

112TH CONGRESS  
1ST SESSION

# H. R. 3611

To amend the Workforce Investment Act of 1998 to increase business engagement and improve training opportunities for occupations that are in-demand in order to get Americans back to work.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 8, 2011

Mr. HECK (for himself, Ms. FOXX, Mr. ROE of Tennessee, Mr. HANNA, Mr. GOWDY, and Mr. KELLY) introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To amend the Workforce Investment Act of 1998 to increase business engagement and improve training opportunities for occupations that are in-demand in order to get Americans back to work.

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 “Local Job Opportuni-  
5 ties and Business Success Act of 2011”.

1 **SEC. 2. DEFINITION OF INDUSTRY OR SECTOR PARTNER-**  
2 **SHIP.**

3 Section 101 of the Workforce Investment Act of 1998  
4 (29 U.S.C. 2801) is amended—

5 (1) by redesignating paragraphs (18) through  
6 (53) as paragraphs (19) through (54), respectively;  
7 and

8 (2) by inserting after paragraph (17) the fol-  
9 lowing:

10 “(18) INDUSTRY OR SECTOR PARTNERSHIP.—  
11 The term ‘industry or sector partnership’ means a  
12 partnership of a State or local board and one or  
13 more industries and other entities that can help de-  
14 termine the immediate and long-term skilled work-  
15 force needs of in-demand industries and other occu-  
16 pations important to the State or local economy.”.

17 **SEC. 3. FUNCTIONS OF THE LOCAL BOARD.**

18 Section 117 of the Workforce Investment Act of 1998  
19 (29 U.S.C. 2832) is amended—

20 (1) in subsection (b)—

21 (A) in subparagraph (A) of paragraph

22 (2)—

23 (i) by striking “include—” and all  
24 that follows through “representatives” and  
25 inserting “include representatives”;

1 (ii) by striking clauses (ii) through  
2 (vi);

3 (iii) by redesignating subclauses (I)  
4 through (III) as clauses (i) through (iii),  
5 respectively;

6 (iv) by striking clause (ii) (as so re-  
7 designated) and inserting the following:

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

14 (v) by striking the semicolon at the  
15 end of clause (iii) (as so redesignated) and  
16 inserting “; and”; and

17 (B) in paragraph (4), by striking “A ma-  
18 jority” and inserting “A  $\frac{2}{3}$  majority”;

19 (2) by amending subsection (d) to read as fol-  
20 lows:

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

23 “(1) LOCAL PLAN.—Consistent with section  
24 118, each local board, in partnership with the chief

1 elected official for the local area involved, shall de-  
 2 velop and submit a local plan to the Governor.

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

5 “(A) IN GENERAL.—The local board  
 6 shall—

7 “(i) conduct, and regularly update, an  
 8 analysis of—

9 “(I) the economic conditions in  
 10 the local area;

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

15 “(III) the knowledge and skills of  
 16 the workforce in the local area; and

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

20 “(ii) assist the Governor in developing  
 21 the statewide workforce and labor market  
 22 information system described in section  
 23 15(e) of the Wagner-Peyser Act.

24 “(B) EXISTING ANALYSIS.—A local board  
 25 may use existing analysis by the local economic

1 development agency or related entity in order to  
2 carry out requirements of subparagraph (A)(i).

3 “(3) EMPLOYER ENGAGEMENT.—The local  
4 board shall lead efforts to engage employers in the  
5 local area, including small employers and employers  
6 in in-demand industries and occupations important  
7 to the local economy, including by—

8 “(A) ensuring that workforce investment  
9 activities meet the needs of employers and sup-  
10 port economic growth in the local area, by en-  
11 hancing communication, coordination, and col-  
12 laboration among employers, economic develop-  
13 ment entities, and service providers;

14 “(B) developing effective linkages (includ-  
15 ing the use of intermediaries) with employers in  
16 the local area to support employer utilization of  
17 the local workforce development system and to  
18 support local workforce investment activities;  
19 and

20 “(C) developing and implementing industry  
21 or sector partnerships that lead to collaborative  
22 planning, resource alignment, and training ef-  
23 forts across multiple firms to address the imme-  
24 diate and long-term skilled workforce needs of  
25 in-demand industries and other occupations im-

1           portant to the local economy and to address  
2           critical skill gaps within and across industries.

3           “(4) BUDGET AND ADMINISTRATION.—

4                 “(A) BUDGET.—

5                     “(i) IN GENERAL.—The local board  
6                     shall develop a budget for the activities of  
7                     the local board in the local area, consistent  
8                     with the requirements of this subsection.

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

18                 “(B) ADMINISTRATION.—

19                     “(i) GRANT RECIPIENT.—

20                         “(I) IN GENERAL.—The chief  
21                         elected official in a local area shall  
22                         serve as the local grant recipient for,  
23                         and shall be liable for any misuse of,  
24                         the grant funds allocated to the local  
25                         area under sections 128 and 133, un-

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

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

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

1                   diately on receiving such direction  
2                   from the local board.

3                   “(ii) STAFF.—The local board may  
4                   employ staff to assist in carrying out the  
5                   functions described in this subsection.

6                   “(iii) GRANTS AND DONATIONS.—The  
7                   local board may solicit and accept grants  
8                   and donations from sources other than  
9                   Federal funds made available under this  
10                  Act.

11                 “(5) SELECTION OF OPERATORS AND PRO-  
12                 VIDERS.—

13                 “(A) SELECTION OF ONE-STOP OPERA-  
14                 TORS.—Consistent with section 121(d), the  
15                 local board, with the agreement of the chief  
16                 elected official—

17                         “(i) shall designate or certify one-stop  
18                         operators as described in section  
19                         121(d)(2)(A); and

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

22                 “(B) IDENTIFICATION OF ELIGIBLE SERV-  
23                 ICE PROVIDERS.—Consistent with this subtitle,  
24                 the local board shall identify eligible service



1 providers, including providers of services de-  
2 scribed in section 134(d)(4), in the local area.

3 “(6) PROGRAM OVERSIGHT.—The local board,  
4 in partnership with the chief elected official, shall be  
5 responsible for—

6 “(A) conducting oversight for local employ-  
7 ment and training activities authorized under  
8 section 134(d);

9 “(B) conducting oversight of the one-stop  
10 delivery system in the local area authorized  
11 under section 121; and

12 “(C) ensuring the appropriate use and  
13 management of the funds provided for such ac-  
14 tivities under this title.

15 “(7) NEGOTIATION OF LOCAL PERFORMANCE  
16 MEASURES.—The local board, the chief elected offi-  
17 cial, and the Governor shall negotiate and reach  
18 agreement on local performance measures as de-  
19 scribed in section 136(c).

20 “(8) TECHNOLOGY IMPROVEMENTS.—The local  
21 board shall develop strategies for technology im-  
22 provements to facilitate access to services authorized  
23 under this subtitle and carried out in the local area,  
24 including in remote areas.”;

25 (3) in subsection (e)—

1 (A) by inserting “electronic means and”  
2 after “regular basis through”; and

3 (B) by striking “and the award of grants  
4 or contracts to eligible providers of youth activi-  
5 ties,”;

6 (4) by striking subsection (h) and redesignating  
7 subsection (i) as subsection (h); and

8 (5) in subsection (i) (as so redesignated), by  
9 striking “and paragraphs (1) and (2) of subsection  
10 (h)” each place it appears.

11 **SEC. 4. CONTENTS OF THE LOCAL PLAN.**

12 Section 118(b) of the Workforce Investment Act of  
13 1998 (29 U.S.C. 2832(b)) is amended to read as follows:

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

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

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

22 “(A) a description of how the local board  
23 will ensure the continuous improvement of eligi-  
24 ble providers of services through the system and  
25 ensure that such providers meet the employ-

1           ment needs of local employers and participants;  
2           and

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

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

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

13          “(B) to meet the needs of businesses in the  
14          local area; and

15          “(C) to better coordinate workforce devel-  
16          opment programs with economic development;

17          “(4) a description of how the local board will  
18          convene (or help to convene) industry or sector part-  
19          nerships that lead to collaborative planning, resource  
20          alignment, and training efforts across multiple firms  
21          for a range of workers employed or potentially em-  
22          ployed by a targeted industry cluster—

23          “(A) to encourage industry growth and  
24          competitiveness and to improve worker training,

1 retention, and advancement in targeted indus-  
2 try clusters;

3 “(B) to address the immediate and long-  
4 term skilled workforce needs of in-demand in-  
5 dustries and other occupations important to the  
6 local economy, and

7 “(C) to address critical skill gaps within  
8 and across industries;

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

12 “(6) a description of how the local board will  
13 coordinate workforce investment activities carried  
14 out in the local area with statewide activities, as ap-  
15 propriate;

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

17 “(A) coordinate activities with the local  
18 area’s disability community to make available  
19 comprehensive, high-quality services to individ-  
20 uals with disabilities;

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

1           “(C) consistent with sections 504 and 508  
2 of the Rehabilitation Act of 1973, include the  
3 provision of outreach, intake, assessments, and  
4 service delivery, the development of perform-  
5 ance measures, the training of staff, and other  
6 aspects of accessibility to programs and services  
7 under this subtitle;

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

11                   “(A) used to measure the performance of  
12 the local area; and

13                   “(B) used by the local board for measuring  
14 performance of the local fiscal agent (where ap-  
15 propriate), eligible providers, and the one-stop  
16 delivery system, in the local area;

17           “(9) a description of the process used by the  
18 local board, consistent with subsection (c), to provide  
19 an opportunity for public comment prior to submis-  
20 sion of the plan;

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

1           “(11) such other information as the Governor  
2           may require.”.

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