and
6 immediately following the release of such
7 prisoners; or

8 “(ii) providing prisoners with access
9 by remote means to a one-stop delivery
10 system under section 121 of the Workforce
11 Investment Act of 1998 (29 U.S. C. 2841)
12 in the State in which the prison involved is
13 located.

14 “(B) SERVICE DEFINED.—In this para-
15 graph, the term ‘employment and training serv-
16 ices’ means those services described in section
17 134 of the Workforce Investment Act of 1998
18 (29 U.S.C. 2864) offered by the Bureau of
19 Prisons, including—

20 “(i) the skills assessment described in
21 subsection (a)(1)(A);

22 “(ii) the skills development plan de-
23 scribed in subsection (a)(1)(B); and

1 “(iii) the enhancement, development,
2 and implementation of reentry and skills
3 development programs.”.

4 (b) DUTIES OF THE BUREAU OF PRISONS.—Section
5 4042(a)(5)(E) of title 18, United States Code, is amend-
6 ed—

7 (1) in clause (ii), by striking “Employment”
8 and inserting “Employment and training services (as
9 defined in paragraph (6) of section 231(d) of the
10 Second Chance Act of 2007), including basic skills
11 attainment, consistent with such paragraph”;

12 (2) by striking clause (iii); and

13 (3) by redesignating clauses (iv), (v), (vi), and
14 (vii) as clauses (iii), (iv), (v), and (vi), respectively.

15 **SEC. 406. AMENDMENTS TO THE OMNIBUS CRIME CONTROL**
16 **AND SAFE STREETS ACT OF 1968.**

17 Section 2976 of the Omnibus Crime Control and Safe
18 Streets Act of 1968 (42 U.S.C. 3797w) is amended—

19 (1) in subsection (b)—

20 (A) in paragraph (1), by striking “voca-
21 tional” and inserting “career and technical edu-
22 cation (as defined in section 3 of the Carl D.
23 Perkins Career and Technical Education Act of
24 2006 (20 U.S.C. 2302)) and training”;

1 (B) by redesignating each of paragraphs
2 (4) through (7) as paragraphs (5) through (8),
3 respectively; and

4 (C) by inserting after paragraph (3) the
5 following new paragraph:

6 “(4) coordinating employment and training
7 services provided through the statewide workforce
8 investment system under subtitle B of title I of the
9 Workforce Investment Act of 1998 (29 U.S.C. 2811
10 et seq.), including a one-stop delivery system under
11 section 121 of such Act (29 U.S.C. 2841), for of-
12 fenders upon release from prison, jail, or a juvenile
13 facility, as appropriate;”;

14 (2) in subsection (d)(2), by inserting “, includ-
15 ing local workforce investment boards established
16 under section 117 of the Workforce Investment Act
17 of 1998 (29 U.S.C. 2832),” after “nonprofit organi-
18 zations”;

19 (3) in subsection (e)—

20 (A) in paragraph (3), by striking “victim
21 services, and employment services” and insert-
22 ing “and victim services”;

23 (B) by redesignating paragraphs (4) and
24 (5) as paragraphs (5) and (6), respectively; and

1 (C) by inserting after paragraph (3) the
2 following new paragraph:

3 “(4) provides employment and training services
4 through the statewide workforce investment system
5 under subtitle B of title I of the Workforce Invest-
6 ment Act of 1998 (29 U.S.C. 2811 et seq.), includ-
7 ing a one-stop delivery system under section 121 of
8 such Act (29 U.S.C. 2841); and”;

9 (4) in subsection (k)—

10 (A) in paragraph (1)(A), by inserting “, in
11 accordance with paragraph (2)” after “under
12 this section”;

13 (B) by redesignating paragraphs (2) and
14 (3) as paragraphs (3) and (4), respectively; and

15 (C) by inserting after paragraph (1) the
16 following new paragraph:

17 “(2) EMPLOYMENT AND TRAINING.—The Attor-
18 ney General shall require each grantee under this
19 section to measure the core indicators of perform-
20 ance as described in section 136(b)(2)(A) of the
21 Workforce Investment Act of 1998 (29 U.S.C.
22 2871(b)(2)(A)) with respect to the program of such
23 grantee funded with a grant under this section.”.

1 **SEC. 407. H-1B NONIMMIGRANT PETITIONER ACCOUNT.**

2 Section 286(s) of the Immigration and Nationality
3 Act (8 U.S.C. 1356(s)) is amended—

4 (1) by striking paragraph (2);

5 (2) by redesignating paragraphs (3) and (4) as
6 paragraphs (2) and (3), respectively;

7 (3) in paragraph (2) (as so redesignated), by
8 striking “30 percent” and inserting “50 percent”;

9 (4) in paragraph (3)(A) (as so redesignated), by
10 striking “10 percent” and inserting “25 percent”;

11 (5) by inserting after paragraph (3) (as so re-
12 designated) the following:

13 “(4) USE OF FEES FOR GIFTED AND TALENTED
14 STUDENT GRANT PROGRAMS.—

15 “(A) IN GENERAL.—15 percent of the
16 amounts deposited into the H-1B Non-
17 immigrant Petitioner Account shall be trans-
18 ferred to the Department of Education to re-
19 main available until expended to make grants to
20 States, local educational agencies, and institu-
21 tions of higher education to carry out activities
22 that build the capacity of elementary schools
23 and secondary schools to meet the academic
24 needs of gifted and talented students.

25 “(B) APPLICATION.—To be eligible for a
26 grant under this paragraph, a State, local edu-

1 educational agency, or institution of higher edu-
2 cation shall submit an application to the Sec-
3 retary of Education at such time and in such
4 manner as the Secretary of Education shall re-
5 quire. Such application shall describe how the
6 State, local educational agency, or institution of
7 higher education will—

8 “(i) use funds received under this
9 paragraph to meet the needs of gifted and
10 talented students; and

11 “(ii) coordinate funds received under
12 this paragraph with funds received under
13 other Federal education laws.

14 “(C) DEFINITIONS.—For the purpose of
15 this paragraph—

16 “(i) the terms ‘State’, ‘local edu-
17 cational agency’, ‘elementary school’, and
18 ‘secondary school’ have the meanings given
19 such terms in section 9101 of the Elemen-
20 tary and Secondary Education Act of
21 1965; and

22 “(ii) the term ‘institution of higher
23 education’ has the meaning given such
24 term in section 102(a) of the Higher Edu-
25 cation Act of 1965.’; and

1 (6) in paragraph (6)—

2 (A) by striking “For fiscal year 1999,” and
3 all that follows through “Beginning with fiscal
4 year 2000, 5 percent” and inserting “5 per-
5 cent”; and

6 (B) in the last sentence, by striking the pe-
7 riod at the end and inserting “and for carrying
8 out the Secretary’s responsibilities under sec-
9 tion 212(n)(2).”.

10 **SEC. 408. CONFORMING AMENDMENTS TO THE UNITED**
11 **STATES CODE.**

12 Title 38, United States Code, is amended—

13 (1) by striking the item relating to section
14 4103A and section 4104 in the table of sections at
15 the beginning of chapter 41 of such title;

16 (2) in section 4102A—

17 (A) in subsection (b)—

18 (i) by striking paragraphs (5), (6),
19 and (7);

20 (ii) by redesignating paragraph (8) as
21 paragraph (5);

22 (B) by striking subsections (c) and (h);

23 (C) by redesignating subsection (d), (e),
24 (f), and (g) as subsection (c), (d), (e), and (f);

1 (D) in subsection (e)(1) (as so redesignated)—
2

3 (i) by striking “, including disabled
4 veterans’ outreach program specialists and
5 local veterans’ employment representatives
6 providing employment, training, and place-
7 ment services under this chapter in a
8 State”; and

9 (ii) by striking “for purposes of sub-
10 section (c)”.

11 (3) in section 4109(a), by striking “disabled
12 veterans’ outreach program specialists, local vet-
13 erans’ employment representatives” and inserting
14 “veteran employment specialists appointed under
15 section 134(f) of the Workforce Investment Act of
16 1998”;

17 (4) in section 4109(d)(1), by striking “disabled
18 veterans’ outreach program specialists and local vet-
19 erans’ employment representatives” and inserting
20 “veteran employment specialists appointed under
21 section 134(f) of the Workforce Investment Act of
22 1998”;

23 (5) in section 4112(d)—

24 (A) in paragraph (1), by striking “disabled
25 veterans’ outreach program specialist” and in-

1 serting “veteran employment specialist ap-
2 pointed under section 134(f) of the Workforce
3 Investment Act of 1998”; and

4 (B) by striking paragraph (2) and redesignig-
5 nating paragraph (3) as paragraph (2);

6 (6) in section 3672(d)(1), by striking “disabled
7 veterans’ outreach program specialists under section
8 4103A” and inserting “veteran employment special-
9 ists appointed under section 134(f) of the Workforce
10 Investment Act of 1998”; and

11 (7) in section 4104A—

12 (A) in subsection (b)(1), by striking sub-
13 paragraph (A) and inserting the following:

14 “(A) the appropriate veteran employment
15 specialist (in carrying out the functions de-
16 scribed in section 134(f) of the Workforce In-
17 vestment Act of 1998);” and

18 (B) in subsection (c)(1), by striking sub-
19 paragraph (A) and inserting the following:

20 “(A) collaborate with the appropriate vet-
21 eran employment specialist (as described in sec-
22 tion 134(f)) and the appropriate State boards
23 and local boards (as such terms are defined in
24 section 101 of the Workforce Investment Act of
25 1998 (29 U.S.C. 2801));”.

1 **SEC. 409. CONFORMING AMENDMENT TO TABLE OF CON-**
2 **TENTS.**

3 The table of contents in section 1(b) is amended to
4 read as follows:

“Sec. 1. Short title; table of contents.

“TITLE I—WORKFORCE INVESTMENT SYSTEMS

“Subtitle A—Workforce Investment Definitions

“Sec. 101. Definitions.

“Subtitle B—Statewide and Local Workforce Investment Systems

“Sec. 106. Purpose.

“CHAPTER 1—STATE PROVISIONS

“Sec. 111. State workforce investment boards.

“Sec. 112. State plan.

“CHAPTER 2—LOCAL PROVISIONS

“Sec. 116. Local workforce investment areas.

“Sec. 117. Local workforce investment boards.

“Sec. 118. Local plan.

“CHAPTER 3—WORKFORCE INVESTMENT ACTIVITIES PROVIDERS

“Sec. 121. Establishment of one-stop delivery systems.

“Sec. 122. Identification of eligible providers of training services.

“Sec. 123. [Repealed].

“CHAPTER 4—[REPEALED]

“CHAPTER 5—EMPLOYMENT AND TRAINING ACTIVITIES

“Sec. 131. General authorization.

“Sec. 132. State allotments.

“Sec. 133. Within State allocations.

“Sec. 134. Use of funds for employment and training activities.

“CHAPTER 6—GENERAL PROVISIONS

“Sec. 136. Performance accountability system.

“Sec. 137. Authorization of appropriations.

“Subtitle C—Job Corps

“Sec. 141. Purposes.

“Sec. 142. Definitions.

“Sec. 143. Establishment.

“Sec. 144. Individuals eligible for the Job Corps.

“Sec. 145. Recruitment, screening, selection, and assignment of enrollees.

“Sec. 146. Enrollment.

- “See. 147. Job Corps centers.
- “See. 148. Program activities.
- “See. 149. Counseling and job placement.
- “See. 150. Support.
- “See. 151. Operations.
- “See. 152. Standards of conduct.
- “See. 153. Community participation.
- “See. 154. Workforce councils.
- “See. 155. [Repealed].
- “See. 156. Technical assistance to centers.
- “See. 157. Application of provisions of Federal law.
- “See. 158. Special provisions.
- “See. 159. Management information.
- “See. 160. General provisions.
- “See. 161. Closure of low-performing Job Corps centers.
- “See. 162. Reforms to remove political favoritism in the opening of new Job Corps centers.

“Subtitle D—National Programs

- “See. 166. [Repealed].
- “See. 167. [Repealed].
- “See. 168. [Repealed].
- “See. 169. [Repealed].
- “See. 170. Technical assistance.
- “See. 171. [Repealed].
- “See. 172. Evaluations.
- “See. 173. [Repealed].
- “See. 173A. [Repealed].
- “See. 174. [Repealed].

“Subtitle E—Administration

- “See. 181. Requirements and restrictions.
- “See. 182. Prompt allocation of funds.
- “See. 183. Monitoring.
- “See. 184. Fiscal controls; sanctions.
- “See. 185. Reports; recordkeeping; investigations.
- “See. 186. Administrative adjudication.
- “See. 187. Judicial review.
- “See. 188. Nondiscrimination.
- “See. 189. Administrative provisions.
- “See. 190. References.
- “See. 191. State legislative authority.
- “See. 192. [Repealed].
- “See. 193. Use of certain real property.
- “See. 194. [Repealed].
- “See. 195. General program requirements.
- “See. 196. Department Staff.

“Subtitle F—Repeals and Conforming Amendments

- “See. 199. Repeals.
- “See. 199A. Conforming amendments.

“TITLE II—ADULT EDUCATION AND FAMILY LITERACY
EDUCATION

- “Sec. 201. Short title.
- “Sec. 202. Purpose.
- “Sec. 203. Definitions.
- “Sec. 204. Home schools.
- “Sec. 205. Authorization of appropriations.

“Subtitle A—Federal Provisions

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

“Subtitle B—State Provisions

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

“Subtitle C—Local Provisions

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

“Subtitle D—General Provisions

- “Sec. 241. Administrative provisions.
- “Sec. 242. National activities.

“TITLE III—WORKFORCE INVESTMENT-RELATED ACTIVITIES

“Subtitle A—Wagner-Peyser Act

- “Sec. 301. Definitions.
- “Sec. 302. Functions.
- “Sec. 303. Designation of State agencies.
- “Sec. 304. Appropriations.
- “Sec. 305. Disposition of allotted funds.
- “Sec. 306. State plans.
- “Sec. 307. Repeal of Federal advisory council.
- “Sec. 308. Regulations.
- “Sec. 309. Employment statistics.
- “Sec. 310. Technical amendments.
- “Sec. 311. Effective date.

“Subtitle B—Linkages With Other Programs

- “Sec. 321. Trade Act of 1974.
- “Sec. 322. Veterans’ employment programs.
- “Sec. 323. Older Americans Act of 1965.

“Subtitle C—Twenty-First Century Workforce Commission

- “Sec. 331. Short title.
- “Sec. 332. Findings.
- “Sec. 333. Definitions.
- “Sec. 334. Establishment of Twenty-First Century Workforce Commission.

- “Sec. 335. Duties of the Commission.
- “Sec. 336. Powers of the Commission.
- “Sec. 337. Commission personnel matters.
- “Sec. 338. Termination of the Commission.
- “Sec. 339. Authorization of appropriations.

“Subtitle D—Application of Civil Rights and Labor-Management Laws to the Smithsonian Institution

- “Sec. 341. Application of civil rights and labor-management laws to the Smithsonian Institution.

“TITLE IV—REHABILITATION ACT AMENDMENTS OF 1998

- “Sec. 401. Short title.
- “Sec. 402. Title.
- “Sec. 403. General provisions.
- “Sec. 404. Vocational rehabilitation services.
- “Sec. 405. Research and training.
- “Sec. 406. Professional development and special projects and demonstrations.
- “Sec. 407. National Council on Disability.
- “Sec. 408. Rights and advocacy.
- “Sec. 409. Employment opportunities for individuals with disabilities.
- “Sec. 410. Independent living services and centers for independent living.
- “Sec. 411. Repeal.
- “Sec. 412. Helen Keller National Center Act.
- “Sec. 413. President’s Committee on Employment of People With Disabilities.
- “Sec. 414. Conforming amendments.

“TITLE V—GENERAL PROVISIONS

- “Sec. 501. State unified plan.
- “Sec. 502. [Repealed].
- “Sec. 503. [Repealed].
- “Sec. 504. Privacy.
- “Sec. 505. Buy-American requirements.
- “Sec. 506. [Repealed].
- “Sec. 507. Effective date.”.

1 **TITLE V—AMENDMENTS TO THE**
2 **REHABILITATION ACT OF 1973**

3 **SEC. 501. FINDINGS.**

4 Section 2(a) of the Rehabilitation Act of 1973 (29
5 U.S.C. 701(a)) is amended—

6 (1) in paragraph (5), by striking “and” at the
7 end;

1 (2) in paragraph (6), by striking the period and
2 inserting “; and”; and

3 (3) by adding at the end the following:

4 “(7) there is a substantial need to improve and
5 expand services for students with disabilities under
6 this Act.”.

7 **SEC. 502. REHABILITATION SERVICES ADMINISTRATION.**

8 (a) REHABILITATION SERVICES ADMINISTRATION.—

9 The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.)
10 is amended—

11 (1) in section 3(a) (29 U.S.C. 702(a))—

12 (A) by striking “Office of the Secretary”
13 and inserting “Department of Education”;

14 (B) by striking “President by and with the
15 advice and consent of the Senate” and inserting
16 “Secretary”; and

17 (C) by striking “, and the Commissioner
18 shall be the principal officer,”;

19 (2) by striking “Commissioner” each place it
20 appears (except in section 21) and inserting “Direc-
21 tor”;

22 (3) in section 12(c) (29 U.S.C. 709), by strik-
23 ing “Commissioner’s” and inserting “Director’s”;

1 (4) in the heading for subparagraph (B) of sec-
2 tion 100(d)(2), by striking “COMMISSIONER” and in-
3 serting “DIRECTOR”;

4 (5) in the heading for section 706, by striking
5 “**COMMISSIONER**” and inserting “**DIRECTOR**”;

6 (6) in the heading for paragraph (3) of section
7 723(a), by striking “COMMISSIONER” and inserting
8 “DIRECTOR”; and

9 (7) in section 21 (29 U.S.C. 718)—

10 (A) in subsection (b)(1)—

11 (i) by striking “Commissioner” the
12 first place it appears and inserting “Direc-
13 tor of the Rehabilitation Services Adminis-
14 tration”;

15 (ii) by striking “(referred to in this
16 subsection as the ‘Director’)”; and

17 (iii) by striking “The Commissioner
18 and the Director” and inserting “Both
19 such Directors”; and

20 (B) by striking “the Commissioner and the
21 Director” each place it appears and inserting
22 “both such Directors”.

23 (b) **EFFECTIVE DATE; APPLICATION.**—The amend-
24 ments made by subsection (a) shall—

1 (1) take effect on the date of the enactment of
2 this Act; and

3 (2) apply with respect to the appointments of
4 Directors of the Rehabilitation Services Administra-
5 tion made on or after the date of enactment of this
6 Act, and the Directors so appointed.

7 **SEC. 503. DEFINITIONS.**

8 Section 7 of the Rehabilitation Act of 1973 (29
9 U.S.C. 705) is amended—

10 (1) by redesignating paragraphs (35) through
11 (39) as paragraphs (36) through (40), respectively;

12 (2) in subparagraph (A)(ii) of paragraph (36)
13 (as redesignated by paragraph (1)), by striking
14 “paragraph (36)(C)” and inserting “paragraph
15 (37)(C)”; and

16 (3) by inserting after paragraph (34) the fol-
17 lowing:

18 “(35)(A) The term ‘student with a disability’
19 means an individual with a disability who—

20 “(i) is not younger than 16 and not
21 older than 21;

22 “(ii) has been determined to be eligi-
23 ble under section 102(a) for assistance
24 under this title; and

1 “(iii)(I) is eligible for, and is receiv-
2 ing, special education under part B of the
3 Individuals with Disabilities Education Act
4 (20 U.S.C. 1411 et seq.); or

5 “(II) is an individual with a disability,
6 for purposes of section 504.

7 “(B) The term ‘students with disabilities’
8 means more than 1 student with a disability.”.

9 **SEC. 504. STATE PLAN.**

10 Section 101(a) of the Rehabilitation Act of 1973 (29
11 U.S.C. 721(a)) is amended—

12 (1) in paragraph (10)(B) by striking “on the el-
13 igible individuals” and all that follows through “sec-
14 tion 136(d)(2)” and inserting “of information nec-
15 essary to assess the State’s performance on the core
16 indicators of performance described in section
17 136(b)(2)(A)”;

18 (2) in paragraph (11)—

19 (A) in subparagraph (D)(i), by inserting
20 before the semicolon the following: “, which
21 may be provided using alternative means of
22 meeting participation (such as video conferences
23 and conference calls)”;

24 (B) by adding at the end the following:

- 1 “(G) COORDINATION WITH ASSISTIVE
2 TECHNOLOGY PROGRAMS.—The State plan shall
3 include an assurance that the designated State
4 unit and the lead agency or implementing entity
5 responsible for carrying out duties under the
6 Assistive Technology Act of 1998 (29 U.S.C.
7 3001 et seq.) have developed working relation-
8 ships and coordinate their activities.”;
- 9 (3) in paragraph (15)—
- 10 (A) in subparagraph (A)—
- 11 (i) in clause (i)—
- 12 (I) in subclause (II), by striking
13 “and” at the end;
- 14 (II) in subclause (III), by adding
15 “and” at the end; and
- 16 (III) by adding at the end the
17 following:
- 18 “(IV) students with disabilities,
19 including their need for transition
20 services;”;
- 21 (ii) by redesignating clauses (ii) and
22 (iii) as clauses (iii) and (iv), respectively;
- 23 and
- 24 (iii) by inserting after clause (i) the
25 following:

1 “(ii) include an assessment of the
2 transition services provided under this Act,
3 and coordinated with transition services
4 under the Individuals with Disabilities
5 Education Act, as to those services meet-
6 ing the needs of individuals with disabil-
7 ities;” and

8 (B) in subparagraph (D)—

9 (i) by redesignating clauses (iii), (iv),
10 and (v) as clauses (iv), (v), and (vi), re-
11 spectively; and

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 the receipt of voca-
21 tional rehabilitation services under this
22 title or to postsecondary education or em-
23 ployment;”;

24 (4) in paragraph (22)—

1 (A) by striking “carrying out part B of
2 title VI, including”; and

3 (B) by striking “that part to supplement
4 funds made available under part B of”;

5 (5) in paragraph (24)(A), by striking “part A
6 of title VI” and inserting “section 109A”; and

7 (6) by adding at the end the following:

8 “(25) COLLABORATION WITH INDUSTRY.—The
9 State plan shall describe how the designated State
10 agency will carry out the provisions of section 109A,
11 including—

12 “(A) the criteria such agency will use to
13 award grants under such section; and

14 “(B) how the activities carried out under
15 such grants will be coordinated with other serv-
16 ices provided under this title.

17 “(26) SERVICES FOR STUDENTS WITH DISABIL-
18 ITIES.—The State plan shall provide an assurance
19 satisfactory to the Secretary that the State—

20 “(A) has developed and implemented strat-
21 egies to address the needs identified in the as-
22 sessment described in paragraph (15), and
23 achieve the goals and priorities identified by the
24 State, to improve and expand vocational reha-
25 bilitation services for students with disabilities

1 on a statewide basis in accordance with para-
2 graph (15); and

3 “(B) from funds reserved under section
4 110A, shall carry out programs or activities de-
5 signed to improve and expand vocational reha-
6 bilitation services for students with disabilities
7 that—

8 “(i) facilitate the transition of stu-
9 dents with disabilities from the receipt of
10 educational services in school, to the re-
11 ceipt of vocational rehabilitation services
12 under this title, including, at a minimum,
13 those services specified in the interagency
14 agreement required in paragraph (11)(D);

15 “(ii) improve the achievement of post-
16 school goals of students with disabilities,
17 including improving the achievement
18 through participation (as appropriate when
19 career goals are discussed) in meetings re-
20 garding individualized education programs
21 developed under section 614 of the Individ-
22 uals with Disabilities Education Act (20
23 U.S.C. 1414);

24 “(iii) provide career guidance, career
25 exploration services, job search skills and

1 strategies, and technical assistance to stu-
2 dents with disabilities;

3 “(iv) support the provision of training
4 and technical assistance to State and local
5 educational agencies and designated State
6 agency personnel responsible for the plan-
7 ning and provision of services to students
8 with disabilities; and

9 “(v) support outreach activities to stu-
10 dents with disabilities who are eligible for,
11 and need, services under this title.”.

12 **SEC. 505. SCOPE OF SERVICES.**

13 Section 103 of the Rehabilitation Act of 1973 (29
14 U.S.C. 723) is amended—

15 (1) in subsection (a), by striking paragraph
16 (15) and inserting the following:

17 “(15) transition services for students with dis-
18 abilities, that facilitate the achievement of the em-
19 ployment outcome identified in the individualized
20 plan for employment, including services described in
21 clauses (i) through (iii) of section 101(a)(26)(B);”;

22 (2) in subsection (b), by striking paragraph (6)
23 and inserting the following:

24 “(6)(A)(i) Consultation and technical assistance
25 services to assist State and local educational agen-

1 cies in planning for the transition of students with
2 disabilities from school to post-school activities, in-
3 cluding employment.

4 “(ii) Training and technical assistance de-
5 scribed in section 101(a)(26)(B)(iv).

6 “(B) Services for groups of individuals with dis-
7 abilities who meet the requirements of clauses (i)
8 and (iii) of section 7(35)(A), including services de-
9 scribed in clauses (i), (ii), (iii), and (v) of section
10 101(a)(26)(B), to assist in the transition from
11 school to post-school activities.”; and

12 (3) in subsection (b) by inserting at the end,
13 the following:

14 “(7) The establishment, development, or im-
15 provement of assistive technology demonstration,
16 loan, reutilization, or financing programs in coordi-
17 nation with activities authorized under the Assistive
18 Technology Act of 1998 (29 U.S.C. 3001) to pro-
19 mote access to assistive technology for individuals
20 with disabilities and employers.”.

21 **SEC. 506. STANDARDS AND INDICATORS.**

22 Section 106 of the Rehabilitation Act of 1973 (29
23 U.S.C. 726(a)) is amended—

24 (1) by striking subsection (a) and inserting the
25 following:

1 “(a) STANDARDS AND INDICATORS.—The perform-
2 ance standards and indicators for the vocational rehabili-
3 tation program carried out under this title—

4 “(1) shall be subject to paragraphs (2)(A) and
5 (3) of section 136(b) of the Workforce Investment
6 Act of 1998; and

7 “(2) may, at a State’s discretion, include addi-
8 tional indicators identified in the State plan sub-
9 mitted under section 101.”; and

10 (2) in subsection (b)(2)(B), by striking clause
11 (i) and inserting the following:

12 “(i) on a biannual basis, review the
13 program improvement efforts of the State
14 and, if the State has not improved its per-
15 formance to acceptable levels, as deter-
16 mined by the Director, direct the State to
17 make revisions to the plan to improve per-
18 formance; and”.

19 **SEC. 507. COLLABORATION WITH INDUSTRY.**

20 The Rehabilitation Act of 1973 is amended by insert-
21 ing after section 109 (29 U.S.C. 729) the following:

22 **“SEC. 109A. COLLABORATION WITH INDUSTRY.**

23 “(a) AUTHORITY.—A State shall use not less than
24 one-half of one percent of the payment the State receives
25 under section 111 for a fiscal year to award grants to eligi-

1 ble entities to create practical job and career readiness and
2 training programs, and to provide job placements and ca-
3 reer advancement.

4 “(b) APPLICATION.—To receive a grant under this
5 section, an eligible entity shall submit an application to
6 a designated State agency at such time, in such manner,
7 and containing such information as such agency shall re-
8 quire. Such application shall include, at a minimum—

9 “(1) a plan for evaluating the effectiveness of
10 the program;

11 “(2) a plan for collecting and reporting the
12 data and information described under subparagraphs
13 (A) through (C) of section 101(a)(10), as deter-
14 mined appropriate by the designated State agency;
15 and

16 “(3) a plan for providing for the non-Federal
17 share of the costs of the program.

18 “(c) ACTIVITIES.—An eligible entity receiving a grant
19 under this section shall use the grant funds to carry out
20 a program that provides one or more of the following:

21 “(1) Job development, job placement, and ca-
22 reer advancement services for individuals with dis-
23 abilities.

24 “(2) Training in realistic work settings in order
25 to prepare individuals with disabilities for employ-

1 ment and career advancement in the competitive
2 market.

3 “(3) Providing individuals with disabilities with
4 such support services as may be required in order to
5 maintain the employment and career advancement
6 for which the individuals have received training.

7 “(d) AWARDS.—Grants under this section shall—

8 “(1) be awarded for a period not to exceed 5
9 years; and

10 “(2) be awarded competitively.

11 “(e) ELIGIBLE ENTITY DEFINED.—For the purposes
12 of this section, the term ‘eligible entity’ means a for-profit
13 business, alone or in partnership with one or more of the
14 following:

15 “(1) Community rehabilitation program pro-
16 viders.

17 “(2) Indian tribes.

18 “(3) Tribal organizations.

19 “(f) FEDERAL SHARE.—The Federal share of a pro-
20 gram under this section shall not exceed 80 percent of the
21 costs of the program.

22 “(g) ELIGIBILITY FOR SERVICES.—An individual
23 shall be eligible for services provided under a program
24 under this section if the individual is determined under

1 section 102(a)(1) to be eligible for assistance under this
2 title.”.

3 **SEC. 508. RESERVATION FOR EXPANDED TRANSITION**
4 **SERVICES.**

5 The Rehabilitation Act of 1973 is amended by insert-
6 ing after section 110 (29 U.S.C. 730) the following:

7 **“SEC. 110A. RESERVATION FOR EXPANDED TRANSITION**
8 **SERVICES.**

9 “Each State shall reserve not less than 10 percent
10 of the funds allotted to the State under section 110(a)
11 to carry out programs and activities under sections
12 101(a)(26)(B) and 103(b)(6).”.

13 **SEC. 509. CLIENT ASSISTANCE PROGRAM.**

14 Section 112(e)(1) of the Rehabilitation Act of 1973
15 (29 U.S.C. 732(e)(1)) is amended by redesignating sub-
16 paragraph (D) as subparagraph (E) and inserting after
17 subparagraph (C) the following:

18 “(D) The Secretary shall make grants to
19 the protection and advocacy system serving the
20 American Indian Consortium to provide services
21 in accordance with this section. The amount of
22 such grants shall be the same as provided to
23 territories under this subsection.”.

1 **SEC. 510. TITLE III AMENDMENTS.**

2 Title III of the Rehabilitation Act of 1973 (29 U.S.C.
3 771 et seq.) is amended—

4 (1) in section 301(a)—

5 (A) in paragraph (2), by inserting “and”
6 at the end;

7 (B) by striking paragraphs (3) and (4);
8 and

9 (C) by redesignating paragraph (5) as
10 paragraph (3);

11 (2) in section 302(g)—

12 (A) in the heading, by striking “AND IN-
13 SERVICE TRAINING”; and

14 (B) by striking paragraph (3);

15 (3) in section 303(e)—

16 (A) in paragraph (4)—

17 (i) by amending subparagraph (A)(ii)
18 to read as follows:

19 “(ii) to coordinate and work closely
20 with the parent training and information
21 centers established pursuant to section 671
22 of the Individuals with Disabilities Edu-
23 cation Act, the community parent resource
24 centers established pursuant to section 672
25 of such Act, and the eligible entities receiv-

1 ing awards under section 673 of such Act;
2 and”; and

3 (ii) in subparagraph (C), by inserting
4 “, and demonstrate the capacity for serv-
5 ing,” after “serve”; and

6 (B) by adding at the end the following:

7 “(8) RESERVATION.—From the amount appro-
8 priated to carry out this subsection for a fiscal year,
9 20 percent of such amount or \$500,000, whichever
10 is less, shall be reserved to carry out paragraph
11 (6).”;

12 (4) by striking sections 304 and 305; and

13 (5) by redesignating section 306 as section 304.

14 **SEC. 511. REPEAL OF TITLE VI.**

15 The Rehabilitation Act of 1973 (29 U.S.C. 701 et
16 seq.) is amended by repealing title VI.

17 **SEC. 512. CHAIRPERSON.**

18 Section 705(b)(5) of the Rehabilitation Act of 1973
19 (29 U.S.C. 796d(b)(5)) is amended to read as follows:

20 “(5) CHAIRPERSON.—The Council shall select a
21 chairperson from among the voting membership of
22 the Council.”.

23 **SEC. 513. AUTHORIZATIONS OF APPROPRIATIONS.**

24 The Rehabilitation Act of 1973 (29 U.S.C. 701 et
25 seq.) is further amended—

1 (1) in section 100(b)(1) (29 U.S.C. 720(b)(1)),
2 by striking “such sums as may be necessary for fis-
3 cal years 1999 through 2003” and inserting
4 “\$3,121,712,000 for fiscal year 2014 and each of
5 the 6 succeeding fiscal years”;

6 (2) in section 110(c) (29 U.S.C. 730(c)), by
7 amending paragraph (2) to read as follows:

8 “(2) The sum referred to in paragraph (1) shall
9 be, as determined by the Secretary, not less than 1
10 percent and not more than 1.5 percent of the
11 amount referred to in paragraph (1) for each of fis-
12 cal years 2014 through 2020.”;

13 (3) in section 112(h) (29 U.S.C. 732(h)) by
14 striking “such sums as may be necessary for fiscal
15 years 1999 through 2003” and inserting
16 “\$12,240,000 for fiscal year 2014 and each of the
17 6 succeeding fiscal years”;

18 (4) by amending subsection (a) of section 201
19 (29 U.S.C. 761(a)) to read as follows: “(a) There
20 are authorized to be appropriated \$108,817,000 for
21 fiscal year 2014 and each of the 6 succeeding fiscal
22 years to carry out this title.”;

23 (5) in section 302(i) (29 U.S.C. 772(i)) by
24 striking “such sums as may be necessary for each of
25 the fiscal years 1999 through 2003” and inserting

1 “\$35,515,000 for fiscal year 2014 and each of the
2 6 succeeding fiscal years”;

3 (6) in section 303(e) (29 U.S.C. 773(e)) by
4 striking “such sums as may be necessary for each of
5 the fiscal years 1999 through 2003” and inserting
6 “\$5,325,000 for fiscal year 2014 and each of the 6
7 succeeding fiscal years”;

8 (7) in section 405 (29 U.S.C. 785) by striking
9 “such sums as may be necessary for each of the fis-
10 cal years 1999 through 2003” and inserting
11 “\$3,258,000 for fiscal year 2014 and each of the 6
12 succeeding fiscal years”;

13 (8) in section 502(j) (29 U.S.C. 792(j)) by
14 striking “such sums as may be necessary for each of
15 the fiscal years 1999 through 2003” and inserting
16 “\$7,400,000 for fiscal year 2014 and each of the 6
17 succeeding fiscal years”;

18 (9) in section 509(l) (29 U.S.C. 794e(l)) by
19 striking “such sums as may be necessary for each of
20 the fiscal years 1999 through 2003” and inserting
21 “\$18,031,000 for fiscal year 2014 and each of the
22 6 succeeding fiscal years”;

23 (10) in section 714 (29 U.S.C. 796e-3), by
24 striking “such sums as may be necessary for each of
25 the fiscal years 1999 through 2003” and inserting

1 “\$23,359,000 for fiscal year 2014 and each of the
2 6 succeeding fiscal years”;

3 (11) in section 727 (29 U.S.C. 796f–6), by
4 striking “such sums as may be necessary for each of
5 the fiscal years 1999 through 2003” and inserting
6 “\$79,953,000 for fiscal year 2014 and each of the
7 6 succeeding fiscal years”; and

8 (12) in section 753 (29 U.S.C. 7961), by strik-
9 ing “such sums as may be necessary for each of the
10 fiscal years 1999 through 2003” and inserting
11 “\$34,018,000 for fiscal year 2014 and each of the
12 6 succeeding fiscal years”.

13 **SEC. 514. CONFORMING AMENDMENTS.**

14 Section 1(b) of the Rehabilitation Act of 1973 is
15 amended—

16 (1) by inserting after the item relating to sec-
17 tion 109 the following:

“Sec. 109A. Collaboration with industry.”;

18 (2) by inserting after the item relating to sec-
19 tion 110 the following:

“Sec. 110A. Reservation for expanded transition services.”;

20 (3) by striking the item related to section 304
21 and inserting the following:

“Sec. 304. Measuring of project outcomes and performance.”;

22 (4) by striking the items related to sections 305
23 and 306; and

1 (5) by striking the items related to title VI.