

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 803) TO REFORM AND  
STRENGTHEN THE WORKFORCE INVESTMENT SYSTEM OF THE NATION  
TO PUT AMERICANS BACK TO WORK AND MAKE THE UNITED STATES  
MORE COMPETITIVE IN THE 21ST CENTURY

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MARCH 13, 2013.—Referred to the House Calendar and ordered to be printed

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Ms. FOXX, from the Committee on Rules,  
submitted the following

R E P O R T

[To accompany H. Res. 113]

The Committee on Rules, having had under consideration House Resolution 113, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 803, the SKILLS Act, under a structured rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Education and the Workforce. The resolution waives all points of order against consideration of the bill. The resolution makes in order as original text for purpose of amendment an amendment in the nature of a substitute consisting of the text of Rules Committee Print 113-4 and provides that it shall be considered as read. The resolution waives all points of order against the amendment in the nature of a substitute. The resolution makes in order only those amendments printed in this report. Each such amendment may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The resolution waives all points of order against the amendments printed in this report. The resolution provides one motion to recommit with or without instructions.

## EXPLANATION OF WAIVERS

Although the resolution waives all points of order against consideration of the bill, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendment in the nature of a substitute made in order as original text, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendments printed in this report, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

## SUMMARY OF THE AMENDMENTS MADE IN ORDER

1. Foxx (NC): MANAGER'S Provides an application process for local or regional boards to be designated as a local workforce investment area, authorizes GAO to complete two studies related to Workforce Investment Act programs, and makes technical and clarifying amendments. (10 minutes)

2. Gallego, Pete (TX): Adds advanced manufacturing in the state and local plans sections to assist American Veterans obtain better job opportunities in that field. (10 minutes)

3. Young, Don (AK), Cole (OK), Noem (SD): Changes the percentage of authorized State Allotment funding set aside for American Indian, Alaska Native, and Native Hawaiian employment and training grants. It replaces a provision that limits the set aside to no more than 1 percent of total funding with a fixed 1 percent guarantee. (10 minutes)

4. Black (TN): Expresses a sense of Congress that any administrative costs to federal, state, or local entities as a result of this act be off-set by funds currently being used for marketing and outreach at the United States Department of Agriculture (USDA). (10 minutes)

5. Garrett (NJ): Requires that if reports due to Congress that evaluate the programs that are covered by this legislation are not transmitted on or before the time period specified for that report, amounts authorized to be appropriated under this title shall be reduced by 10 percent for the next fiscal year and reduced by an additional 10 percent for each subsequent fiscal year until such report is transmitted to Congress. (10 minutes)

6. Tierney (MA), Hinojosa (TX), Miller, George (CA): SUBSTITUTE Reauthorizes the Workforce Investment Act in a responsible way that ensures workers can obtain jobs and build careers through strategic partnerships and enables businesses to identify and hire qualified personnel to grow and continue our economic recovery. (20 minutes)

## TEXT OF AMENDMENTS MADE IN ORDER

## 1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FOXX OF NORTH CAROLINA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

In the table of contents in section 2, strike the item relating to section 139 and insert the following:

Sec. 139. Federal agency staff and restrictions on political and lobbying activities.

In the table of contents in section 2, add at the end the following:

## TITLE VI—STUDIES BY THE COMPTROLLER GENERAL

Sec. 601. Study by the Comptroller General on exhausting Federal Pell Grants before accessing WIA funds.

Sec. 602. Study by the Comptroller General on administrative cost savings.

Page 12, line 8, insert “pay-for-performance” before “contract”.

Page 12, line 11, strike “performance outcome” and insert “core indicators of performance”.

Page 12, beginning line 14, strike “a provider” and insert “an eligible provider”.

Page 12, line 16, insert after “who” the following: “, within a defined timetable,”.

Page 12, line 18, strike “outcome measures” and insert “core indicators of performance”.

Page 12, line 19, strike “, within a defined timetable”.

Page 12, line 23, strike “a provider” and insert “an eligible provider”.

Page 12, line 24, insert “program” before “participant”.

Page 12, line 25, strike “outcome measures” and insert “core indicators of performance”.

Page 13, line 7, strike “a provider” and insert “an eligible provider”.

Page 27, line 6, insert “and” before “all that follows”.

Page 27, beginning line 14, amend subparagraph (A) to read as follows:

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

“(1) IN GENERAL.—

“(A) PROCESS.—In order to receive an allotment under section 132, a State, through the State board, shall establish a process to designate local workforce investment areas within the State. Such process shall—

“(i) support the statewide workforce investment system developed under section 111(d)(2) that will meet the workforce needs of the State and its local areas;

“(ii) include prior consultation with chief elected officials;

“(iii) consider comments received through the public comment process as described in section 112(b)(9); and

“(iv) require the submission of an approved application under subparagraph (B).

“(B) APPLICATION.—To be designated as a local area under this paragraph, a local or regional board (or consortiums of local or regional boards) shall submit an application to a State board at such time, in such manner, and containing such information as the State board may require, including—

“(i) a description of the local area, including the population that will be served by the local area, and the education and training needs of its employers and workers;

“(ii) a description of how the local area is consistent or aligned with—

“(I) service delivery areas;

“(II) labor market areas; and

“(III) economic development regions;

“(iii) a description of the eligible providers of education and training, including postsecondary educational institutions such as community colleges, located in the local area available to meet the needs of the local workforce;

“(iv) a description of the distance that individuals will need to travel to receive services provided in such local area; and

“(v) any other criteria that the State board may require.

“(C) PRIORITY.—In designating local areas under this paragraph, a State board shall give priority consideration to applicants demonstrating that a designation as a local area under this paragraph will result in the reduction of overlapping service delivery areas, local market areas, or economic development regions.

“(D) ALIGNMENT WITH LOCAL PLAN.—A State may designate an applicant as a local area under this paragraph for a period not to exceed 3 years.”.

Page 28, beginning line 22, strike “and inserting the following:”.

Page 28, line 24, through page 29, line 7, strike paragraph (3).

Page 29, line 8, strike “and”.

Page 29, beginning line 9, amend subparagraph (E) to read as follows:

“(E) by redesignating paragraph (5) as paragraph (3); and”.

Page 29, after line 10, insert the following:

(F) in paragraph (3) (as so redesignated), by striking “(2) or (3)” both places it appears and inserting “(1)”;

Page 29, line 14, strike “(a)(1)(B), the Governor may designate a State” and insert “(a), the State board of a State may designate the State”.

Page 36, line 25, strike “individual training providers” and insert “each such eligible provider”.

Page 37, line 2, insert “eligible” before “providers”.

Page 37, line 4, strike “indicators as priority” and insert “criteria as priority eligible”.

Page 42, line 9, insert “, with a focus on employment that fosters independence and integration” after “disabilities”.

Page 55, line 23, insert “subsection” before “(b)(2)(B)”.

Page 70, line 24, strike the period and insert “; and”.

Page 86, beginning line 12, strike “, as defined in section 101(56),”.

Page 86, line 15, insert “eligible” before “providers”.

Page 99, line 12, strike “(B);” and insert “(B).”.

Page 104, beginning line 3, strike “an institution of higher education” and insert “a postsecondary educational institution”.

Page 104, line 5, insert “eligible” before “provider”.

Page 104, line 9, strike “and which” and insert “such contract”.

Page 104, line 11, insert “eligible” before “provider”.

Page 104, line 11, strike “if” and insert “and”.

Page 106, beginning line 4, strike “, as defined in section 101(56),”.

Page 118, line 24, strike “(1)(A)”.

Page 119, line 1, insert “of paragraph (1)(A)” after “clause (i)”.

- Page 119, line 6, insert “of paragraph (1)(A)” after “clause (ii)”.
- Page 122, line 10, strike “(E)” and insert “(D)”.
- Page 128, line 25, strike “1091(c)” and insert “1091(c))”.
- Page 154, line 2, strike “Education.” and insert “Education,”.
- Page 154, line 3, strike “as well as” and insert “and”.
- Page 157, line 9, insert before the semicolon the following: “, and conforming the casing style of the headings of such subsections to the casing style of the heading of subsection (d), as added by paragraph (7) of this section”.
- Page 166, line 18, strike “paragraph” and insert “subparagraph”.
- Page 167, line 16, insert after “STAFF” the following: “**AND RESTRICTIONS ON POLITICAL AND LOBBYING ACTIVITIES**”.
- Page 168, line 11, strike “eliminated” and insert “repealed”.
- Page 168, line 16, insert “and” at the end.
- Page 221, line 11, insert before the period the following: “, as in effect on the day before the date of enactment of the SKILLS Act”.
- Page 221, beginning line 18, amend paragraph (5) to read as follows:
- (5) Public Law 91-378, 16 U.S.C. 1701 et seq. (popularly known as the “Youth Conservation Corps Act of 1970”).
- Page 222, beginning line 21, move the quoted matter so that it appears in-line with “following:” on line 20 of such page.
- Page 230, line 11, insert “and all that follows” before “through”.
- Page 235, line 7, strike “victim” and insert “victims”.
- Page 236, line 23, strike “subsection” and insert “subsections”.
- Page 236, line 24, strike “subsection” and insert “subsections”.
- Page 240, after the item relating to section 196, insert the following:
- “Sec. 197. Restrictions on lobbying and political activities.”.

Add at the end of the bill, the following new title:

## **TITLE VI—STUDIES BY THE COMPTROLLER GENERAL**

### **SEC. 601. STUDY BY THE COMPTROLLER GENERAL ON EXHAUSTING FEDERAL PELL GRANTS BEFORE ACCESSING WIA FUNDS.**

Not later than 12 months after the date of enactment of this Act, the Comptroller General of the United States shall complete and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report that—

(1) evaluates the effectiveness of subparagraph (B) of section 134(d)(4) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(d)(4)(B)) (as such subparagraph was in effect on the day before the date of enactment of this Act), including—

(A) a review of the regulations and guidance issued by the Secretary of Labor to State and local areas on how to comply with such subparagraph;

(B) a review of State policies to determine how local areas are required to comply with such subparagraph;

(C) a review of local area policies to determine how one-stop operators are required to comply with such subparagraph; and

(D) a review of a sampling of individuals receiving training services under section 134(d)(4) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(d)(4)) to determine

if, before receiving such training services, such individuals have exhausted funds received through the Federal Pell Grant program under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.); and

(2) makes appropriate recommendations with respect to the matters evaluated under paragraph (1).

**SEC. 602. STUDY BY THE COMPTROLLER GENERAL ON ADMINISTRATIVE COST SAVINGS.**

(a) **STUDY.**—Not later than 12 months after the date of the enactment of this Act, the Comptroller General of the United States shall complete and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report that—

(1) determines the amount of administrative costs at the Federal and State levels for the most recent fiscal year for which satisfactory data are available for—

(A) each of the programs authorized under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.) or repealed under section 401 of this Act, as such programs were in effect for such fiscal year; and

(B) each of the programs described in subparagraph (A) that have been repealed or consolidated on or after the date of enactment of this Act;

(2) determines the amount of administrative cost savings at the Federal and State levels as a result of repealing and consolidating programs by calculating the differences in the amount of administrative costs between subparagraph (A) and subparagraph (B) of paragraph (1); and

(3) estimates the administrative costs savings at the Federal and State levels for a fiscal year as a result of States consolidating funds under section 501(e) of the Workforce Investment Act of 1998 (20 U.S.C. 9271(e)) to reduce inefficiencies in the administration of federally-funded State and local employment and training programs.

(b) **DEFINITION.**—For purposes of this section, the term “administrative cost” has the meaning given the term in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801).

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**2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GALLEGO OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES**

Page 26, line 20, insert “including training in advanced manufacturing,” after “training,”.

Page 44, line 24, insert “including training in advanced manufacturing,” after “training,”.

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**3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE YOUNG OF ALASKA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES**

Page 69, line 21, strike “not more than”.

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4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BLACK OF TENNESSEE OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 127, line 10, strike “There” and insert “(a) IN GENERAL.—There”.

Page 127, after line 13, insert the following:

“(b) SENSE OF CONGRESS RELATING TO ADMINISTRATIVE COSTS.—It is the sense of Congress that when funds are appropriated pursuant to the amendment made by subsection (a), the amount necessary to cover all administrative costs under title I of the Workforce Investment Act of 1998 should be offset by funds from the account for the Office for Advocacy and Outreach of the Department of Agriculture.”.

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GARRETT OF NEW JERSEY OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 160, line 2, strike “and” and after such line insert the following:

(5) by redesignating subsection (f) as subsection (g) and inserting after subsection (e) the following:

“(f) REDUCTION OF AMOUNTS AUTHORIZED TO BE APPROPRIATED FOR LATE REPORTING.—If a report required to be transmitted to Congress under this section is not transmitted on or before the time period specified for that report, amounts authorized to be appropriated under this title shall be reduced by 10 percent for the fiscal year that begins after the date on which the final report required under this section is required to be transmitted and reduced by an additional 10 percent each subsequent fiscal year until each such report is transmitted to Congress.”.

Page 160, line 3, strike “(5)” and insert “(6)”.

Page 160, line 4, strike “(g)” and insert “(h)”.

6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TIERNEY OF MASSACHUSETTS OR HIS DESIGNEE, DEBATABLE FOR 20 MINUTES

Strike all after the enacting clause and insert the following:

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

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

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

Sec. 1. Short title and table of contents.

Sec. 2. Purposes and principles.

TITLE I—WORKFORCE INVESTMENT SYSTEMS

Subtitle A—Definitions

Sec. 101. Definitions.

Subtitle B—Statewide and Local Workforce Investment Systems

Sec. 111. State workforce investment boards and requirements for State plans.

Sec. 112. State unified plan.

Sec. 113. Local workforce investment areas and boards.

Sec. 114. Additional one-stop programs and activities.

Sec. 115. Providers of training services.

Sec. 116. Youth activities.

- Sec. 117. Adult and dislocated worker training activities.
- Sec. 118. Unified performance accountability system.
- Sec. 119. Authorization of funding for one-stop infrastructure.

#### Subtitle C—Job Corps

- Sec. 131. Purposes.
- Sec. 132. Definitions.
- Sec. 133. Individuals eligible for the Job Corps.
- Sec. 134. Recruitment, screening, selection, and assignment of enrollees.
- Sec. 135. Enrollment.
- Sec. 136. Job Corps centers.
- Sec. 137. Program activities.
- Sec. 138. Support.
- Sec. 139. Community participation.
- Sec. 140. Industry councils.
- Sec. 141. Experimental, research, and demonstration projects and College Corps program.
- Sec. 142. Technical amendment.
- Sec. 143. Performance accountability and management.
- Sec. 144. Authorization of appropriations.

#### Subtitle D—National Programs

- Sec. 151. Native American programs.
- Sec. 152. Migrant and seasonal farmworker programs.
- Sec. 153. Veterans workforce investment programs.
- Sec. 154. Repeal.
- Sec. 155. Technical assistance.
- Sec. 156. Innovation projects.
- Sec. 157. Workforce and youth innovation and best practices grants.
- Sec. 158. Evaluations.
- Sec. 159. National dislocated worker grants.
- Sec. 160. Youthbuild program.
- Sec. 161. Authorization of appropriations.
- Sec. 162. Transition grants to States.
- Sec. 163. Interagency agreement.

#### Subtitle E—Administration

- Sec. 171. Requirements and restrictions.
- Sec. 172. Fiscal controls or sanctions.
- Sec. 173. Reports, recordkeeping, investigations.
- Sec. 174. Administrative provisions.
- Sec. 175. Repeals.
- Sec. 176. General program requirements.
- Sec. 177. Office of Disability Employment Policy.
- Sec. 178. Independent evaluation of the efficiency and effectiveness of the Federal Workforce Investment System.

#### Subtitle F—Community College to Career Fund

- Sec. 181. Community College to Career Fund.

### TITLE II—ADULT EDUCATION AND LITERACY

- Sec. 201. Purposes, definitions, and miscellaneous provisions.
- Sec. 202. Amendments to subtitle A.
- Sec. 203. Amendments to subtitle B.
- Sec. 204. Amendments to subtitle C.
- Sec. 205. Amendments to subtitle D.

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

- Sec. 301. Employment service offices.
- Sec. 302. Definitions.
- Sec. 303. Federal and State employment service offices.
- Sec. 304. Allotment of sums.
- Sec. 305. Use of sums.
- Sec. 306. State plan.
- Sec. 307. Performance accountability measures.
- Sec. 308. Pilot projects.
- Sec. 309. Labor market information system.



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

## Subtitle A—Introductory Provisions

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

## Subtitle B—Vocational Rehabilitation Services

- Sec. 411. Declaration of policy; authorization of appropriations.
- Sec. 412. State plans.
- Sec. 413. Eligibility and individualized plan for employment.
- Sec. 414. Vocational rehabilitation services.
- Sec. 415. State Rehabilitation Council.
- Sec. 416. Performance accountability measures.
- Sec. 417. Monitoring and review.
- Sec. 418. Training and services for employers.
- Sec. 419. State allotments.
- Sec. 420. Client Assistance Program.
- Sec. 421. Technical assistance for quality services.
- Sec. 422. Pre-employment transition services.
- Sec. 423. American Indian vocational rehabilitation services.

## Subtitle C—Research and Training

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

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

- Sec. 441. Training.
- Sec. 442. Demonstration and training programs.
- Sec. 443. Migrant and seasonal farmworkers.
- Sec. 444. Recreational programs.

## Subtitle E—National Council on Disability

- Sec. 451. Report.
- Sec. 452. Authorization of appropriations.

## Subtitle F—Rights and Advocacy

- Sec. 456. Board and Council.
- Sec. 457. Protection and advocacy of individual rights.
- Sec. 458. Standards for accessible medical diagnostic equipment.

## Subtitle G—Employment Opportunities for Individuals With Disabilities

- Sec. 461. Projects with industry.
- Sec. 462. Authorization of appropriations.
- Sec. 463. Supported employment services.

## Subtitle H—Independent Living Services and Centers for Independent Living

## CHAPTER 1—GENERAL PROVISIONS

- Sec. 471. Purpose.
- Sec. 472. Independent Living Administration.
- Sec. 473. Definitions.
- Sec. 474. State plan.
- Sec. 475. Statewide Independent Living Council.
- Sec. 476. Responsibilities of the ILA Director.

## CHAPTER 2—INDEPENDENT LIVING SERVICES

Sec. 477. Administration.

## CHAPTER 3—CENTERS FOR INDEPENDENT LIVING

Sec. 481. Program authorization.  
 Sec. 482. Centers.  
 Sec. 483. Standards and assurances.  
 Sec. 484. Authorization of appropriations.

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

Sec. 486. Independent living services for older individuals who are blind.  
 Sec. 487. Program of grants.  
 Sec. 488. Independent living services for older individuals who are blind authorization of appropriations.

## Subtitle I—Increasing Employment Opportunities for Individuals With Disabilities

Sec. 491. Disability employment.  
 Sec. 492. Table of contents.

**SEC. 2. PURPOSES AND PRINCIPLES.**

The purposes of this Act include the following:

- (1) To increase economic growth by improving the education and skills of American workers.
- (2) To ensure middle class prosperity through strong investment in talent and workforce development.
- (3) To prepare the unemployed, the underemployed, and those most disadvantaged with skills to match up with employer needs.
- (4) To provide individuals streamlined access to in-demand skills training and employment services by aligning education, training and workforce investment programs.
- (5) To strengthen engagement with employers in in-demand industries and all sectors to meet the needs of employers.
- (6) To improve the competitiveness and dynamism of the Nation's future workforce by investing in college and career-ready pathways for young adults.
- (7) To ensure accountability and efficiency through system performance measures that incentivize continuous improvement in services for workers and employers.
- (8) To encourage private sector partnerships connecting employers, labor unions, community colleges, workforce boards and related stakeholders to develop workforce skills that meet employer needs, including career pathways, recognized postsecondary credentials, and regional planning.

## **TITLE I—WORKFORCE INVESTMENT SYSTEMS**

### **Subtitle A—Definitions**

**SEC. 101. DEFINITIONS.**

Section 101 is amended—

- (1) by striking paragraph (24) and by redesignating—
  - (A) paragraphs (52) and (53) as paragraphs (60) and (61), respectively;

- (B) paragraphs (40) through (51) as paragraphs (47) through (58), respectively;
  - (C) paragraphs (25) through (39) as paragraphs (31) through (45), respectively;
  - (D) paragraphs (18) through (23) as paragraphs (25) through (30), respectively;
  - (E) paragraph (17) as paragraph (22);
  - (F) paragraphs (12) through (16) as paragraphs (16) through (20), respectively;
  - (G) paragraphs (8) through (11), as paragraphs (11) through (14), respectively; and
  - (H) paragraphs (5) through (7) as paragraphs (6) through (8), respectively;
- (2) by inserting after paragraph (4) the following:

“(5) CAREER PATHWAY.—

“(A) IN GENERAL.—The term ‘career pathway’ means a sequence of education, training, and other supportive services, clearly articulated from one level of instruction to the next, that are designed to prepare individuals to meet a set of career-related objectives as referenced in subparagraph (C).

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

“(i) aligned with the skill needs of industries in the State or regional economy involved;

“(ii) designed to increase an individual’s educational and skill attainment, and improve the individual’s employment outcomes and ability to meet career-related objectives, by—

“(I) preparing individuals for the full range of secondary or postsecondary education options, including apprenticeships registered under the Act of August 16, 1937 (commonly known as the ‘National Apprenticeship Act’; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.) (referred to individually in this Act as an ‘apprenticeship’, except in section 273);

“(II) including supportive services and counseling to support individuals in achieving their education and career goals;

“(III) including, as appropriate for an individual, education offered concurrently with and in the context of workforce preparation activities and training for a specific occupation or occupational cluster; and

“(IV) when participants are adults, organizing courses to meet adult participants’ needs including flexible scheduling, multiple entry and exit points (that may correspond with work and stackable credentials), giving credit for learning toward credentials and adopting other strategies that accelerate the educational and career advancement of the participant to the extent practicable; and

“(iii) at a minimum, provided through the alignment of core programs authorized under this Act with post-secondary education and training programs, consistent with descriptions included in the State and local plans.

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

“(i) enabling an individual to attain a secondary school diploma or its recognized equivalent, and at least 1 recognized postsecondary credential; and

“(ii) helping a worker enter or advance within a specific occupation or occupational cluster.”;

(3) by inserting after paragraph (8) (as so redesignated), the following:

“(9) CORE PROGRAM.—The term ‘core programs’ means—

“(A) chapter 4 and 5 of subtitle B of title I (relating to youth workforce investment activities and adult and dislocated worker employment and training activities);

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

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

“(D) title I of the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), other than section 112 or part C of that title (29 U.S.C. 732, 741) (relating to vocational rehabilitation services).

“(10) COSTS OF INFRASTRUCTURE.—The term ‘costs of infrastructure’, used with respect to a one-stop center, means the nonpersonnel costs that are necessary for the operation of the one-stop center, including the rental costs of the facilities, the costs of utilities and maintenance, equipment (including assessment-related products and adaptive technology for individuals with disabilities), and technology to facilitate access to the one-stop center.”;

(4) by inserting after paragraph (14) (as so redesignated), the following:

“(15) ECONOMIC SELF-SUFFICIENCY.—The term ‘economic self-sufficiency’ means, with respect to a worker, earning a wage sufficient to support a family adequately and, over time, to save for emergency expenses and adequate retirement income, based on factors such as—

“(A) family size;

“(B) the cost of living in the worker’s community; and

“(C) other factors that may vary by region.”;

(5) by inserting after paragraph (20) (as so redesignated), the following:

“(21) IN-DEMAND INDUSTRY SECTOR OR OCCUPATION.—

“(A) IN GENERAL.—The term ‘in-demand industry sector or occupation’ means—

“(i) an industry sector that—

“(I) has a substantial current or forecasted impact on the regional economy overall, including attracting, expanding or retaining businesses or jobs (including, at a minimum, jobs that lead to eco-

conomic self-sufficiency and opportunities for advancement) in the region;

“(II) contributes to the growth of other supporting businesses, or the growth of other industry sectors within the region;

“(III) provides workers with jobs that have competitive, family-sustaining wages and benefits; and

“(IV) includes occupations that provide opportunities for career advancement; or

“(ii) an occupation that—

“(I) has a significant presence in an industry sector;

“(II) has a shortage of available skilled workers;

“(III) pays competitive, family-sustaining wages and benefits that enable workers to achieve economic self-sufficiency, or can reasonably be expected to lead to a position with such wages and benefits;

“(IV) provides opportunities for career advancement; and

“(V) has a significant impact in a region’s economy.

“(B) DETERMINATION.—The determination of whether an industry sector or occupation is an in-demand industry sector or occupation under this paragraph shall be made using national, State, or regional labor market information.”;

(6) by inserting after paragraph (22) (as so redesignated), the following:

“(23) INDIVIDUAL WITH BARRIERS TO EMPLOYMENT.—The term ‘individual with barriers to employment’ means an individual with any characteristic that substantially limits an individual’s ability to obtain employment, including indicators of poor work history, lack of work experience or access to employment in nontraditional occupations, long-term unemployment, lack of educational or occupational skills attainment, dislocation from high-wage and high-benefit employment, low levels of literacy or English proficiency, disability status, homelessness, ex-offender status, or receipt of welfare.

“(24) INDUSTRY OR SECTOR PARTNERSHIP.—The term ‘industry or sector partnership’ means a workforce collaborative that—

“(A) organizes key stakeholders in an industry cluster into a working group that focuses on the workforce needs of the industry cluster and that includes, at the appropriate stage of development of the partnership—

“(i) representatives of multiple businesses or other employers in the industry cluster, including small and medium-sized employers when practicable;

“(ii) representatives of a recognized State labor organization or central labor council, a union representing employees in the industry or sector and another labor representative, as appropriate;

“(iii) 1 or more representatives of an institution of higher education with, or another provider of, edu-

cation or training programs that support the industry cluster, including career and technical education providers; and

“(iv) the State workforce agency providing labor market information and employment services under the Wagner-Peyser Act; and

“(B) may include representatives of—

“(i) State or local government;

“(ii) State or local economic development agencies;

“(iii) State boards or local boards, as appropriate;

“(iv) any local board that has established through its local plan a concentration of an industry cluster within its area;

“(v) business or trade associations;

“(vi) nonprofit organizations, community-based organizations, or intermediaries;

“(vii) philanthropic organizations; and

“(viii) other organizations, as determined to be necessary by the members comprising the industry or sector partnership.”

(7) in paragraph (36) (as so redesignated), by striking “as appropriate to the occupation for which the participant is being trained” and inserting “to a period not in excess of that generally required for acquisition of skills needed for the position with a particular occupation and”;

(8) by inserting after paragraph (44) (as so redesignated), the following:

“(45) RECOGNIZED POSTSECONDARY CREDENTIAL.—The term ‘recognized postsecondary credential’ means a credential awarded by a training provider or educational institution based on completion of all requirements for a program of study, including coursework or tests or other performance evaluations. The term includes an industry-recognized certificate, a certificate of completion of an apprenticeship, or an associate or baccalaureate degree.”; and

(9) by inserting after paragraph (57) (as so redesignated), the following:

“(58) WORKPLACE LEARNING ADVISOR.—The term ‘workplace learning advisor’ means an individual employed by an organization who has the knowledge and skill necessary to advise other employees of that organization about the education, skill development, job training, career counseling services, and credentials, including services provided through the workforce investment system, required to progress toward career goals of such employees in order to meet employer requirements related to job openings and career advancements that support economic self-sufficiency.”

## **Subtitle B—Statewide and Local Workforce Investment Systems**

### **SEC. 111. STATE WORKFORCE INVESTMENT BOARDS AND REQUIREMENTS FOR STATE PLANS.**

(a) **SIZE AND FUNCTIONS OF THE STATE BOARDS.**—Section 111 is amended—

(1) in subsection (b)—

(A) in paragraph (1)(C)—

(i) by amending clause (i)(I), by striking “including” and inserting “shall include”; and

(ii) by amending clause (vi) to read as follows:

“(vi)(I) lead State officials with primary responsibility for the program and activities that are described in section 121(b)(2)(B)(1) (i) through (iv); and

“(II) the State agency officials responsible for economic development;”; and

(B) by adding at the end the following:

“(4) **WORKER REPRESENTATION.**—Not less than 20 percent of the Board shall be comprised of representatives of the workforce within the State, and—

“(A) shall include representatives described in clause (iii) of section 117(b)(2)(A);

“(B) may include representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment needs of individuals with barriers to employment, including organizations that provide or support competitive, integrated employment for individuals with disabilities; and

“(C) may include representatives of organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of eligible youth, including representatives of organizations that serve out-of-school youth.”.

(2) in subsection (d)—

(A) in paragraph (8), by striking “; and” and inserting a semicolon;

(B) in paragraph (9), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

“(10) promotion in the development of guidance on career pathways by aligning workforce investment programs for the purpose of providing individuals with barriers to employment, including low-skilled adults and youth, with the employment, training, education, and supportive services the individuals need to attain the necessary credentials to secure and advance in employment;

“(11) promotion in the development of sector initiatives such as industry or sector partnerships relating to in-demand industry sectors and occupations;

“(12) provision of guidance on the alignment and delivery of services between the local boards, one-stop operator, and State entities carrying out relevant State-administered programs;

“(13) provision of technical assistance to local boards, one-stop partners, one-stop operators, and providers, as appropriate, in local areas concerning planning and delivering services; and

“(14) staff training and education across programs supported under workforce investment systems in local areas.”.

(b) REQUIRED CONTENT OF STATE PLANS.—Section 112 is amended—

(1) in subsection (a), by striking “a single State plan (referred to in this title as the ‘State plan’)” and inserting “a single State plan (referred to in this title as the ‘State plan’) that shall include the State plans of all core program and”;

(2) in subsection (b)—

(A) in paragraph (4)—

(i) in subparagraph (C), by striking “; and” and inserting a semicolon; and

(ii) by adding at the end the following new subparagraphs:

“(E) the State’s strategic vision and goals for preparing an educated and skilled workforce (including preparing youth and individuals with barriers to employment) and for meeting the skilled workforce needs of employers, including the workforce needs for civilian occupations important to military installations and including goals relating to performance accountability measures based on primary indicators of performance described in section 136(b)(2), in order to support economic growth and economic self-sufficiency; and

“(F) a strategy not inconsistent with the program requirements of the core programs for aligning the core programs, as well as other resources available to the State, to achieve the strategic vision and goals described in subparagraph (E), including how the State will meet performance accountability measures based on the system-wide indicators described in section 136(b)(2)(A) in order to support program alignment.”;

(B) in paragraph (8)(A)—

(i) in clauses (ix) and (x), respectively, by striking “; and” and inserting a semicolon; and

(ii) by adding at the end the following:

“(xi) apprenticeship programs registered under the National Apprenticeship Act (50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.);

“(xii) State labor certification activities for employment-based immigration programs authorized under the Immigration and Nationality Act; and

“(xiii) employment, training, and literacy services carried out by public libraries.”;

(C) in paragraph (12)(B), by inserting before the semicolon the following: “, and, after consultation with the local boards, specifying the minimum amount of Federal assistance under section 133(b) (2) and (3) provided to each local area that is to be spent on training”;

(D) in paragraph (17)(B), by striking “; and” and inserting a semicolon;



(E) in paragraph (18)(D), by striking the period and inserting a semicolon; and

(F) by adding at the end the following:

“(19) a process for providing guidance to local areas and conducting oversight to ensure implementation of priority of service for adult employment and training activities; in accordance with section 134(d)(4)(E);

“(20) a description of how the State will develop and implement career pathways and career and technical education by aligning workforce investment programs for the purpose of providing individuals, including low-skill adults and youth, with the employment, training, education, and supportive services the individuals need to attain the necessary credentials to secure and advance in employment;

“(21) an objective assessment of the needs of individuals in the State or outlying area for adult education and literacy activities, including individuals with barriers to employment;

“(22) a description of how the eligible agency will develop program strategies for populations that include, at a minimum—

“(A) low-income students;

“(B) individuals with disabilities;

“(C) single parents and displaced homemakers; and

“(D) individuals with multiple barriers to educational enhancement, including individuals with limited English proficiency; and

“(23) a description of how the adult education and literacy activities that will be carried out with any funds received under this subtitle will be integrated with other adult education, career development, and employment and training activities in the State or outlying area served by the eligible agency.”; and

(3) in subsection (c), by striking “Secretary of” and inserting “appropriate Secretary of each core program”.

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

The Workforce Investment Act of 1998 is further amended—

(1) by striking section 501; and

(2) by inserting after section 112 the following:

**“SEC. 113. STATE UNIFIED PLAN.**

“(a) PURPOSE.—The purpose of the State unified plan required by this section is to align education, training, and workforce development programs in support of a comprehensive workforce investment system.

“(b) DEFINITION OF APPROPRIATE SECRETARY.—In this section, the term ‘appropriate Secretary’ means the head of the Federal agency who exercises administrative authority over an activity or program described in subsection (c).

“(c) STATE UNIFIED PLAN.—

“(1) IN GENERAL.—A State shall develop and submit to the appropriate Secretaries a State unified plan for the core programs and may develop and submit one or more of the program and activities described in paragraph (2) in lieu of submitting two or more plans, for the programs and activities and the core programs.

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

“(A) Career and technical education programs at the secondary and postsecondary level authorized under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.).

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

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

“(D) Work programs authorized under section 6(o) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(o)).

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

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

“(G) Programs authorized under State unemployment compensation laws (in accordance with applicable Federal law).

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

“(I) Employment and training activities carried out by the Department of Housing and Urban Development.

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

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

“(d) REQUIREMENTS.—

“(1) IN GENERAL.—The portion of a unified plan covering the core programs shall be subject to the requirements of section 112 and to the additional requirements contained in the authorizing statute of the core program, if any. The portion of such plan covering a program or activity described in subsection (b)(2) shall be subject to the requirements, if any, applicable to a plan or application for assistance for that program or activity.

“(2) ADDITIONAL SUBMISSION NOT REQUIRED.—A State that submits a State unified plan covering an activity or program described in subsection (b) that is approved under subsection (d) shall not be required to submit any other plan or application in order to receive Federal funds to carry out the activity or program.

“(3) COORDINATION.—A State unified plan shall include—

“(A) a description of the methods used for joint planning and coordination of the programs and activities included in the unified plan; and

“(B) an assurance that the methods included an opportunity for the entities responsible for planning or administering such programs and activities to review and comment on all portions of the unified plan.

“(e) APPROVAL BY THE APPROPRIATE SECRETARIES.—

“(1) JURISDICTION.—The appropriate Secretary shall have the authority to approve the portion of the State unified plan relating to the activity or program over which the appropriate Sec-

retary exercises administrative authority. On the approval of the appropriate Secretary, the portion of the plan relating to the activity or program shall be implemented by the State pursuant to the applicable portion of the State unified plan.

“(2) APPROVAL OF CORE PROGRAMS.—No portion of the plan relating to a core program shall be implemented until the appropriate Secretary approves the corresponding portions of the plan for all core programs. Other core programs may continue in operation while new plan provisions are revised or are awaiting approval.

“(3) TIMING OF APPROVAL.—

“(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), a portion of the State unified plan covering the core programs or a program or activity described in subsection (a)(2) shall be considered to be approved by the appropriate Secretary at the end of the 90-day period beginning on the day the plan is submitted.

“(B) PLAN APPROVED BY 3 OR MORE APPROPRIATE SECRETARIES.—If an appropriate Secretary other than the Secretary of Labor or the Secretary of Education has authority to approve a portion of a unified plan, that portion of the unified plan shall be considered to be approved by the appropriate Secretary at the end of the 90-day period beginning on the day the plan is submitted.

“(C) DISAPPROVAL.—The portion shall not be considered to be approved if the appropriate Secretary makes a written determination, during the 90-day period, that the portion is not consistent with the requirements of the Federal law authorizing or applicable to the program or activity involved, including the criteria for approval of a plan or application, if any, under such law, or the plan is not consistent with the requirements of this section.

“(4) LOCAL JURISDICTION.—The appropriate local board shall approve the portion of the State unified plan relating to the activity or program over which the appropriate local board exercises administrative authority. On the approval of the appropriate local board, the portion of the plan relating to the activity or program shall be implemented by the State pursuant to the applicable portion of the State unified plan.”

**SEC. 113. LOCAL WORKFORCE INVESTMENT AREAS AND BOARDS.**

(a) PLANNING PROCESS FOR DIFFERENT TYPES OF REGIONS.—Section 116(c)(1) is amended—

(1) by striking “As part of” and inserting:

“(A) As part of”;

(2) by striking “may” each place it appears and inserting “shall”; and

(3) by adding at the end the following:

“(B) PLANNING FOR COOPERATIVE INITIATIVES AND ARRANGEMENTS.—In the regions comprised of 2 or more local areas, the State shall, in consultation with local boards, require regional planning, and service delivery, by local boards in those regions. For the purpose of administrative efficiency, the State shall require the local boards in a planning region to participate in a regional planning proc-

ess for cooperative initiatives and arrangements that result in—

“(i) the establishment and implementation of regional service strategies and activities, including service delivery cooperative arrangements and regional approaches to address the employment and training needs of the region, including strategies that meet the need of individuals with barriers to employment;

“(ii) as appropriate, the development and implementation of initiatives involving in-demand industry sectors or occupations;

“(iii) the collection and analysis of regional labor market data (in conjunction with the State); and

“(iv) the establishment of administrative and infrastructural cost sharing, as appropriate.

“(C) REGIONAL PLANS.—The State, after consultation with the local boards and chief elected officials for the planning region, shall require the local boards and officials to collaborate in order to prepare, submit, and obtain approval of a single regional plan. Such plan shall include a description of the cooperative initiatives and arrangements developed pursuant to clause (iii) and incorporate local plans for each of the local areas in the planning region, which shall contain strategies that are consistent and aligned with each other.”

(b) COMPOSITION OF THE BOARD AND INCLUSION OF PUBLIC LIBRARIES.—Section 117(b)(2)(A)(iv) is amended by striking “individuals with disabilities and” and inserting “public libraries, individuals with disabilities, and”.

(c) WORKER REPRESENTATION.—Section 117(b) is further amended by adding at the end the following:

“(5) WORKER REPRESENTATION.—Not less than 20 percent of the Board shall be comprised of representatives of the workforce within the local area, and—

“(A) shall include representatives described in clause (iii) of paragraph (2)(A);

“(B) may include representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment needs of individuals with barriers to employment, including organizations that provide or support competitive, integrated employment for individuals with disabilities; and

“(C) may include representatives of organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of eligible youth, including representatives of organizations that serve out-of-school youth.”

(d) REQUIRED FUNCTIONS OF THE LOCAL BOARDS.—Section 117(d) is amended—

(1) in the matter preceding paragraph (1), by striking “The functions” and inserting “Consistent with section 118, the functions”;

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

“(1) LOCAL PLAN.—The local board, in partnership with the chief elected official for the local area involved, shall develop

and submit a local plan to the Governor that meets the requirements in section 118. If the local area is part of a planning region that includes other local areas, the local board shall collaborate with the other local boards and chief elected officials from such other local areas in the development and submission of the local plan as described in section 116(c)(1)(A).”; and

(3) in paragraph (3)(B)(i)—

(A) in subclause (II), by inserting “or the local board” after “entity”;

(B) in subclause (III), by inserting “adult education, literacy and employment services” after “workforce investment activities”;

(C) in subclause (III)(ii), by adding at the end the following: “which staff, including staff of a one-stop center, report to and are responsible to the local board and not the chief elected official”;

(4) in paragraph (4) by striking “with respect” through “in local area” and inserting “in its local area over the core programs as described in this Act”;

(5) in paragraph (8)—

(A) in the paragraph heading, by striking “CONNECTING” and inserting “CONVENING”;

(B) by striking “connecting” and inserting “convening”;

and

(C) by adding at the end the following: “and to link youth, dislocated workers and others to opportunities for employment, internships, registered apprenticeships, or work-based learning”; and

(6) by adding at the end the following new paragraphs:

“(9) CAREER PATHWAYS DEVELOPMENT.—The local board, in consultation with the State board and with representatives of secondary, postsecondary, career and technical education, and adult education programs, shall lead efforts in the local area to develop and implement career pathways within the local area by aligning the employment, training, education, and supportive services that are needed by adults and youth, particularly individuals with barriers to employment.

“(10) WORKFORCE RESEARCH AND REGIONAL LABOR MARKET ANALYSIS.—In order to assist in the development and implementation of the local plan, the local board shall coordinate with the State public employment services under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) to—

“(A) utilize analyses of the economic conditions in the region, the needed knowledge and skills for the region, the workforce in the region, and workforce development activities (including education and training) in the region described in section 118(b)(1), and regularly update such information;

“(B) assist the Governor in developing the statewide labor market information system described in section 15(e) of the Wagner-Peyser Act (29 U.S.C. 491–2(e)), specifically in the collection, analysis, and utilization of labor market information for the region; and

“(C) assemble and utilize such other research, data collection, and analysis related to the workforce needs of the regional economy as the board, after receiving input from a wide array of stakeholders, determines to be necessary to carry out its functions, including consideration of the workforce needs for civilian occupations important to military installations developing strategies across local areas that will enhance civilian employment opportunities on local installations.

“(11) **PROVEN AND PROMISING PRACTICES.**—The local board shall lead efforts in the local area to—

“(A) identify and promote proven and promising strategies and initiatives for meeting the needs of employers, and workers and job seekers (including individuals with barriers to employment) in the local workforce investment system, including providing physical and programmatic accessibility, in accordance with section 288 and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), to the one-stop delivery system; and

“(B) identify and disseminate information, in coordination with the Department of Labor and the State board, on proven and promising practices carried out in other local areas for meeting such needs.

“(12) **TECHNOLOGY.**—The local board shall develop strategies for using technology to maximize the accessibility and effectiveness of the local workforce investment system for employers, and workers and job seekers, by—

“(A) facilitating connections among the reporting systems of the one-stop partner programs to support a comprehensive workforce investment system in the local area;

“(B) facilitating access to services provided throughout the one-stop delivery system involved, including facilitating the access in remote areas;

“(C) identifying strategies for better meeting the needs of individuals with barriers to employment, including strategies that augment traditional service delivery and technologies that increase access to services and programs of the one-stop delivery system for individuals with disabilities and other barriers to employment; and

“(D) leveraging resources and capacity within the local workforce investment system, including resources and capacity for services for individuals with barriers to employment.

“(13) **ADVERTISING.**—The local board shall plan for advertising one-stop services throughout the local area.

“(14) **TRANSITION.**—The local board shall develop strategies to ensure that services provided in the local area are coordinated with and meet the transition goals and services developed for children with disabilities under section 614(d)(1)(A)(i)(VIII) of the Individuals with Disabilities Education Act.

“(15) **LITERACY.**—The local board shall ensure that one-stop operators in the local area develop and implement policies to

ensure that the literacy and English language skills of an adult or eligible youth are not barriers to accessing services, including training services, that are available to assist individuals obtain and maintain employment.

“(16) SECTOR INITIATIVES.—The local board shall develop and expand sector initiatives in the local area or region which may include the convening of industry or sector partnerships relating to in-demand industry sectors and occupations.”

(e) CONTENTS OF THE LOCAL PLAN.—Section 118(b) is amended—

(1) in paragraph (1), by striking “an identification of—” and inserting “based on a labor market study and input solicited from local businesses, an identification of—”

(2) by redesignating paragraphs (7) through (10) as paragraphs (8) through (11), respectively, and by inserting after paragraph (6) the following:

“(7) a description of how the local board will coordinate workforce investment activities carried out in the local area with apprenticeship programs registered under the National Apprenticeship Act (50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.);” and

(3) by adding at the end the following:

“(12) a description of the procedure or process for implementing a priority of service for adult employment and training activities in accordance with section 134(d)(4)(E); and

“(13) a description of how the local board will coordinate workforce investment activities carried out in the local area with employment, training, and literacy services carried out by public libraries.”

#### **SEC. 114. ADDITIONAL ONE-STOP PROGRAMS AND ACTIVITIES.**

Section 121 is amended—

(1) in subsection (b)—

(A) in paragraph (1)(B)—

(i) in clause (xi), by striking “; and” and inserting a semicolon;

(ii) in clause (xii), by striking the period and inserting a semicolon; and

(iii) by adding at the end the following:

“(xiii) programs authorized under section 212 of the Second Chance Act of 2007 (42 U.S.C. 17532); and

“(xiv) programs authorized under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), subject to subparagraph (C).

“(A) DETERMINATION BY THE GOVERNOR.—

“(i) IN GENERAL.—An entity that carries out a program referred to in subparagraph (B)(xiv) shall be included in the one-stop partners for the local area, as a required partner, for purposes of this Act and the other core program provisions that are not part of this Act, unless the Governor provides the notification described in clause (ii).

“(ii) NOTIFICATION.—The notification referred to in clause (i) is a notification that—

“(I) is made in writing of a determination by the Governor not to include such entity in the one-stop partners described in clause (i); and

“(II) is provided to the Secretary and the Secretary of Health and Human Services.”; and

(B) in paragraph (2)(B), by striking clause (i) and redesignating clauses (ii) through (v) as clauses (i) through (iv), respectively; and

(2) in subsection (e)—

(A) by striking “If a one-stop” and inserting:

“(1) EXISTING SYSTEMS.—If a one-stop”; and

(B) by adding at the end the following:

“(2) COLLOCATION OF WAGNER-PEYSER SERVICES.—Consistent with section 3(d) of the Wagner-Peyser Act (29 U.S.C. 49b(d)), and in order to improve service delivery, avoid duplication of services, and enhance coordination of services, the employment service offices in each State and the one-stop centers established under this title shall be collocated to the extent practicable.

“(3) USE OF COMMON ONE-STOP DELIVERY SYSTEM IDENTIFIER.—Each one-stop delivery system shall include in the identification of products, programs, activities, services, facilities, and related property and materials, a common one-stop delivery identifier. The identifier shall be developed by the Secretary of Labor, in consultation with heads of other appropriate departments and agencies, and representatives of State boards and local boards and of other stakeholders in the one-stop delivery system, not later than the beginning of the second full program year after the date of enactment of this Act. Such common identifier may consist of a logo, phrase, or other identifier that informs users of the one-stop delivery system that such product, programs, activities, services, facilities, property, or materials are being provided through such system. Nothing in this paragraph shall be construed to prohibit one-stop partners, States, or local areas from having additional identifiers.”.

#### **SEC. 115. PROVIDERS OF TRAINING SERVICES.**

Section 122 is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A)(ii), by striking “or certificate” and inserting “recognized postsecondary credential”; and

(ii) in subparagraph (C), by inserting “, which may include joint labor-management organizations, sector partnerships, and eligible providers of adult education and literacy activities under title II if such activities are provided in combination with occupational skills training” before the period; and

(B) by adding at the end the following:

“(3) INCLUSION ON LIST OF ELIGIBLE PROVIDERS.—A private provider described in subparagraph (C) of paragraph (2) shall comply with the criteria, information requirements, and procedures established under this section to be included on the list of eligible training services described in paragraph (3). A public provider described in subparagraph (A) and a provider described in subparagraph (B) of paragraph (2) shall be included and maintained on the list of eligible providers of training services described in subsection (d) for so long as they comply



with the requirements of this section and for so long as a provider described in subparagraph (B) remains registered as described in such subparagraph.”;

(2) in subsection (d)(1)(A) is amended by adding at the end the following:

“(iii) information on the performance of the provider with respect to the performance accountability measures described in section 136 for such participants (taking into consideration the characteristics of the population served and relevant economic conditions), and information specifying the percentage of such participants who entered unsubsidized employment in an occupation related to the program, to the extent practicable; and

“(iv) information on secondary or postsecondary diploma or its recognized equivalent, or recognized postsecondary credentials received by such participants; and”;

(3) in subsection (e), by inserting after the first sentence the following: “The list of providers shall also be based on the identified labor market needs of employers in the local area based on input solicited from local business and identified in the local plan pursuant to section 118(b)(1).”; and

(4) in subsection (h)—

(A) in the subsection heading, by striking “OR CUSTOMIZED TRAINING” and inserting “INCUMBENT WORKER TRAINING, CUSTOMIZED TRAINING, AND OTHER TRAINING EXCEPTIONS”; and

(B) in paragraph (1), by striking “or customized training” and inserting “incumbent worker training, customized training, internships, and paid or unpaid work experience opportunities, or transitional employment”.

#### **SEC. 116. YOUTH ACTIVITIES.**

(a) DEFINITION OF DISADVANTAGED YOUTH AND STATE ALLOTMENTS.—Section 127 is amended—

(1) by amending subsection (a) to read as follows:

“(a) IN GENERAL.—The Secretary shall use the amount appropriated under section 137(a) for a fiscal year to make allotments and grants in accordance with subparagraphs (A) and (B) of subsection (b)(1) and make funds available for use under section 166 (relating to Native American programs).”;

(2) in subsection (b)—

(A) in paragraph (1), by striking subparagraph (A) and redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively; and

(B) in paragraph (2) by amending subparagraph (C) to read as follows:

“(C) DISADVANTAGED YOUTH.—Subject to paragraph (3), the term ‘disadvantaged youth’ means an individual who—

“(i) is age 16 through 24; and

“(ii) received an income, or is a member of a family that received a total family income, that, in relation to family size, does not exceed 150 percent of the poverty line.”; and

(3) in subsection (c), by amending paragraph (2) to read as follows:

“(2) AMOUNT.—The amount available for reallocation for a program year is equal to the amount by which the unobligated balance from State allotments to the State at the end of the program year prior to the program year for which the determination is made, exceeds 10 percent of the total amount of funds available to the State for that prior program year, consisting of the State allotment to the State for such prior program year (including amounts from State allotments to the State, for all program years before that prior program year) that remained available.”.

(b) WITHIN STATE ALLOCATIONS.—Section 128(c)(2) is amended to read as follows:

“(2) AMOUNT.—

“(A) IN GENERAL.—The amount available for allocation for a program year is equal to the amount by which the balance that is unobligated and unencumbered for training services at the end of the program year prior to the program year for which the determination is made, exceeds 10 percent of the total amount of funds available to the local area for that prior program year, consisting of the local allocation to the local area for such prior program year (including amounts from local allocations to the local area, for all program years before that prior program year) that remained available.

“(B) BALANCE OF FUNDS.—For purposes of this paragraph, the balance that is unobligated and unencumbered for training services is the amount that is the difference between—

“(i) the total amount of funds available to the local area under this section for that prior program year consisting of the local allocation to the local area for such prior program year (including amounts from local allocations to the local area for all program years before that prior program year) that remained available; and

“(ii) the amount, from that total amount of available funds, that is obligated or encumbered (in accordance with generally accepted accounting principles) for training services during such prior program year, except that for purposes of this paragraph the amount included as encumbered for training services shall not exceed 10 percent of the total amount of available funds described in clause (i).”.

(c) REQUIRED STATEWIDE YOUTH ACTIVITIES.—Section 129(b)(2) is amended—

(1) in subparagraph (C)—

(A) by inserting “, or that fail to meet local performance accountability measures,” after “concentrations of eligible youth”; and

(B) by striking the period at the end and inserting “; and”;

(2) by adding at the end the following new subparagraph:

“(D) providing technical assistance to, as appropriate, local boards, one-stop operators, and eligible providers, including support for the training or staff in evidence-based practices for serving eligible youth (including joint training) and facilitating remote access to services provided through the one-stop delivery system.”.

(d) LOCAL ELEMENTS AND REQUIREMENTS.—Section 129(c) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking “shall identify an” and inserting “shall identify career pathways that include education and employment goals”; and

(B) in subparagraph (C)—

(i) in clause (i), by striking “, in appropriate cases”;

(ii) in clause (ii), by striking “strong linkages between academic and occupational learning” and inserting “activities leading to the attainment of a secondary school diploma or its recognized equivalent, or a recognized postsecondary credential”; and

(iii) in clause (iv)—

(I) by inserting “employers, including small employers, and in-demand occupations” after “effective connections to”; and

(II) by striking subclauses (I) and (II);

(2) in paragraph (2)—

(A) by striking subparagraph (C) and redesignating subparagraphs (D) through (J) as subparagraphs (C) through (I), respectively;

(B) in subparagraph (C) (as so redesignated)—

(i) by striking “work experiences as appropriate,” and inserting “work experiences that include academic, area career and technical education or occupational education to ensure youth are college and career ready,”; and

(ii) after “including internships,” by inserting “summer employment, pre-apprenticeships programs, on-the-job training,”;

(C) in subparagraph (E) (as so redesignated), by inserting “such as youth service and conservation corps,” after “include community service”;

(D) in subparagraph (F) (as so redesignated), by inserting “, financial literacy education, and entrepreneurial skills training” after “supportive services”; and

(E) in subparagraph (I) (as so redesignated), after “which”, by inserting “shall include career counseling and career exploration services, as appropriate, and”;

(3) in paragraph (3)(C), by inserting “and family members, mentors,” after “parents”; and

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

“(A) IN GENERAL.—For any program year, not less than 60 percent of the funds described in paragraph (1) shall be used to provide youth workforce investment activities for out-of-school youth.”.

**SEC. 117. ADULT AND DISLOCATED WORKER TRAINING ACTIVITIES.**

(a) **DEFINITION OF DISADVANTAGED ADULT.**—Section 132(b)(1)(v)(IV) is amended by striking “does not exceed and all that follow” and inserting “150 percent of the poverty line.”.

(b) **REALLOTMENT.**—Section 132(c)(2) is amended to read as follows:

“(2) **AMOUNT.**—The amount available for reallocation for a program year is equal to the amount by which the unobligated balance from State allotments to the State at the end of the program year prior to the program year for which the determination is made, exceeds 10 percent of the total amount of funds available to the State for that prior program year, consisting of the State allotment to the State for such prior program year (including amounts from State allotments to the State, for all program years before that prior program year) that remained available.”.

(c) **TRANSFER AUTHORITY.**—Section 133(b)(4) is amended by striking “20 percent” both places it appears and inserting “30 percent”.

(d) **WITHIN STATE REALLOCATION.**—Section 133(c) 2 is amended to read as follows:

“(2) **AMOUNT.**—

“(A) **IN GENERAL.**—The amount available for allocation for a program year is equal to the amount by which the balance that is unobligated and unencumbered for training services at the end of the program year prior to the program year for which the determination is made, exceeds 10 percent of the total amount of funds available to the local area for that prior program year, consisting of the local allocation to the local area for such prior program year (including amounts from local allocations to the local area, for all program years before that prior program year) that remained available.

“(B) **BALANCE OF FUNDS.**—For purposes of this paragraph, the balance that is unobligated and unencumbered for training services is the amount that is the difference between—

“(i) the total amount of funds available to the local area under this section for that prior program year consisting of the local allocation to the local area for such prior program year (including amounts from local allocations to the local area for all program years before that prior program year) that remained available; and

“(ii) the amount, from that total amount of available funds, that is obligated or encumbered (in accordance with generally accepted accounting principles) for training services during such prior program year, except that for purposes of this paragraph the amount included as encumbered for training services shall not exceed 10 percent of the total amount of available funds described in clause (i).”.

(e) **USE OF UNOBLIGATED RAPID-RESPONSE FUNDS.**—Section 134(a)(2) is amended—

(1) in subparagraph (A)—

- (A) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively;
- (B) by striking “A State shall use” and inserting:
  - “(i) IN GENERAL.—A State shall use”; and
- (C) by adding at the end the following:
  - “(ii) USE OF UNOBLIGATED FUNDS.—Funds reserved by a Governor under section 133(a)(2) to carry out this subparagraph that remain unobligated after the first program year for which such funds were allotted may be used by the Governor to carry out statewide activities authorized under subparagraph (B) or paragraph (3)(A), in addition to activities under this subparagraph.”; and
- (2) in subparagraph (B)—
  - (A) in clause (v), by striking “; and” and inserting a semicolon;
  - (B) in clause (vi), by striking the period and inserting “; and”; and
  - (C) by adding at the end the following new clause:
    - “(vii) developing, implementing, and using layoff aversion strategies in collaboration with appropriate economic development and private sector entities, for implementation of strategies that may include early identification of firms at risk of layoffs, use of feasibility studies to assess the needs of and options for at-risk firms and the delivery of employment, training, economic development, investment and financial restructuring activities to address identified risk factors.”.
- (f) SHARED SERVICES.—Section 134(d)(1)(B) is amended—
  - (1) by striking “A portion” and inserting the following:
    - “(i) IN GENERAL.—A portion”; and
  - (2) by adding at the end the following:
    - “(ii) ADDITIONAL COSTS OF ONE-STOP.—Subject to the memorandum of understanding described in section 121(c) for the one-stop delivery system involved, in addition to the funds provided for one-stop infrastructure described in section 137(d), a portion of funds made available under Federal law authorizing the programs described in section 121(b) and administered by one-stop partners, or the noncash resources available under such programs, shall be used to pay the additional costs relating to the operation of the one-stop delivery system that are not paid from the funds provided under section 137(d), as determined in accordance with clause (iv), to the extent not inconsistent with the Federal law involved. Such costs shall include the costs of the provision of core services described in section 134(d)(2) applicable to each program and may include common costs that are not paid from the funds provided under section 137(d).
    - “(iii) SHARED SERVICES.—Costs of shared services may include costs of services that are authorized for and may be commonly provided through the one-stop partner programs to any individuals, such as initial

intake, assessment of needs, appraisal of basic skills, identification of appropriate services to meet such needs, referrals to other one-stop partners, and other similar services.

“(iv) DETERMINATION AND GUIDANCE.—The method for determining the appropriate portion of funds and noncash resources to be provided by the one-stop partner for each program for a one-stop center shall be determined as part of the development of the memorandum of understanding under subsection (c) for the one-stop center and shall be stated in the memorandum. The State board shall provide guidance to facilitate the determination, for purposes of the memorandum of understanding, of an appropriate allocation of the funds and noncash resources in local areas.”.

(g) TRAINING SERVICES.—Section 134(d)(4) is amended—

(1) in subparagraph (B), by adding at the end the following:

“(iii) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to require an individual to receive core or intensive services under paragraphs (2) or (3), respectively, prior to receiving training services under this paragraph.”;

(2) in subparagraph (D)—

(A) in clause (ix), by striking “; and” and inserting a semicolon; and

(B) by adding at the end the following:

“(x) education, training, and skill upgrading for individuals to work and maintain proficiency as workplace learning advisors in programs sponsored by employers or joint labor-management partnerships.”;

(3) in subparagraph (E)—

(A) by striking “In the event” through “priority” and inserting “With respect to funds allocated to a local area for adult employment and training activities, priority”;

(B) by inserting “individuals with barriers to employment” after “public assistance and other”; and

(C) by striking “making determination related to” and inserting “implementing”;

(4) by striking subparagraph (G) and inserting the following:

“(G) USE OF INDIVIDUAL TRAINING ACCOUNTS.—

“(i) IN GENERAL.—Except as provided in clause (ii), training services provided under this paragraph shall be provided through the use of individual training accounts in accordance with this paragraph, and shall be provided to eligible individuals through the one-stop delivery system.

“(ii) TRAINING CONTRACTS.—Training services authorized under this paragraph may be provided pursuant to a contract for services in lieu of an individual training account if—

“(I) the requirements of subparagraph (F) are met;

“(II) such services are on-the-job training, registered apprenticeships, customized training, in-

cumbent worker training, entrepreneurial skills training, or transitional employment;

“(III) the local board determines there are an insufficient number of eligible providers of training services in the local area involved (such as in a rural area) to accomplish the purposes of a system of individual training accounts;

“(IV) the local board determines that there is a training services program of demonstrated effectiveness offered in the local area by a community-based organization or another private organization to serve individuals with barriers to employment; or

“(V) the local board determines that it would be most appropriate to award a contract to an institution of higher education or other eligible provider of training services, including area career and technical education centers in order to facilitate the training of multiple individuals in in-demand industry sectors or occupations and that such contract does not limit customer choice.

“(iii) LINKAGE TO OCCUPATIONS IN DEMAND.—Training services provided under this paragraph shall be directly linked to an in-demand industry sector or occupation in the local area or region, or in another area to which an adult or dislocated worker receiving such services is willing to relocate, except that a local board may approve training services for occupations determined by the local board to be in sectors of the economy that have a high potential for sustained demand or growth in the local area.

“(iv) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to preclude the combined use of individual training accounts and contracts in the provision of training services, including arrangements that allow individuals receiving individual training accounts to obtain training services that are contracted for under clause (ii).”; and

(5) by adding at the end the following:

“(H) REIMBURSEMENT FOR ON-THE-JOB TRAINING.—

“(i) REIMBURSEMENT LEVEL.—For purposes of the provision of on-the-job training under this paragraph, the Governor or local board involved may increase the amount of the reimbursement described in section 101(31) to an amount of up to 75 percent of the wage rate of a participant for a program carried out under this chapter, if, respectively—

“(I) the Governor approves the increase with respect to a program carried out with funds reserved by the State under that chapter, taking into account the factors described in clause (ii); or

“(II) the local board approves the increase with respect to a program carried out with funds allocated to a local area under such chapter, taking into account those factors.

“(ii) FACTORS.—For purposes of clause (i), the Governor or local board, respectively, shall take into account factors consisting of—

“(I) the characteristics of the participants;

“(II) the size and resources of the employer;

“(III) the likely employment opportunities available to workers who complete an on-the-job training program; and

“(IV) such other factors as the Governor or local board, respectively, may determine to be appropriate, which may include the number of employees participating in the training, wage and benefit levels of those employees (at present and anticipated upon completion of the training), relation of the training to the competitiveness of a participant, and other employer-provided training and advancement opportunities.”.

(h) INCUMBENT WORKER TRAINING PROGRAMS AND TRANSITIONAL JOBS.—Section 134(e) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking “; and” and inserting a semicolon;

(B) in subparagraph (B), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(C) work support activities designed to assist low-wage workers in retaining and enhancing employment, such as the provision of activities described in this section during nontraditional hours and the provision of child care while such activities are being provided.”; and

(2) by adding at the end the following new paragraphs:

“(4) INCUMBENT WORKER TRAINING PROGRAMS.—

“(A) IN GENERAL.—

“(i) STANDARD RESERVATION OF FUNDS.—Except as provided in clause (ii), the local board may reserve and use not more than 15 percent of the funds allocated to the local area involved under section 133(b) to pay for the Federal share of the cost of providing training through a training program for incumbent workers, carried out in accordance with this paragraph.

“(ii) INCREASED RESERVATION OF FUNDS.—If the local board determines that there is sufficient evidence that use of the funds reserved under clause (i) led to employee retention by and contributed to creation of new jobs with employers that participated in incumbent worker training programs, the local board may reserve and use not more than a total of 20 percent of such funds to pay for the Federal share of such costs.

“(iii) DETERMINATION OF ELIGIBILITY.—For the purpose of determining the eligibility of an employer to receive funding under clause (i), the local board shall take into account factors consisting of—

“(I) the characteristics of the participants in the program;



“(II) the relationship of the training to the competitiveness of a participant and the employer; and

“(III) such other factors as the local board may determine to be appropriate, which may include the number of employees participating in the training, the wage and benefit levels of those employees (at present and anticipated upon completion of the training), and the existence of other training and advancement opportunities provided by the employer.

“(iv) STATEWIDE IMPACT.—The Governor or State board involved may make recommendations to the local board for providing incumbent worker training that has statewide impact.

“(B) TRAINING ACTIVITIES.—The training program for incumbent workers carried out under this paragraph shall be carried out by the local board in conjunction with the employers or groups of employers of such workers, or a labor-management partnership, including joint registered apprenticeship programs, for the purpose of assisting such workers in obtaining the skills necessary to retain employment or avert layoffs.

“(C) EMPLOYER PAYMENT OF NON-FEDERAL SHARE.—Employers participating in the program carried out under this paragraph shall be required to pay for the non-Federal share of the cost of providing the training to incumbent workers of the employers.

“(D) NON-FEDERAL SHARE.—

“(i) FACTORS.—Subject to clause (ii), the local board shall establish the non-Federal share of such cost (taking into consideration such other factors as the number of employees participating in the training, the wage and benefit levels of the employees (at the beginning and anticipated upon completion of the training), the relationship of the training to the competitiveness of the employer and employees, and the availability of other employer-provided training and advancement opportunities).

“(ii) LIMITS.—The non-Federal share shall not be less than—

“(I) 10 percent of the cost for employers with not more than 50 employees;

“(II) 25 percent of the cost, for employers with more than 50 employees but not more than 100 employees; and

“(III) 50 percent of the cost, for employers with more than 100 employees.

“(iii) CALCULATION OF EMPLOYER SHARE.—The non-Federal share provided by an employer participating in the program may include the amount of the wages paid by the employer to a worker while the worker is attending a training program under this paragraph.

“(E) WORKER PROTECTIONS.—If an incumbent worker training program is proposed for an employer whose work-

ers are covered by a collective bargaining agreement, the union representing those workers will be consulted regarding the incumbent worker training program and concur prior to the start of the program.

“(5) TRANSITIONAL JOBS.—The local board may use not more than 15 percent of the funds allocated to the local area involved under section 133(b) to provide transitional jobs under subsection (c)(4) that—

“(A) are time-limited work experiences in integrated settings that are subsidized and are in the public, private, or nonprofit sectors for individuals with barriers to employment who are chronically unemployed, have no employment experience or have an inconsistent work history;

“(B) are combined with comprehensive employment and supportive services;

“(C) are designed to assist the individuals described in subparagraph (A) to establish a work history, demonstrate success in the workplace, and develop the skills that lead to entry into and retention in unsubsidized employment; and

“(D) assist in placement or hiring to an unsubsidized job.”.

**SEC. 118. UNIFIED PERFORMANCE ACCOUNTABILITY SYSTEM.**

Section 136 is amended to read as follows:

**“SEC. 136. UNIFIED PERFORMANCE ACCOUNTABILITY SYSTEM.**

“(a) PURPOSE.—The purpose of this section is to establish shared performance accountability measures that apply across the core programs to assess the effectiveness of States and local areas in achieving positive outcomes for individuals served by those programs.

“(b) STATE UNIFIED PERFORMANCE ACCOUNTABILITY MEASURES.—

“(1) IN GENERAL.—For each State, the unified performance accountability measures for the core programs shall consist of—

“(A)(i) the primary indicators of performance described in paragraph (2)(A); and

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

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

“(2) INDICATORS OF PERFORMANCE.—

“(A) PRIMARY INDICATORS OF PERFORMANCE.—

“(i) IN GENERAL.—The State primary indicators of performance for activities provided under the adult and dislocated worker programs authorized under chapter 6 of subtitle B of title I, the program of adult education and literacy activities authorized under title II, the employment services program authorized under sections 1 through 13 of the Wagner-Peyser Act (29 U.S.C. 49 et seq.) (except that subclauses (IV) and (V) shall not apply to such program), and the program authorized under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.), other than section 112 or part C of that title (29 U.S.C. 732, 741), shall consist of—

“(I) the percentage and number of program participants who are in unsubsidized employment during the second quarter after exit from the program;

“(II) the percentage and number of program participants who are in unsubsidized employment during the fourth quarter after exit from the program;

“(III) the median earnings of program participants who are in unsubsidized employment during the second quarter after exit from the program compared to the median earnings of such participants prior to the training;

“(IV) the percentage of program participants who obtain a recognized postsecondary credential, including in a registered apprenticeship or on-the-job training program, or a secondary school diploma or its recognized equivalent (subject to clause (iii)), during participation in or within 1 year after exit from the program;

“(V) the percentage of program participants who, during a program year, are in an education or training program, including a registered apprenticeship or on-the-job training program, that leads to a recognized postsecondary credential or a secondary school diploma or its recognized equivalent, or employment and who are achieving measurable basic skill gains toward such a credential or employment; and

“(VI) the indicators of effectiveness in serving employers established pursuant to clause (iv).

“(ii) PRIMARY INDICATORS OF PERFORMANCE FOR ELIGIBLE YOUTH.—The primary indicators of performance for the youth program authorized under chapter 4 of this subtitle shall consist of—

“(I) the percentage and number of program participants who are in education or training activities, or in unsubsidized employment during the second quarter after exit from the program;

“(II) the percentage and number of program participants who are in education or training activities, or in unsubsidized employment, during the fourth quarter after exit from the program;

“(III) the median earnings of program participants who are in unsubsidized employment during the second quarter after exit from the program compared to the median earnings of such participants prior to the training;

“(IV) the percentage of program participants who obtain a recognized postsecondary credential described in clause (i)(IV), or a secondary school diploma or its recognized equivalent subject to clause (iii) during participation in or within 1 year after exit from the program;

“(V) the percentage of program participants who, during a program year, are in an education or training program that leads to a recognized postsecondary credential or a secondary school diploma or its recognized equivalent, or employment and who are achieving measurable basic skill gains toward such a secondary credential or employment; and

“(VI) the indicators of effectiveness in serving employers established pursuant to clause (iv).

“(iii) INDICATOR RELATING TO CREDENTIAL.—For purposes of clause (i)(IV) or (ii)(IV), program participants who obtain a secondary school diploma or its recognized equivalent shall be included in the percentage counted as meeting the criterion under such clause only if such participants, in addition to obtaining such diploma or its recognized equivalent, have obtained or retained employment, have been removed from public assistance, or are in an education or training program leading to a recognized postsecondary credential described in clause (i)(IV) within 1 year after exit from the program.

“(iv) INDICATOR FOR SERVICES TO EMPLOYERS.—Prior to the commencement of the second full program year after the date of enactment of this Act, for purposes of clauses (i)(VI) and (ii)(V), the Secretary of Labor and the Secretary of Education after consultation with the representatives described in subsection (h)(2), shall jointly develop and establish, for purposes of this subparagraph, 1 or more primary indicators of performance that indicate the effectiveness of the core programs in serving employers.

“(B) ADDITIONAL INDICATORS.—A State may identify in the State plan additional performance accountability indicators.

“(3) LEVELS OF PERFORMANCE.—

“(A) STATE ADJUSTED LEVELS OF PERFORMANCE FOR PRIMARY INDICATORS.—

“(i) IN GENERAL.—For each State submitting a State plan, there shall be established, in accordance with this subparagraph, levels of performance for each of the corresponding primary indicators of performance described in paragraph (2) for each of the programs described in clause (ii).

“(ii) INCLUDED PROGRAMS.—The programs included under clause (i) are—

“(I) the youth program authorized under chapter 4 of this subtitle;

“(II) the adult program authorized under chapter 5 of this subtitle;

“(III) the dislocated worker program authorized under chapter 5 of this subtitle;

“(IV) the program of adult education and literacy activities authorized under title II;

“(V) the employment services program authorized under sections 1 through 13 of the Wagner-Peyser Act (29 U.S.C. 49 et seq.); and

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

“(iii) IDENTIFICATION OF STATE PLAN.—Each State shall identify, in the State plan, expected levels of performance for each of the corresponding primary indicators of performance for each of the programs described in clause (ii) for the first 2 program years covered by the State plan.

“(iv) AGREEMENT OF STATE ADJUSTED LEVELS OF PERFORMANCE.—

“(I) FIRST 2 YEARS.—The State shall reach agreement with the Secretary of Labor and the Secretary of Education on levels of performance for each indicator described in clause (iii) for each of the programs described in clause (ii) for each of the first 2 program years covered by the State plan. In reaching the agreement, the State and Secretaries shall take into account the levels identified in the State plan under clause (iii) and the factors described in clause (v). The levels agreed to shall be considered to be the State adjusted levels of performance for the State for such program years and shall be incorporated into the State plan prior to the approval of such plan.

“(II) THIRD AND FOURTH YEAR.—The State and the Secretaries shall reach agreement, prior to the third program year covered by the State plan, on levels of performance for each indicator described in clause (iii) for each of the programs described in clause (ii) for each of the third and fourth program years covered by the State plan. In reaching the agreement, the State and Secretaries shall take into account the factors described in clause (v). The levels agreed to shall be considered to be the State adjusted levels of performance for the State for such program years and shall be incorporated into the State plan as a modification to the plan.

“(v) FACTORS.—In reaching the agreements described in clause (iv), the State and Secretaries shall—

“(I) take into account how the levels involved compare with the State adjusted levels of performance established for other States;

“(II) ensure that the levels involved are adjusted, using the objective statistical model established by the Secretaries pursuant to clause (viii), based on the difference among States in economic conditions (including differences in unemployment rates and job losses or gains in particular industries) and the characteristics of participants when

the participants entered the program involved, including indicators of poor work history, lack of work experience, lack of educational or occupational skills attainment, dislocation from high-wage and high-benefit employment, low levels of literacy or English proficiency, disability status, homelessness, ex-offender status, and welfare dependency;

“(III) take into account the extent to which the levels involved promote continuous improvement in performance accountability on the performance accountability measures by such State and ensure optimal return on the investment of Federal funds; and

“(IV) take into account the extent to which the levels involved will assist the State in meeting the goals described in clause (vi).

“(vi) GOALS.—In order to promote enhanced performance outcomes and to facilitate the process of reaching agreements with the States under clause (iv), the Secretary of labor and the Secretary of Education shall establish performance goals for the core programs, in accordance with the Government Performance and Results Act of 1993 and in consultation with States and other appropriate parties. Such goals shall be long-term goals for the adjusted levels of performance to be achieved by each of the programs described in clause (ii) regarding the corresponding primary indicators of performance described in paragraph (2)(A).

“(vii) REVISIONS BASED ON ECONOMIC CONDITIONS AND INDIVIDUALS SERVED DURING THE PROGRAM YEAR.—The Secretary of Labor and the Secretary of Education shall, in accordance with the objective statistical model developed pursuant to clause (viii), revise the State adjusted levels of performance applicable for each of the programs described in clause (ii), for a program year and a State, to reflect the economic conditions and characteristics of participants (as described in clause (v)(II)) in that program during such program year in a such State.

“(viii) STATISTICAL ADJUSTMENT MODEL.—The Secretary of Labor and the Secretary of Education, after consultation with the representatives described in subsection (h)(2), shall develop and disseminate an objective statistical model that will be used to make the adjustments in the State adjusted levels of performance for economic conditions and characteristics of participants under clauses (v) and (vii).

“(B) LEVELS OF PERFORMANCE FOR ADDITIONAL INDICATORS.—The State may identify, in the State plan, State levels of performance for each of the additional indicators identified under paragraph (2)(B). Such levels shall be considered to be State adjusted levels of performance for purposes of this section.

“(C) ALTERNATE GUIDELINES FOR MEASURING PERFORMANCE FOR ENTREPRENEURIAL TRAINING SERVICES.—The Secretary of Labor shall establish alternate guidelines for measuring the progress of State and local performance for entrepreneurial training services, as authorized in section 134(d)(4)(D)(vi) and provide the State and local Workforce Investment Boards with specific guidance on successful approaches to collecting performance information on entrepreneurial self employment. In determining the alternate guidelines, the Secretary shall consider utilizing a State’s waiver authority, as authorized in section 189(i)(4).

“(c) LOCAL PERFORMANCE ACCOUNTABILITY MEASURES.—

“(1) IN GENERAL.—For each local area in a State designated under section 116, the local performance accountability measures for each of the program described in subclauses (I) through (III) of subsection (b)(3)(A)(ii) shall consist of—

“(A)(i) the primary indicators of performance described in subsection (b)(2)(A) that are applicable to such programs; and

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

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

“(2) LOCAL LEVEL OF PERFORMANCE.—The local board, the chief elected official, and the Governor shall negotiate and reach agreement on local levels of performance based on the State adjusted levels of performance established under subsection (b)(3)(A).

“(3) ADJUSTMENT FACTORS.—In negotiating the local levels of performance, the local board, the chief elected official, and the Governor shall make adjustments for the expected economic conditions and the expected characteristics of participants to be served in the local area, using the statistical adjustment model developed pursuant to subsection (b)(3)(A)(viii). In addition, the negotiated local levels of performance applicable to a program year shall be revised to reflect the economic conditions experienced and the characteristics of the populations served in the local area during such program year using the statistical adjustment model.

“(d) PERFORMANCE ACCOUNTABILITY REPORTS.—

“(1) IN GENERAL.—Not later than 6 months after the date of enactment of the Workforce Investment Act of 2012, the Secretary of Labor and the Secretary of Education shall jointly develop a template for performance reports that shall be used by States, local boards, and eligible providers of training services under section 122 to report on outcomes achieved by the core programs, and to report on quantifiable benchmarks established in the State plan as described in section 112 or the State unified plan described in section 113 that demonstrate annual improvement with respect to each of the system-wide performance indicators established under subsection (j)(2) of this section.

“(2) CONTENTS OF STATE PERFORMANCE REPORTS.—The performance report for a State shall include, subject to paragraph (5)(C)—

“(A) information specifying the levels of performance achieved with respect to the primary indicators of performance described in subsection (b)(2)(A) for each of the programs described in subsection (b)(3)(A)(ii) and the State adjusted levels of performance with respect to such indicators for each program;

“(B) information specifying the levels of performance achieved with respect to the primary indicators of performance described in subsection (b)(2)(A) for each of the programs described in subsection (b)(3)(A)(ii) with respect to individuals with barriers to employment, disaggregated by each subpopulation of such individuals;

“(C) the total number of participants served by each type of service of the programs described in subsection (b)(3)(A)(ii), and the types of core, intensive, and training services provided;

“(D) the number of individuals with barriers to employment served by each type of service by each of the programs described in subsection (b)(3)(A)(ii), disaggregated by each subpopulation of such individuals;

“(E) the number of participants who are enrolled in more than 1 of the programs described in subsection (b)(3)(A)(ii); and

“(F) other information that facilitates comparisons of programs with programs in other States.

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

“(A) information specifying the levels of performance achieved with respect to the primary indicators of performance described in subsection (b)(2)(A) for each of the programs described in subclauses (I) through (III) of subsection (b)(3)(A)(ii), and the local adjusted levels of performance with respect to such indicators for each program;

“(B) information specifying the levels of performance achieved with respect to the primary indicators of performance described in subsection (b)(2)(A) for each of the programs described in subclauses (I) through (III) of subsection (b)(3)(A)(ii) with respect to individuals with barriers to employment, disaggregated by each subpopulation of such individuals;

“(C) the total number of participants served by each of the programs described in subclauses (I) through (III) of subsection (b)(3)(A)(ii), and the types of core, intensive, and training services provided;

“(D) the number of individuals with barriers to employment served by each of the programs described in subclauses (I) through (III) of subsection (b)(3)(A)(ii), disaggregated by each subpopulation of such individuals;

“(E) the number of participants who are enrolled in any of the programs described in subclauses (I) through (III) of



subsection (b)(3)(A)(ii) who are enrolled in more than 1 program described in subsection (b)(3)(A)(ii); and

“(F) other information that facilitates comparisons of programs with programs in other local areas (or planning regions, as appropriate).

“(4) CONTENTS OF ELIGIBLE TRAINING PROVIDERS PERFORMANCE REPORTS.—The performance report for an eligible provider of training services under section 122 shall include, subject to paragraph (5)(C), with respect to each program of training services, including core, intensive, and training services, of such provider—

“(A) information specifying the levels of performance achieved with respect to the primary indicators of performance described in subclauses (I) through (IV) of subsection (b)(2)(A)(i) with respect to participants served under the adult and dislocated worker programs under chapter 5 of this subtitle; and

“(B) the number of participants served under each of the adult and dislocated worker programs under chapter 5 of this subtitle and the number of individuals with barriers to employment served under each of such programs, disaggregated by each subpopulation of such individuals.

“(5) PUBLICATION.—

“(A) STATE PERFORMANCE REPORTS.—The Secretary of Labor and the Secretary of Education shall annually make publically available, including by electronic means, the performance reports for States and local areas containing the information described in paragraph (2).

“(B) LOCAL AREA AND ELIGIBLE TRAINING PROVIDER PERFORMANCE REPORTS.—The State shall make publically available, including by electronic means, the performance reports for the local areas containing the information described in paragraph (3) and the performance reports for eligible providers of training services containing the information described in paragraph (4).

“(C) RULES FOR REPORTING OF DATA.—The disaggregation of data under this subsection shall not be required when the number of participants in a category is insufficient to yield statistically reliable information or when the results would reveal personally identifiable information about an individual participant.

“(e) EVALUATION OF STATE PROGRAMS.—

“(1) IN GENERAL.—Using funds authorized under a core program and made available to carry out this section, the State, in coordination with local boards in the State and the State agencies responsible for the administration of the core programs, shall conduct ongoing evaluations of activities carried out in the State under such programs and in accordance with the State unified plan. The State, local boards, and State agencies shall conduct the evaluations in order to promote, establish, implement, and utilize methods for continuously improving core program activities in order to achieve high-level performance within, and high-level outcomes from, the workforce investment system. To the maximum extent practicable, the State shall coordinate the valuations with the evaluations pro-

vided for the Secretary of Labor and Secretary of Education under section 172, section 343(b)(3)(E), section 10(b) of the Wagner-Peyser Act (29 U.S.C. 49i(b)), and sections 12(a)(5), 14, and 107 of the Rehabilitation Act of 1973 (29 U.S.C. 709(a)(5), 711, 727) (applied with respect to programs carried out under title I of that Act).

“(2) DESIGN.—The evaluations conducted under this subsection shall be designed in conjunction with the State board, State agencies responsible for the administration of the core programs, and local boards and shall include analysis of customer feedback and outcome and process measures in the statewide workforce investment system. The evaluations may include the use of control groups.

“(3) RESULTS.—The State shall periodically prepare, submit to the State board and local boards in the State, and make available to the public, including by electronic means, reports containing the results of evaluations conducted under this subsection, to promote the efficiency and effectiveness of the workforce investment system.

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

“(1) STATES.—

“(A) TECHNICAL ASSISTANCE.—If a State fails to meet the State adjusted levels of performance relating to indicators described in subsection (b)(2)(A) for a program for any program year, the Secretary of Labor and the Secretary of Education shall, upon request, provide technical assistance, including assistance in the development of a performance improvement plan.

“(B) REDUCTION IN AMOUNT OF GRANT.—If such failure continues for a second consecutive year, or if a State fails to submit a report under subsection (d) for any program year, the Secretary of Labor or the Secretary of Education, as appropriate, may reduce by not more than 5 percent, the amount of the allotment that would (in the absence of this paragraph) be payable to the State under such program for the immediately succeeding program year. Such penalty shall be based on the degree of failure to meet State adjusted levels of performance.

“(2) FUNDS RESULTING FROM REDUCED ALLOTMENTS.—The Secretary of Labor or the Secretary of Education, as appropriate, shall use any amount retained, as a result of a reduction in an allotment to a State made under paragraph (1)(B), to provide technical assistance to the States the Secretaries determine to be appropriate to improve the performance of their core programs.

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

“(1) TECHNICAL ASSISTANCE.—If a local area fails to meet local performance accountability measures established under subsection (c) for the youth, adult, or dislocated worker program authorized under chapter 2 or 3 of subtitle B of title I for a program described in subsection (d)(2)(A) for any program year, the Governor, or upon request by the Governor, the Secretary of Labor, shall provide technical assistance, which may

include assistance in the development of a performance improvement plan, or the development of a modified local plan or regional plan.

“(2) CORRECTIVE ACTIONS.—

“(A) IN GENERAL.—If such failure continues for a second consecutive year, the Governor shall take corrective actions, which may include development of a reorganization plan through which the Governor may—

“(i) require the appointment and certification of a new local board, consistent with the criteria established under section 117(b)(1);

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

“(iii) redesignate the local area in accordance with section 116; or

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

“(B) APPEAL BY LOCAL AREA.—

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

“(ii) SUBSEQUENT ACTION.—The local board and chief elected official for a local area may, not later than 30 days after receiving a decision from the Governor pursuant to clause (i), appeal such decision to the Secretary of Labor. In such case, the Secretary shall make a final decision not later than 30 days after the receipt of the appeal.

“(C) EFFECTIVE DATE.—The decision made by the Governor under subparagraph (B)(i) shall become effective at the time the Governor issues the decision pursuant to such clause. Such decision shall remain effective unless the Secretary of Labor rescinds or revises such plan pursuant to subparagraph (B)(ii).

“(h) DEFINITIONS OF INDICATORS OF PERFORMANCE.—

“(1) IN GENERAL.—In order to ensure nationwide comparability of performance data, the Secretary of Labor and the Secretary of Education, after consultation with representatives described in paragraph (2), shall issue definitions for the indicators described in this section.

“(2) REPRESENTATIVES.—The representatives referred to in paragraph (1) are representatives of States and political subdivisions, business and industry, employees, eligible providers of activities carried out through the core programs, educators, researchers, participants, the lead State agency officials with responsibility for the programs carried out through the core programs, individuals with expertise in service individuals with barriers to employment, and other interested parties.

“(i) FISCAL AND MANAGEMENT ACCOUNTABILITY INFORMATION SYSTEMS.—

“(1) WAGE RECORDS.—In measuring the progress of the State across all core programs as identified in section 136(b)(2)(A) on State and local performance accountability measures, a State shall utilize quarterly wage records, consistent with State law. The Secretary of Labor shall make arrangements, consistent with State law, to ensure that the wage records of any State are available to any other State to the extent that such wage records are required by the State in carrying out the State plan of the State or completing the annual report described in subsection (d).

“(2) CONFIDENTIALITY.—In carrying out the requirements of this Act, the State shall comply with section 444 of the General Education Provisions Act (20 U.S.C. 1232g).

“(j) SYSTEM-WIDE IMPROVEMENTS.—

“(1) PURPOSE.—The purpose of this subsection is to establish system-wide improvements across all programs to enhance data collection, ensure accountability and increase administrative efficiencies in employment and training programs that will expand the capacity and improve the performance of the workforce system.

“(2) DEVELOPMENT AND IMPLEMENTATION.—

“(A) IN GENERAL.—The Secretary of Labor and the Secretary of Education, after consultation with the representatives described in subsection (h)(2), shall develop system-wide performance measures across the one-stop partner programs described in section 121(b) to measure the collective effectiveness of the workforce investment system in aligning and coordinating the core programs and other one-stop partner programs, employers as a meaningful system partner to address businesses and other employer immediate and long-term skilled workforce needs in in-demand, high-growth, and other occupations important to a State, regional, or local economy, expanding access to education and training for participants (including participants with barriers to employment), and establishing or strengthening credential attainment and measurement strategies. Not later than the beginning of the third program year, the Secretary of Labor and the Secretary of Education after consultation with the representatives described in subsection (h)(2), shall develop system-wide performance accountability measures.

“(B) BENCHMARKS.—Not later than the beginning of the third program year, each State shall include in the State plan described in section 112 or the State unified plan described in section 113 quantifiable benchmarks that demonstrate annual improvement with respect to each of the system-wide performance indicators established under this section.

“(C) REQUIREMENTS.—For each State, the system-wide performance accountability measures shall consist of—

“(i) the indicators of performance described in paragraph (3) (A) through (D);

“(ii) any other indicators established by the Secretary of Labor and the Secretary of Education in consultation with the representatives described in subsection (h)(2); and

“(iii) a State adjusted level of performance for each indicator described in paragraph (3).

“(3) INDICATORS OF PERFORMANCE.—The indicators of system-wide performance shall be measured from baseline data collected in the first year after the date of enactment of this subsection and shall consist of the following:

“(A) INDICATORS OF EFFECTIVENESS IN ENGAGING EMPLOYERS AS A SYSTEM PARTNER.—The State indicators of effectiveness in serving employers shall at a minimum consist of—

“(i) the number and percentage of employers in the State using one-stops;

“(ii) the total number of returning employers in the State using one-stops and one-stop partner program services, including training;

“(iii) the number of training modules created for specific employers or groups of employers; and

“(iv) the size of each employer in the State using one-stops and one-stop partner programs services.

“(B) INDICATORS OF EXPANDED ACCESS TO TRAINING SERVICES.—The State indicators of expanded access to training services shall at a minimum consist of—

“(i) the number and percentage of participants who received training or education services under a one-stop partner program;

“(ii) the number and percentage of participants and youth with barriers to employment who received services from a one-stop partner program resulting in entry into an education and training program that leads to employment or a recognized postsecondary credential;

“(iii) the total number and percentage of participants concurrently enrolled in two or more core programs, or in at least one other one-stop partner program;

“(iv) the number and percentage of participants engaged in career pathways; and

“(v) the total number and percentage of participants who are enrolled and whose training is co-funded by Pell grants or other sources of financial aid.

“(C) INDICATORS OF CREDENTIAL ATTAINMENT AND MEASUREMENT.—The State indicators of credential attainment and measurement shall at a minimum consist of the total number and percentage of recognized postsecondary credentials earned during the program year by, or awarded to, participants of programs described in section 136(b)(3)(A)(i).

“(D) ADDITIONAL INDICATORS.—A State may identify in a State plan additional system-wide performance accountability indicators.

“(4) LEVELS OF PERFORMANCE.—

“(A) STATE ADJUSTED LEVELS OF PERFORMANCE FOR SYSTEM-WIDE PERFORMANCE ACCOUNTABILITY INDICATORS.—

“(i) IN GENERAL.—For each State submitting a State plan under section 112 or section 113, there shall be established, in accordance with this paragraph, levels of performance for each of the system-wide performance accountability indicators that shall measure aggregate performance for the programs referred to in section 121(b)(1)(B), and which may include data from programs referred to in section 121(b)(2)(B).

“(ii) IDENTIFICATION IN STATE PLAN.—Prior to the third program year after enactment of this Act, each State shall identify, in the State plan, expected levels of performance for each of the corresponding system-wide performance accountability indicators under subsection (j)(2) for each of the third and fourth program years covered by the State plan.

“(iii) AGREEMENT ON STATE ADJUSTED LEVELS OF PERFORMANCE.—The State shall reach agreement with the Secretary of Labor and the Secretary of Education on levels of performance for each indicator under subsection (j)(2) for each of the third and fourth program years covered by the State plan. In reaching the agreement, the State and Secretaries shall take into account the levels identified in the State plan under clause (ii), and may take into account the factors described in subsection (c)(3)(A)(v).

“(B) LEVELS OF PERFORMANCE FOR ADDITIONAL INDICATORS.—The State may identify, in the State plan, State levels of performance for each of the additional indicators identified under subsection (j)(2)(E). Such levels shall be considered the State adjusted levels of performance for purposes of this section.

“(C) FAILURE TO MEET SYSTEM-WIDE PERFORMANCE ACCOUNTABILITY MEASURES.—If a State fails to meet State adjusted levels of performance relating to indicators described in paragraph (3) for any program year the Secretary of Labor and the Secretary of Education shall, upon request, provide technical assistance, including assistance in the development of a performance improvement plan.

“(5) REPORTS.—Not later than 1 year after the date of the enactment of the Workforce Investment Act of 2012, the Secretary of Labor shall report to the Committee on Education and the Workforce on the indicators described in paragraph (2) of this section and provide recommendations to the Committee on improving coordination and increasing efficiencies in one-stop partner programs.”.

**SEC. 119. AUTHORIZATION OF FUNDING FOR ONE-STOP INFRASTRUCTURE.**

Section 137 is amended by adding at the end the following:

“(d) ONE-STOP INFRASTRUCTURE.—

“(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to the funds authorized under subsections (a), (b), and (c), there is authorized to be appropriated an additional amount equal to 3 percent of the total of amounts appropriated under such sub-

sections, for costs of infrastructure including rental costs and other expenses associated with establishing and maintaining one-stop centers in accordance with section 121.

“(2) ALLOTMENT.—The Secretary shall allot the funds appropriated pursuant to paragraph (1) for each fiscal year among the States as follows:

“(A) Two-thirds of such sums shall be allotted on the basis of the relative number of individuals in the civilian labor force in each State as compared to the total number of such individuals in all States.

“(B) One-third of such sums shall be allotted on the basis of the relative number of unemployed individuals in each State as compared to the total number of such individuals in all States.

For purposes of this paragraph, the number of individuals in the civilian labor force and the number of unemployed individuals shall be based on data for the most recent calendar year available, as determined by the Secretary.”.

## **Subtitle C—Job Corps**

### **SEC. 131. PURPOSES.**

Section 141(1) is amended to read as follows:

“(1) to maintain a national Job Corps program, carried out in partnership with States and communities, to—

“(A) assist eligible youth to connect to the labor force by providing them with intensive social, academic, career and technical education, and service-learning opportunities, in primarily residential centers, in order for such youth to obtain secondary school diplomas or recognized postsecondary credentials leading to—

“(i) successful careers, in in-demand industry sectors or occupations or the Armed Forces, that will result in economic self-sufficiency and opportunities for advancement; or

“(ii) enrollment in postsecondary education; and

“(B) support responsible citizenship;”.

### **SEC. 132. DEFINITIONS.**

Section 142 is amended—

(1) in paragraph (2)—

(A) by striking “customer service”;

(B) by striking “intake” and inserting “assessment”; and

(C) by striking “a Jobs Corps center” and inserting “support the purposes of the Jobs Corps”;

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

(3) in paragraph (5), by striking “has completed the requirements” and all that follows and inserting the following: “who, as a result of participation in the Job Corps program, has received a secondary school diploma or recognized equivalent or completed the requirements of a career and technical education and training program that prepares individuals for employ-

ment leading to economic self-sufficiency or entrance into post-secondary education or training.”;

(4) in paragraph (9), by striking “area served by a regional office of the Employment and Training Administration” and inserting “defined by the Secretary”; and

(5) by adding at the end the following:

“(11) STATE.—The term ‘State’ means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and American Samoa.”.

**SEC. 133. INDIVIDUALS ELIGIBLE FOR THE JOB CORPS.**

Section 144 is amended by adding at the end the following:

“(4) SPECIAL RULE FOR VETERANS.—Notwithstanding the requirement of paragraph (2), a veteran of the Armed Forces shall be eligible to become an enrollee under this section if the individual—

“(A) meets the requirements of paragraphs (1) and (3); and

“(B) does not meet the requirement of paragraph (2) because the military income earned by such individual within the 6-month period prior to the individual’s application for Job Corps prevents the individual from meeting such requirement.”.

**SEC. 134. RECRUITMENT, SCREENING, SELECTION, AND ASSIGNMENT OF ENROLLEES.**

Section 145 is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (C)(i), by striking “vocational” and inserting “career and technical education and training”; and

(B) by amending subparagraph (E) to read as follows:

“(E) assure appropriate representation of enrollees from urban areas and from rural areas.”;

(2) in subsection (a)(3)—

(A) in subparagraph (B), by striking “; and” and inserting a semicolon;

(B) in subparagraph (C), by striking the period and inserting “; and”; and

(C) by adding at the end the following:

“(D) child welfare agencies that are responsible for children in foster care and children eligible for assistance under section 477 of the Social Security Act (42 U.S.C. 677).”;

(3) in subsection (b)(1)(B), by inserting “and agrees to such rules” after “failure to observe the rules”;

(4) in subsection (c)—

(A) in paragraph (1) in the matter preceding subparagraph (A), by striking “an assignment” and inserting “a”;

(B) in paragraph (2), in the matter preceding subparagraph (A), by striking “the Secretary shall, every 2 years, analyze, for the Job Corps center—” and inserting “every 2 years the Secretary, in consultation with operators of Job Corps centers, shall analyze relevant factors relating to each Job Corps center, including—”;



- (C) in subparagraph (B), by striking “; and” and inserting a semicolon;
- (D) in subparagraph (C)—
  - (i) by inserting “the education, training, and supportive” after “including”; and
  - (ii) by adding “and” after the semicolon; and
- (E) by adding at the end the following:
 

“(D) the performance of the Job Corps center relating to the expected levels of performance for the indicators described in section 159(c)(1), and whether any actions have been taken with respect to such center pursuant to paragraphs (2) and (3) of section 159(f).”; and
- (5) in subsection (d)—
  - (A) in paragraph (1)—
    - (i) in the matter preceding subparagraph (A), by striking “is closest to the home of the enrollee, except that the” and inserting “offers the type of career and technical education and training selected by the individual and, among the centers that offer such education and training, is closest to the home of the individual. The”; and
    - (ii) by striking subparagraph (A) and redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively; and
  - (B) in paragraph (2), by striking “to the home of” and inserting “to the home of that offers the career and technical education and training desired by”.

**SEC. 135. ENROLLMENT.**

Section 146(b) is amended—

- (1) in paragraph (1), by striking “or”; and
- (2) by redesignating paragraph (2) as paragraph (4) and inserting after paragraph (1) the following:
 

“(2) in the case of an individual with a disability who would reasonably be expected to meet the standards for a Job Corps graduate, as defined under section 142(5), if allowed to participate in the Job Corps for not more than 1 additional year;

“(3) in the case of an individual who participates in national service, as authorized by a Civilian Conservation Center program, who would be granted an enrollment extension in the Job Corps for the amount of time equal to the period of national service; or”.

**SEC. 136. JOB CORPS CENTERS.**

Section 147 is amended—

- (1) in subsection (a)—
  - (A) in paragraph (1)—
    - (i) in subparagraph (A), by striking “vocational” both places it appears and inserting “career and technical”; and
    - (ii) in subparagraph (B), by inserting “, or other entity with the necessary capacity,” after “local entity”; and
  - (B) in paragraph (2)—
    - (i) in subparagraph (A), by striking “subsections (c) and (d) of section 303 of the Federal Property and Ad-

ministrative Services Act of 1949 (41 U.S.C. 253)” and inserting “subsections (a) and (b) of section 3304 of title 41, United States Code,”; and

(ii) in subparagraph (B)(i)—

(I) in subclause (II), by striking “vocational” and inserting “career and technical education and”;

(II) in subclause (III), by striking “is familiar with the surrounding communities,” and inserting “demonstrates relationships with the surrounding communities, employers, labor organizations, workforce boards,”; and

(III) by amending subclause (IV) to read as follows:

“(IV) the performance of the entity, if any, relating to operating or providing activities described in this subtitle to a Job Corps center, including the entity’s demonstrated effectiveness in assisting individuals in achieving the primary indicators of performance for eligible youth described in section 136(b)(2)(A)(ii).”; and

(2) by amending subsection (c) to read as follows:

“(c) CIVILIAN CONSERVATION CENTERS.—

“(1) IN GENERAL.—The Job Corps centers may include Civilian Conservation Centers, operated under an agreement between the Secretary of Labor and the Secretary of Agriculture, that are located primarily in rural areas. Such centers shall provide, in addition to academics, career and technical education and training, and workforce preparation skills training, programs of work experience to conserve, develop, or manage public natural resources or public recreational areas or to develop community projects in the public interest.

“(2) ASSISTANCE DURING DISASTERS.—Enrollees in Civilian Conservation Centers may provide assistance in addressing national, State, and local disasters, consistent with current child labor laws and regulations. The Secretary of Agriculture shall ensure that with respect to the provision of such assistance the enrollees are properly trained, equipped, supervised, and dispatched consistent with standards for the conservation and rehabilitation of wildlife established under the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.).

“(3) NATIONAL LIAISON.—The Secretary of Agriculture shall designate a Job Corps National Liaison to support the agreement under this section between the Departments of Labor and Agriculture.”.

**SEC. 137. PROGRAM ACTIVITIES.**

Section 148 is amended—

(1) by amending subsection (a) to read as follows:

“(a) ACTIVITIES PROVIDED BY JOB CORPS CENTERS.—

“(1) IN GENERAL.—Each Job Corps center shall provide enrollees with an intensive, organized, and supervised program of education, including English language acquisition programs, career and technical education and training, work experience, work-based learning, recreational activities, physical rehabilitation and development, and counseling, which may include information about financial literacy. Each Job Corps center shall

provide enrollees assigned to the center with access to core services described in section 134(c)(2) and the intensive services described in section 134(c)(3).

“(2) RELATIONSHIP TO OPPORTUNITIES.—

“(A) IN GENERAL.—The activities provided under this subsection shall be targeted to helping enrollees, on completion of their enrollment—

“(i) secure and maintain meaningful unsubsidized employment;

“(ii) enroll in and complete secondary education or postsecondary education or training programs, including other suitable career and technical education and training, and registered apprenticeship programs; or

“(iii) satisfy Armed Forces requirements.

“(3) LINK TO EMPLOYMENT OPPORTUNITIES.—The career and technical education and training provided shall be linked to the employment opportunities in the local area in which the enrollee intends to seek employment after graduation.”;

(2) in subsection (b)—

(A) in the subsection heading, by striking “EDUCATION AND VOCATIONAL” and inserting “ACADEMIC AND CAREER AND TECHNICAL EDUCATION AND”;

(B) by striking “education and vocational” and inserting “career and technical education”;

(C) by striking “vocational educational” and inserting “career and technical educational”; and

(D) by striking “or technical institutes” and inserting “technical institutes, or national service providers”;

(3) in subsection (c)—

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

“(2) BENEFITS.—During the period of participation in an advanced career training program, an enrollee shall be eligible for full Job Corps benefits, or a monthly stipend equal to the average value of the residential support, food, allowances, and other benefits provided to enrollees assigned to residential Job Corps centers.”; and

(B) in paragraph (3), by striking “Each year,” and inserting “The Secretary shall develop standards by which”; and

(4) by amending subsection (d) to read as follows:

“(d) GRADUATE SERVICES.—In order to promote the retention of graduates in employment or postsecondary education, the Secretary shall arrange for the provision of job placement and support services to graduates for up to 12 months after the date of graduation. One-stop partners, may support the provision of these services, including services from the State vocational rehabilitation agency to supplement job placement and job development efforts for Job Corps graduates who are individuals with disabilities.”.

**SEC. 138. SUPPORT.**

Section 150(b) is amended—

(1) in the subsection heading, by striking “READJUSTMENT ALLOWANCES” and inserting “TRANSITION ALLOWANCES AND SUPPORT”;

(2) in paragraph (1)—

(A) in the paragraph heading, by striking “GRADUATES” and inserting “ALLOWANCES FOR GRADUATES”;

(B) in the first sentence, by striking “readjustment” and inserting “transition”; and

(C) by striking the second and third sentences, and inserting the following: “The transition allowance shall be incentive-based to reflect a graduate’s completion of academic, career and technical education or training, and attainment of recognized postsecondary credentials.”; and

(3) by amending paragraph (2) to read as follows:

“(2) **TRANSITION SUPPORT FOR FORMER ENROLLEES.**—The Secretary may arrange for the provision of 3 months of employment services for former enrollees.”.

**SEC. 139. COMMUNITY PARTICIPATION.**

Section 153 is amended—

(1) by amending subsections (a) and (b) to read as follows:

“(a) **BUSINESS AND COMMUNITY PARTICIPATION.**—The director of each Job Corps center shall ensure the establishment and development of the business and community networks described in subsection (b) in order to enhance the effectiveness of such centers. At centers where a national training contractor provides career and technical education training, and has direct and long-standing linkages to registered apprenticeship programs or affiliated national employer groups, the national training contractor shall have the lead in maintaining networks with the programs described in clauses (ii) and (iii) of subsections (b)(1)(C).

“(b) **NETWORKS.**—The activities carried out by each Job Corps center under this section shall include—

“(1) establishing and developing relationships and networks with—

“(A) local and distant employers, to the extent practicable, in coordination with other Federal and non-Federal programs that conduct similar outreach to employers;

“(B) applicable one-stop centers and applicable local boards, for the purpose of providing—

“(i) information to, and referral of, potential enrollees; and

“(ii) job opportunities for Job Corps graduates; and

“(C)(i) youth programs;

“(ii) registered apprenticeship programs, labor-management organizations and local labor organizations;

“(iii) employers and contractors that support national training contractor programs; and

“(iv) community-based organizations, non-profit organizations, and intermediaries providing workforce development-related services; and

“(2) establishing and developing relationships with members of the community in which the Job Corps center is located, informing members of the community about the projects of the Job Corps center and changes in the rules, procedures, or activities of the center that may affect the community, and planning events of mutual interest to the community and the Job Corps center.”; and

(2) in subsection (c)—

(A) by striking “Liaison for” and inserting “director of a”; and

(B) by striking “establish and develop” and inserting “ensure the establishment and development of”.

**SEC. 140. INDUSTRY COUNCILS.**

Section 154 is amended—

(1) in subsection (a), by striking “after consultation with the Liaison”; and

(2) in subsection (b)—

(A) in paragraph (1)(A)(ii), by striking “area” and inserting “areas in which enrollees will be seeking employment”;

(B) by adding after paragraph (2) the following:

“(3) EMPLOYERS OUTSIDE OF LOCAL AREA.—The industry council for a Job Corps center may include, or otherwise provide for consultation with, employers from outside the local area who are likely to hire a significant number of enrollees from the Job Corps center.

“(4) SPECIAL RULE FOR SINGLE STATE LOCAL AREAS.—In the case of a single State local area designated under section 116(b), the industry council shall include a representative of the State Board.”; and

(C) in subsection (c), by striking “vocational” each place it appears and inserting “career and technical education and”.

**SEC. 141. EXPERIMENTAL, RESEARCH, AND DEMONSTRATION PROJECTS AND COLLEGE CORPS PROGRAM.**

(a) MISCELLANEOUS AMENDMENTS.—Section 156 is amended—

(1) by striking “The Secretary” and inserting “(a) IN GENERAL.—The Secretary”;

(2) by striking “program and may waive” and inserting “program. The Secretary may waive”; and

(3) by inserting before the period the following: “if the Secretary informs the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives, in writing, not less than 90 days in advance of issuing such waiver.”.

(b) COLLEGE CORPS.—Section 156 is further amended by adding at the end the following new subsection:

“(b) COLLEGE CORPS.—

“(1) ESTABLISHMENT.—The Secretary of Labor and the Secretary of Education shall jointly establish a demonstration project under this section to be known as the ‘College Corps’ that provide at-risk youth intensive education and skills training in order to prepare such youth for college and for high-skilled employment that can only be achieved with a college degree.

“(2) SELECTION OF SITES.—The Secretary of Labor and the Secretary of Education shall jointly select sites to participate, on a competitive basis, from among underperforming Jobs Corps centers in areas with low levels of college attainment.

“(3) ELIGIBLE OPERATORS.—The Secretary shall select College Corps center operators on a competitive basis from among non-profit organizations with prior success operating high-performing, college and career-ready education residential programs for at-risk young people.

“(4) ADMINISTRATION PROJECTS.—

“(A) IN GENERAL.—The Secretary shall administer the College Corps sites in collaboration with the Secretary of Education with the development of an interagency agreement that identifies the duties and responsibilities of the Departments under these projects.

“(B) PARTNERSHIPS.—As part of the interagency agreement, the Secretary of Education will be responsible for partnering with a State or local education agency for the purposes of granting a high school diploma that adheres to college and career ready standards and accessing State and local education dollars.

“(C) DEADLINE.—A grant, contract, or cooperative agreement to operate at least one center shall be awarded to an eligible operative within 1 year from enactment.

“(5) ELIGIBLE PARTICIPANTS.—Individuals eligible to participate in College Corps projects under this subsection shall be low-income youth who are in 6th or 7th grade at the time they begin participation who meet at least two of the following criteria:

“(A) Have a record of suspensions, office referrals, or chronic truancy.

“(B) Have failed to achieve proficiency on State assessment in mathematics, reading, or both.

“(C) Live in a household that is headed by a single parent or non-custodial parent.

“(D) Is homeless or is a foster child.

“(E) Live in a household that is public housing or receives public housing assistance.

“(F) Have an immediate family member who is or has been incarcerated.”.

#### SEC. 142. TECHNICAL AMENDMENT.

Section 158(c)(1) is amended by striking “title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.)” and inserting “chapter 5 of title 40, United States Code,”.

#### SEC. 143. PERFORMANCE ACCOUNTABILITY AND MANAGEMENT.

Section 159 is amended—

(1) in the section heading, by striking “**MANAGEMENT INFORMATION**” and inserting “**PERFORMANCE ACCOUNTABILITY AND MANAGEMENT**”; and

(2) by striking subsections (c) through (f), redesignating subsection (g) as subsection (j), and inserting after subsection (b) the following:

“(c) INFORMATION ON INDICATORS OF PERFORMANCE.—

“(1) LEVELS OF PERFORMANCE AND INDICATORS.—The Secretary shall annually establish expected levels of performance for Job Corps centers and the Job Corps program relating to each of the primary indicators of performance for eligible youth activities described in section 136(b)(2)(A)(ii).

“(2) PERFORMANCE OF RECRUITERS.—The Secretary shall also establish performance indicators, and expected performance levels on the performance indicators, for recruitment service providers serving the Job Corps program. The performance indicators shall relate to the number of enrollees recruited, compared to the established goals for such recruitment, and the

number of enrollees who remain committed to the program for 90 days after enrollment.

“(3) PERFORMANCE OF CAREER TRANSITION SERVICE PROVIDERS.—The Secretary also shall establish performance indicators, and expected levels of performance for such indicators, for local and national career transition service providers serving the Job Corps program. The performance indicators shall include the number of graduates and former enrollees—

“(A) who entered an unsubsidized employment related to the training they received at Job Corps and their average wage; and

“(B) who entered other types of unsubsidized employment, the military, postsecondary education, or advanced training programs, including registered apprenticeship programs, and their average wage, if applicable.

“(4) REPORT.—The Secretary shall collect, and annually submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives, a report containing—

“(A) information on the performance of each Job Corps center, and the Job Corps program, on the performance indicators described in paragraph (1), as compared to the expected level of performance established under such paragraph for each performance accountability measure; and

“(B) information on the performance of the service providers described in paragraph (2) on the performance indicators established under such paragraph, as compared to the expected performance levels for the performance indicators.

“(d) ADDITIONAL INFORMATION.—

“(1) IN GENERAL.—The Secretary shall also collect, and submit in the report described in subsection (c), information on the performance of each Job Corps center, and the Job Corps program, regarding—

“(A) the number of enrollees entering and completing by field of education or training;

“(B) demographic information on the enrollees served, including age, race, gender, and education and income level;

“(C) the number of graduates who entered the Armed Forces;

“(D) the number of graduates who entered unsubsidized employment related to the career and technical education and training received through the Job Corps program and the number who entered unsubsidized employment not related to the education and training received;

“(E) the starting hourly wages of graduates and whether they receive other forms of compensation and benefits;

“(F) the number and percentage of former enrollees, including the number dismissed under the zero tolerance policy described in section 152(b); and

“(G) any additional information required by the Secretary.

“(2) RULES FOR REPORTING OF DATA.—The disaggregation of data under this subsection shall not be required when the number of individuals in a category is insufficient to yield statistically reliable information or when the results would reveal personally identifiable information about an individual.

“(e) METHODS.—The Secretary shall collect the information described in subsections (c) and (d), using methods described in section 136(i)(2) and consistent with State law, by entering into agreements with the States to access such data for Job Corps enrollees, former enrollees, and graduates.

“(f) PERFORMANCE ASSESSMENTS AND IMPROVEMENTS.—

“(1) ASSESSMENTS.—The Secretary shall conduct an annual assessment of the performance of each Job Corps center. Based on the assessment, the Secretary shall take measures to continuously improve the performance of the Job Corps program.

“(2) PERFORMANCE IMPROVEMENT.—With respect to a Job Corps center that fails to meet the expected levels of performance relating to the primary indicators of performance specified in subsection (c)(1), the Secretary shall develop and implement a performance improvement plan. Such a plan shall require action to be taken during a one-year period, including—

“(A) providing technical assistance to the center;

“(B) changing the career and technical education and training offered at the center;

“(C) changing the management staff of the center;

“(D) replacing the operator of the center;

“(E) reducing the capacity of the center;

“(F) relocating the center; or

“(G) closing the center.

“(3) ADDITIONAL PERFORMANCE IMPROVEMENT.—In addition to the performance improvement plans required under paragraph (2), the Secretary may develop and implement additional performance improvement plans. Such a plan shall require improvements, including the actions described in such paragraph, for a Job Corps center that fails to meet criteria established by the Secretary other than the expected levels of performance described in such paragraph.

“(4) CIVILIAN CONSERVATION CENTERS.—With respect to a Civilian Conservation Center that fails to meet the expected levels of performance relating to the primary indicators of performance specified in subsection (c)(1), or fails to improve performance as described in paragraph (2), the Secretary, in consultation with the Secretary of Agriculture, may select an entity to operate a Civilian Conservation Center on a competitive basis, in accordance with the requirements of section 147(a)(2)(B).

“(g) PARTICIPANT HEALTH AND SAFETY.—The Secretary shall require that an entity that has entered into a contract with a Job Corps operator to provide work-based learning activities for any Job Corps enrollee under this subtitle shall comply with the Occupational Safety and Health Act of 1970 (20 U.S.C. 651 et seq.) or, as appropriate, under the corresponding State Occupational Safety and Health Act of 1970 requirements in the State in which such activities occur.



“(h) BUILDINGS AND FACILITIES.—The Secretary shall collect, and submit in the report described in subsection (c), information regarding the state of Job Corps buildings and facilities. Such report shall include—

“(1) a review of requested construction, rehabilitation, and acquisition projects, by each Job Corps center; and

“(2) a review of new facilities under construction.

“(i) NATIONAL AND COMMUNITY SERVICE.—The Secretary shall include in the report described in subsection (c) available information regarding the national and community service activities of enrollees, particularly those enrollees at Civilian Conservation Centers.”.

**SEC. 144. AUTHORIZATION OF APPROPRIATIONS.**

Section 161 is amended by striking “fiscal years 1999 through 2003” and inserting “fiscal years 2013 through 2017”.

## **Subtitle D—National Programs**

**SEC. 151. NATIVE AMERICAN PROGRAMS.**

Section 166 is amended—

(1) in subsection (a)(1)(B), by inserting “and to equip them with the entrepreneurial skills necessary for successful self-employment” after “workforce”;

(2) in subsection (c)(2), by adding at the end the following: “The Secretary may exercise the waiver authority of the preceding sentence not more than once during any 4-year period with respect to any single recipient.”;

(3) in subsection (d)—

(A) in paragraph (1)(B)—

(i) by inserting “Alaska Natives” after “Indians”;

(ii) by striking “unsubsidized”; and

(iii) by inserting “leading to self-sufficiency and the development of the academic, occupational, and literacy skills of such individuals” before the period; and

(B) in paragraph (2)—

(i) in subparagraph (A)(i), by inserting “, including training on entrepreneurial skills” before the semicolon; and

(ii) in subparagraph (A)(ii), by inserting “Alaska Native” after “Indian”;

(4) in subsection (e)—

(A) in paragraph (3)—

(i) by striking “unsubsidized”; and

(ii) by inserting “leading to self-sufficiency” before the semicolon; and

(B) in paragraph (5)—

(i) by inserting “accountability” after “performance”; and

(ii) by inserting “, which shall include the primary indicators of performance described in section 136(b)(2)(A) and expected levels of performance for such indicators, in accordance with subsection (h)” before the period;

(5) by redesignating subsections (h) through (j) as subsections (i) through (k), respectively, and inserting after subsection (g) the following new subsection:

“(h) PERFORMANCE ACCOUNTABILITY MEASURES.—

“(1) ADDITIONAL PERFORMANCE INDICATORS AND STANDARDS.—

“(A) DEVELOPMENT OF INDICATORS AND STANDARDS.—The Secretary, in consultation with the Native American Employment and Training Council, shall develop a set of performance indicators and standards that is in addition to the primary indicators of performance described in section 136(b)(2)(A) and that shall be applicable to programs under this section.

“(B) SPECIAL CONSIDERATIONS.—Such performance indicators and standards shall take into account—

“(i) the purpose of this section as described in subsection (a)(1);

“(ii) the needs of the groups served by this section, including the differences in needs among such groups in various geographic service areas; and

“(iii) the economic circumstances of the communities served, including differences in circumstances among various geographic service areas.

“(C) AGREEMENT ON ADJUSTED LEVELS OF PERFORMANCE.—The Secretary and the entity described in subsection (c) shall reach agreement on the levels of performance for each of the primary indicators of performance described in section 136(b)(2)(A), taking into account economic conditions, characteristics of the individuals served, and other appropriate factors and using, to the extent practicable, the statistical adjustment model under section 136(b)(3)(A)(viii). The levels agreed to shall be the adjusted levels of performance and shall be incorporated in the program plan.”;

(6) in subsection (i) (as so redesignated)—

(A) in paragraph (2)(A)—

(i) by striking “performance measures” and inserting “regulations relating to the performance accountability measures”; and

(ii) by striking “such subsection, taking into account the economic circumstances of such entities” and inserting “this section”; and

(B) in paragraph (4)(A), by inserting “and to provide the advice described in subparagraph (C)” before the period; and

(7) in subsection (k) (as so redesignated)—

(A) in paragraph (1) by striking “American Samoans who reside in Hawaii for the co-location of federally funded and State-funded” and inserting “the Cook Inlet Tribal Council, Incorporated, and the University of Hawaii at Maui, for the unique populations who reside in Alaska or Hawaii, respectively, to improve job training and”; and

(B) in paragraph (2), by striking “fiscal year 1999” and inserting “each of fiscal years 2013 through 2017”.

**SEC. 152. MIGRANT AND SEASONAL FARMWORKER PROGRAMS.**

Section 167 is amended—

(1) in subsection (b)—

(A) by inserting “and deliver” after “administer”; and

(B) by inserting “workforce investment” after “including youth”;

(2) in subsection (c)—

(A) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking “identify” and inserting “describe the population to be served and identify”; and

(II) by inserting “, including upgraded employment in agriculture” before the semicolon;

(ii) in subparagraph (B), by striking “; and” and inserting a semicolon;

(iii) in subparagraph (C)—

(I) by striking “indicators of performance” and inserting “performance accountability measures”; and

(II) by inserting “, which shall include the expected levels of performance for the primary indicators of performance described in section 136(b)(2)(A)” before the semicolon; and

(iv) by inserting after subparagraph (C) the following new subparagraphs:

“(D) describe the availability and accessibility of local resources such as supportive services, services provided through one-stop delivery systems, and education and training services, and how the resources can be made available to the population to be served; and

“(E) describe the plan for providing services under this section, including strategies and systems for outreach, career planning, assessment, and delivery through one-stop delivery systems.”;

(B) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively, and inserting after paragraph (2) the following new paragraph:

“(3) AGREEMENT ON ADJUSTED LEVELS OF PERFORMANCE.—

The Secretary and the entity described in subsection (b) shall reach agreement on the levels of performance for each of the primary indicators of performance described in section 136(b)(2)(A), taking into account economic conditions, characteristics of the individuals served, and other appropriate factors, and using, to the extent practicable the statistical adjustment model under section 136(b)(3)(A)(viii). The levels agreed to shall be the adjusted levels of performance and shall be incorporated in the program plan.”; and

(C) in paragraph (5)(B) (as so redesignated)—

(i) by striking “grant or contract” the first place it appears and inserting “grant, contract, or agreement”;

(ii) by striking “under the terms of the grant agreement or contract”;

(iii) by striking “requirement” and inserting “requirements”;

(iv) by striking “plan described in paragraph (1)” and inserting “program plan”; and

(v) by striking “grant or contract” the second place it appears and inserting “period of the grant, contract, or agreement”;

(3) by amending subsection (d) to read as follows:

“(d) AUTHORIZED ACTIVITIES.—Funds made available under this section and section 127 shall be used to carry out workforce investment activities (including youth workforce investment activities) and provide related assistance for eligible migrant and seasonal farmworkers, which may include—

“(1) outreach, employment, training, educational assistance, literacy assistance, English language and literacy instruction, pesticide and worker safety training, housing (including permanent housing), supportive services, and school dropout prevention activities;

“(2) followup services for those individuals placed in employment;

“(3) self-employment and related business or micro-enterprise development education as needed by eligible individuals as identified pursuant to the plan required by subsection (c);

“(4) customized career and technical education in occupations that will lead to higher wages, enhanced benefits, and long-term employment in agriculture or another area; and

“(5) technical assistance to improve coordination of services and implement best practices relating to service delivery through one-stop delivery systems.”;

(4) by amending subsection (f) to read as follows:

“(f) REGULATIONS.—The Secretary shall establish regulations to carry out this section, including regulations relating to how economic and demographic barriers to employment of eligible migrant and seasonal farmworkers should be considered and included in the negotiations leading to the adjusted levels of performance described in subsection (c).”;

(5) in subsection (g), by striking “(enacted by the Single Audit Act of 1984)”; and

(6) by amending subsection (h) and deleting subsection (i) to read as follows:

“(h) FUNDING ALLOCATION.—From the funds appropriated and made available to carry out this section, the Secretary may reserve not more than 1 percent for national purposes, such as providing technical assistance to eligible entities.”.

#### **SEC. 153. VETERANS WORKFORCE INVESTMENT PROGRAMS.**

Section 168 is amended—

(1) in subsection (a)(3)(A), by inserting “, including services provided by one-stop operators and one-stop partners” before the semicolon;

(2) in subsection (b)(2)(A), by inserting “accountability” after “performance”; and

(3) by adding at the end of subsection (b) the following new paragraph:

“(3) PERFORMANCE ACCOUNTABILITY MEASURES.—In carrying out the responsibilities relating to performance accountability measures described in paragraph (2)(A), the Assistant Secretary for Veterans’ Employment and Training shall, for each

grant or contract under this section providing education, training, or employment services to veterans, include among such measures the primary indicators of performance described in section 136(b)(2)(A)(i) and adjusted levels of performance for each such indicator that are agreed to by the Assistant Secretary and the recipient of the grant or contract.”.

**SEC. 154. REPEAL.**

Section 169 is repealed.

**SEC. 155. TECHNICAL ASSISTANCE.**

Section 170 is amended by adding at the end the following new subsection:

“(c) **PROMISING AND PROVEN PRACTICES COORDINATION.**—Consistent with the identification and dissemination of promising and proven practices under subtitle B of title I, the Secretary shall—

“(1) establish a system through which States and local areas share information regarding promising and proven practices with regard to the operation of workforce investment activities under this Act;

“(2) evaluate and disseminate information regarding such promising and proven practices and identify knowledge gaps; and

“(3) commission research under section 170(c) to address knowledge gaps identified under paragraph (2).”.

**SEC. 156. INNOVATION PROJECTS.**

Section 171 is amended—

(1) in the section heading, by striking “**DEMONSTRATION, PILOT, MULTISERVICE, RESEARCH AND MULTISTATE PROJECTS**” and inserting “**INNOVATION PROJECTS**”;

(2) by amending subsections (b) and (c) to read as follows:

“(b) **INNOVATION PROJECTS.**—

“(1) **IN GENERAL.**—The Secretary shall, through grants or contracts, carry out demonstration and pilot projects that are consistent with the priorities specified in the plan published under subsection (a) and that are for the purposes of developing and implementing techniques and approaches, and demonstrating the effectiveness of specialized methods, in addressing employment and training needs. Such projects shall—

“(A) include the provision of direct services to individuals;

“(B) be subject to measures of performance that include the primary indicators of performance described in section 136(b)(2)(A) as well as other appropriate indicators; and

“(C) include an evaluation component as appropriate to the program design.

“(2) **TYPES OF PROJECTS.**—Such projects may include—

“(A) projects that assist employers in connecting with the workforce investment system established under this Act in order to facilitate the recruitment, employment, and retention of workers for jobs with career pathways and to provide information to such system on skills and high-growth occupations;

“(B) projects that focus on opportunities for employment in industries and sectors of industries that are experi-

encing, or are likely to experience, high rates of growth, including health care and advanced manufacturing sectors, and have jobs with wages and benefits leading to economic self-sufficiency;

“(C) projects that focus on local partnerships of industry, labor, community colleges, area career and technical education centers community-based organizations, and economic development organizations, to promote opportunities for dislocated workers and long-term unemployed to receive training and related services for employment and access to career ladders in high-demand sectors;

“(D) projects to determine the feasibility of, and potential means to replicate, measuring the compensation, including the wages, benefits, and other incentives provided by an employer, received by program participants by using data other than or in addition to data available through wage records, for potential use as a performance indicator;

“(E) projects to develop and implement promising or proven approaches and technologies, including the use of distance education and activities to increase the digital literacy of older individuals, in order to deliver employment related, work-based training services and recognized post-secondary credentials;

“(F) projects that provide retention grants, which grants shall—

“(i) be provided to job training and apprenticeship programs that have demonstrated expertise in serving low-income individuals and that offer instruction, assessment, and professional coaching, for each low-income individual who is retained in such employment with such employer for a period of 1 year; and

“(ii) be provided taking into account the economic benefit received by the Federal Government from the employment and retention of the individual, including the economic benefit from tax revenue and decreased public subsidies;

“(G) projects utilizing a pay-for-performance approach for providers of education, training, and employment services to individuals with barriers to employment, including services targeted to addressing the specific challenges and conditions that have created barriers for participants in programs under this Act;

“(H) projects that provide comprehensive education and training services, and support services, in coordination with local boards, for populations in targeted high poverty areas where the greatest barriers to employment exist, including ex-offenders, out-of-school youth, and public assistance recipient populations; and

“(I) projects that seek to replicate exemplary youth programs that have demonstrated effectiveness in 2 or more noncontiguous local areas in preparing youth for success in the workforce.

“(3) CONDITIONS.—

“(A) COMPETITIVE AWARDS.—Grants or contracts awarded for carrying out demonstration and pilot projects under

this subsection shall be awarded on a competitive basis and in accordance with generally applicable Federal requirements.

“(B) TIME LIMITS.—The Secretary shall establish appropriate time limits for carrying out demonstration and pilot projects under this subsection.”;

(3) in subsection (e)(7), by striking “(Public Law 109–58)” and inserting “(42 U.S.C. 15852)”; and

(4) by adding at the end the following:

“(f) SMALL BUSINESS LIAISON PILOT PROGRAM.—

“(1) ESTABLISHMENT OF SMALL BUSINESS LIAISON PILOT PROGRAM.—The Secretary may award competitive grants to local boards, community colleges, postsecondary vocational institutions, community-based organizations, and apprenticeship programs, including joint labor-management training programs, in States and outlying areas to promote local economic growth and eliminate gaps between the workforce skills available and the workforce skills needed in local areas or regions.

“(2) APPLICATION.—To receive a grant under this subsection a local board, community college, or postsecondary vocational institution in a State or outlying area shall submit to the Secretary an application in such manner, at such time, and containing such information as the Secretary may require.

“(3) SPECIFICATIONS OF GRANTS.—

“(A) TIME PERIOD.—A grant shall be used over a 36-month period.

“(B) AMOUNT OF GRANT.—In determining the amount of a grant made under this subsection, the Secretary may consider—

“(i) the ability of the grant applicant to conduct outreach activities;

“(ii) the ability of the grant applicant to conduct skills gap assessments;

“(iii) the extent to which the grant applicant works with or, after implementing a strategic skills gap action plan, plans to work with small businesses within its local area or region; and

“(iv) any other factor that the Secretary deems appropriate.

“(C) LIMITATIONS.—

“(i) A recipient may not receive more than one grant under this subsection.

“(ii) No grant under this subsection may be for an amount more than \$500,000.

“(iii) The Secretary shall, in determining whether to award a grant, consider the geographic diversity of grant recipients.

“(D) USE OF FUNDS.—

“(i) IN GENERAL.—A local board, community college, or postsecondary vocational institution that receives a grant under this subsection shall use the grant funds to pay for a new or current employee to serve as liaison to conduct activities described in clause (ii).

“(ii) SMALL & LOCAL BUSINESS LIAISON.—The liaison—

“(I) shall—

“(aa) prepare a strategic action skills gap assessment;

“(bb) develop a strategic skills gap action plan; and

“(cc) conduct any other activity that the Secretary deems appropriate for the purposes of this subsection; and

“(II) may—

“(aa) engage in outreach in the local area or region;

“(bb) conduct business site visits, interviews, and assessments;

“(cc) consult in the implementation of the skills action plan;

“(dd) complete more than 1 skills gap action plan; and

“(ee) consult with the local offices of the Small Business Administration.

“(iii) PROHIBITION.—A grant received under this subsection may not be used to supplant existing funding or efforts.

“(E) CONFIDENTIALITY OF INFORMATION.—The grant recipient may not disclose the name, address, or contact information of a business, employer, or other person that provided information to the grant recipient to compile information in the strategic skills gap assessment or strategic skills gap action plan without consent of such business, employer, or other person.

“(4) REPORTING.—Each year, the Secretary shall report to the Congress—

“(A) the number of grants awarded under this subsection;

“(B) the recipients of grants awarded under this subsection;

“(C) the activities carried out by each recipient under paragraph (3)(D); and

“(D) an assessment describing—

“(i) the success of the program to promote local economic growth and eliminate gaps between the workforce skills available and the workforce skills needed in local areas or regions; and

“(ii) any recommendations for reauthorization and expansion of the program that the Secretary may have.

“(5) DEFINITIONS.—In this subsection:

“(A) COMMUNITY COLLEGE.—The term ‘community college’ has the meaning given the term in section 312(f) of the Higher Education Act of 1965 (20 U.S.C. 1058(f)).

“(B) LOCAL AREA.—The term ‘local area’ means the labor market immediately surrounding or affected by a local board, community college, or postsecondary vocational institution.

“(C) POSTSECONDARY VOCATIONAL INSTITUTION.—The term ‘postsecondary vocational institution’ has the mean-



ing given the term in section 102(c) of the Higher Education Act of 1965 (20 U.S.C. 1002(c)).

“(D) REGION.—The term ‘region’ means 2 or more local areas that comprise a common labor market for an industry sector of related occupations.

“(E) STRATEGIC SKILLS GAP ASSESSMENT.—The term ‘strategic skills gap assessment’ means an assessment that—

“(i) identifies areas of current and expected demand for labor and skills in a specific industry sector of related occupations that is—

“(I) producing jobs in the local area or region involved;

“(II) developing emerging jobs in the local area or region involved; or

“(III) suffering chronic worker shortages;

“(ii) identifies the current and expected supply of labor and skills in that sector or group in the local area or region;

“(iii) identifies gaps between the current and expected demand and supply of labor and skills in that section or group in the local area or region;

“(iv) contains the results of a survey or focus group interviews of employers, labor organizations, and other relevant individuals and organizations in the local area or region; and

“(v) contains data regarding—

“(I) specific employment opportunities offered by industries in the local area or region;

“(II) specific skills desired for employment opportunities offered by industries in the local area or region;

“(III) occupations and positions in the local area or region that are difficult to fill;

“(IV) specific skills desired for occupations and positions in the local area or region that are difficult to fill;

“(V) areas of growth and decline among industries and occupations in the local area or region;

“(VI) specific skills desired for areas of growth among industries and occupations in the local area or region; and

“(VII) specific inventories of skills of unemployed or underemployed individuals in the local area or region.

“(F) STRATEGIC SKILLS GAP ACTION PLAN.—The term ‘strategic skills gap action plan’ means a plan based on the strategic skills gap assessment that—

“(i) identifies—

“(I) specific barriers to adequate supply of labor and skills in demand in a specific industry sector of related occupations that is producing jobs in the local area or region; and

“(II) activities that will remove or alleviate the barriers described in subclause (I) that could be

undertaken by the local board, community college, or postsecondary vocational institution;

“(ii) specifies how the local board, community college, or postsecondary vocational institution may integrate the activities described in clause (i) within the local area or region; and

“(iii) identifies resources and strategies that may be used in the local area or region to address the skills gaps for both unemployed and employed workers in that industry sector.

“(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary such sums as may be necessary to carry out this subsection.”.

**SEC. 157. WORKFORCE AND YOUTH INNOVATION AND BEST PRACTICES GRANTS.**

The Workforce Investment Act of 1998 is further amended by inserting after section 171 the following new sections:

**“SEC. 171A. WORKFORCE INNOVATION AND BEST PRACTICES GRANTS.**

“(a) PURPOSE.—It is the purpose of this section to—

“(1) promote the development of comprehensive workforce investment systems at the State, regional, and local levels that reflect the alignment of strategies and activities across the core programs and, where appropriate, across other workforce development, education, economic development, and human services programs, to provide effective, high quality, and client-centered services to job seekers and workers, youth, and employers;

“(2) promote innovation and to improve, replicate, and expand models and service delivery strategies of demonstrated effectiveness in meeting the education, training, and employment needs of job seekers and workers, and youth, including such individuals with barriers to employment, and employers; and

“(3) establish and improve programs for youth that provide access to career pathways that include the attainment of a recognized postsecondary credential or employment that leads to economic self-sufficiency.

“(b) PROGRAM AUTHORIZED.—From amounts appropriated to carry out this section, the Secretary of Labor and the Secretary of Education, in accordance with section 176, shall—

“(1) for the first program year that begins after the date of enactment of the Workforce Investment Act of 2013, award transition grants in accordance with section 175; and

“(2) with funds not awarded for transition grants under paragraph (1) for the first program years that begins after the date of enactment of the Workforce Investment Act of 2013, and for subsequent years, award workforce innovation and best practices grants to eligible entities in accordance with subsection (c).

“(c) WORKFORCE INNOVATION AND BEST PRACTICES GRANTS TO ELIGIBLE ENTITIES.—

“(1) IN GENERAL.—From funds described in subsection (b)(1), the Secretary of Labor and the Secretary of Education shall award workforce innovation and replication grants on a com-

petitive basis to eligible entities in accordance with paragraph (2) to be used for the purposes set forth in subsection (a).

“(2) ELIGIBLE ENTITIES.—

“(A) IN GENERAL.—To be eligible to receive a grant under this subsection, a State partnership or regional entity shall meet the requirements of this paragraph, submit an application in accordance with subsection (e), and be in partnership with one or more of the following:

“(i) A nonprofit organization with relevant expertise, including a community-based organization.

“(ii) An institution of higher education, including a community college.

“(iii) A joint labor-management partnership.

“(B) STATE PARTNERSHIP.—For a State partnership to be eligible for funding under this subsection, a Governor of a State shall—

“(i) submit the application in partnership with the State board and with 1 or more regional entities in the State described in subparagraph (C); and

“(ii) demonstrate that the State has—

“(I) aligned the core programs;

“(II) made significant progress towards aligning the core programs with other workforce investment programs; and

“(III) achieved the alignments described in subclauses (I) and (II) consistent with the State plan.

“(C) REGIONAL ENTITIES.—To be identified as a regional entity and to be eligible for funding under this subsection, a local board for a local area that is aligned with a region, or all of the local boards for local areas that comprise a planning region under section 116(c), shall demonstrate that—

“(i) the application has been developed in consultation with the State and is not duplicative of other applications under this subsection submitted by a State partnership; and

“(ii) the local board, or all of the local boards for the planning region, has—

“(I) worked with the core programs to achieve alignment of such programs in the region;

“(II) made significant progress towards aligning the core programs with other workforce investment programs in the region; and

“(III) achieved the alignments described in subclauses (I) and (II) consistent with the State plan.

“(d) TYPES OF GRANTS AUTHORIZED.—

“(1) IN GENERAL.—From amounts appropriated to carry out this section, the Secretary of Labor and the Secretary of Education shall award eligible entities one or more of the following:

“(A) PLANNING GRANT.—The Secretary of Labor and the Secretary of Education may award a planning grant under this section, not to exceed a total of \$250,000 for a 1-year period, to an eligible entity that—

“(i) is preparing to establish an innovative workforce investment project; and

“(ii) has not received a grant under this section.

“(B) INNOVATION GRANT.—The Secretaries may award an innovation grant under this section, not to exceed a total of \$3,000,000 for a 2-year period to an eligible entity that—

“(i) has already received a planning grant under this section; or

“(ii) has already established an innovative workforce investment project.

“(C) SUSTAINABILITY GRANT.—The Secretaries may award a sustainability grant, not to exceed a total of \$2,000,000 for a 2-year period or \$5,000,000 for a 5-year period, to an eligible entity that—

“(i) has established an innovative workforce investment project that has demonstrated measurable improvements as measured by the performance measures set forth in section 136; and

“(ii) seeks to expand or replicate that project on the State, local, or regional level.

“(2) FEDERAL AND NON-FEDERAL SHARE.—The Federal share for the grants described in paragraph (1) shall be—

“(A) for a planning grant described in paragraph (1)(A), 100 percent;

“(B) for an innovation grant described in paragraph (1)(B)—

“(i) 90 percent of the costs of the activities carried out under the grant, in the first year of the grant;

“(ii) 80 percent of such costs in the second year of the grant; and

“(iii) 70 percent of such costs in the third year of the grant; and

“(C) for a sustainability grant described in paragraph (1)(C)—

“(i) for an eligible entity that receives a 2-year grant—

“(I) not more than 50 percent of the costs of the activities carried out under the grant, in the first year of the grant; and

“(II) not more than 30 percent of such costs in the second year of the grant; and

“(ii) for an eligible entity that receives a 5-year grant—

“(I) not more than 70 percent of the costs of the activities carried out under the grant, in the first year of the grant;

“(II) not more than 60 percent of such costs in the second year of the grant;

“(III) not more than 50 percent of such costs in the third year of the grant;

“(IV) not more than 40 percent of such costs in the fourth year of the grant; and

“(V) not more than 30 percent of such costs in the fifth year of the grant.

“(3) NON-FEDERAL SHARE.—The non-Federal share of an innovation or sustainability grant under this section may be in cash or in-kind, and may come from State, local, philanthropic, private, or other resources.

“(4) FINANCIAL HARDSHIP WAIVER.—The Secretary of Labor and the Secretary of Education may waive or reduce the matching share of an eligible entity that has submitted an application under this subsection if such entity demonstrates a need for such waiver or reduction due to financial hardship as defined by the Secretary of Labor and the Secretary of Education.

“(5) FISCAL AGENT.—Each eligible entity that is a State consortia or partnership receiving a grant under this subsection shall designate an entity in the partnership as the fiscal agent for purposes of this grant.

“(6) SUPPLEMENT NOT SUPPLANT.—Federal funds awarded under this section shall be used to supplement, not supplant non-Federal resources that would be used to support activities carried out as part of the innovative workforce investment project.

“(7) GRANT PERIOD.—

“(A) PLANNING GRANTS.—Grants awarded under paragraph (1)(A) shall be made for a period of not longer than 1 year.

“(B) INNOVATION GRANT.—Grants awarded under paragraph (1)(B) shall be made for a period of no longer than 3 years.

“(C) SUSTAINABILITY GRANT.—Grants awarded under paragraph (1)(C) shall be made for a period of no longer than 5 years.

“(e) APPLICATION.—An eligible entity seeking a grant under this section shall submit an application to the Secretary of Labor and the Secretary of Education at such time, in such manner, and containing such information as the Secretary of Labor and the Secretary of Education may require. An application submitted under this paragraph may include the following:

“(1) A description of the eligible entity, evidence of the eligible entity’s capacity to carry out activities in support of the strategic objectives identified in the application under paragraph (4), and, if the eligible entity is a partnership, a description of the expected participation and responsibilities of each of the partners.

“(2) A description of the industry or targeted industry cluster that will be served through the project, including a description of how the skilled workforce needs of small- and medium-sized employers connected with that industry or industries will be addressed.

“(3) A description of the target worker populations to be served through the project, including a description of target worker populations with significant barriers to employment and a description of strategies that will be used to help overcome such barriers.

“(4) A description of the strategic objectives that the eligible entity seeks to achieve through the funded project for—

“(A) implementing career pathways strategies, which may include—

“(i) providing clear linkages between remedial, academic and occupational programs within educational institutions, and articulation of credits across institutions;

“(ii) designing curricula in terms of competencies required for education and career advancement, and, where possible, tied to industry skill standards, certifications or licensing requirements including those developed by industry or sector partnerships;

“(iii) offering programs at times and places (including workplaces) convenient for working adults and structured in small modules or ‘chunks’, each leading to recognized credential;

“(iv) allowing flexibility to enter and exit education as participants’ circumstances permit;

“(v) providing support services, including career assessment and counseling, case management, child care, transportation, financial aid and job placement;

“(vi) creating ‘bridge programs’ for educationally disadvantaged youths and adults that teach basic skills such as office communication, math and problem solving in the context of training for advancement to better jobs and postsecondary training; and

“(vii) aligning both public and private funding sources, such as the Carl D. Perkins Career and Technical Education Act, Workforce Investment Act, Adult Education and Family Literacy Act, Temporary Assistance to Needy Families, State and Federal financial aid, and employer tuition reimbursement;

“(B) implementing industry or sector partnerships, which may include—

“(i) recruiting key stakeholders in the targeted industry cluster, such as multiple businesses and employers, labor organizations, local boards, and education and training providers, and regularly convening the stakeholders in a collaborative structure that supports the sharing of information, ideas, and challenges common to the targeted industry cluster;

“(ii) identifying the training needs of multiple businesses, especially skill gaps critical to competitiveness and innovation in the targeted industry cluster;

“(iii) facilitating economies of scale by aggregating training and education needs of multiple employers;

“(iv) helping postsecondary educational institutions, training institutions, apprenticeship programs, area career and technical education centers, and all other training programs authorized under this Act, align curricula, entrance requirements and programs to industry demand and nationally portable, recognized postsecondary credentials (or, if not available for the targeted industry, other credentials, as determined appropriate by the Secretary), particularly for higher

skill, high-priority occupations validated by the industry;

“(v) ensuring that the State agency carrying out the State program under the Wagner-Peyser Act (29 U.S.C. 49 et seq.), including staff of the agency that provide services under such Act, shall inform recipients of unemployment insurance of the job and training opportunities that may result from the implementation of this grant;

“(vi) informing and collaborating with organizations such as youth councils, business-education partnerships, apprenticeship programs, secondary schools, and postsecondary educational institutions, and with parents and career counselors, for the purpose of addressing the challenges of connecting disadvantaged adults and disadvantaged youth as defined in section in this Act to careers;

“(vii) helping companies identify, and work together to address, common organizational and human resource challenges, such as—

“(I) recruiting new workers;

“(II) implementing effective workplace practices;

“(III) retraining dislocated and incumbent workers;

“(IV) implementing a high-performance work organization;

“(V) recruiting and retaining women in non-traditional occupation;

“(VI) adopting new technologies; and

“(VII) fostering experiential and contextualized on-the-job learning;

“(viii) developing and strengthening career ladders within and across companies, in order to enable dislocated, incumbent and entry-level workers to improve skills and advance to higher-wage jobs;

“(ix) improving job quality through improving wages, benefits, and working conditions;

“(x) helping partner companies, industry or sector partnerships to attract potential employees from a diverse job seeker base, including individuals with barriers to employment (such as job seekers who are low income, youth, older workers, and individuals who have completed a term of imprisonment), by identifying such barriers through analysis of the existing labor market and implementing strategies to help such workers overcome such barriers; and

“(xi) strengthening connections among businesses in the targeted industry cluster, leading to cooperation beyond workforce issues that will improve competitiveness and job quality, such as joint purchasing, market research, or centers for technology and innovation; and

“(C) implementing credential attainment and measurement strategies, which may include—

“(i) establishing a cross agency committee (such as the State workforce investment board, a legislative

task force, a P-20 Council, or some other agreed upon group) that is specifically focused on low and middle skill education and training outcomes to measure credential attainment through the State's workforce investment and training programs, by—

“(I) tracking, counting, measuring and public reporting credential attainment rates for all programs providing education and training beyond a high school diploma but less than a 4-year degree;

“(II) measuring the result of workforce training programs leading to an recognized postsecondary credential, certificate of degree;

“(III) establishing statewide policies, goals, and guidelines for the collection of credential outcome data for all employment and training programs and related programs and services within the State;

“(IV) engaging other related departments and agencies that may have data or are involved in activities related to workforce development and job training;

“(V) establishing standards and data collection infrastructure to assess the number of industry-recognized middle skill credentials or certificates produced through Federal or State programs, and their relation to labor market needs;

“(VI) setting credential attainment goals in high demand industry sector then monitor and measure progress over time; and

“(VII) providing an annual assessment and report to the Governor and Legislature about the type of credential outcomes produced by programs and provide recommendations to better align efforts across agencies to meet employer demand;

“(ii) ensuring the collection of credential outcome data from a range of public workforce and education programs to ensure State agencies and programs are increasing the number of workers with the skills and credentials needed to fill the projected demand for middle and high skilled jobs;

“(iii) using the data in order to assess workforce system outcomes, establish credential attainment goals, measure progress, and hold agencies accountable to increase the skills of the workforce; and

“(iv) developing a comprehensive workforce system report that provides individual agency outcomes and statewide representation of the credential attainment outcomes of the State's workforce investment system.

“(5) A description of a pay-for-performance approach for providers of education, training, and employment services to individuals with barriers to employment, including services targeted to addressing the specific challenges and conditions that have created barriers for participants in programs under this Act.

“(f) AWARD BASIS.—



“(1) GEOGRAPHIC DISTRIBUTION.—The Secretary of Labor and the Secretary of Education shall award competitive grants under this section in a manner to ensure geographic diversity.

“(2) PRIORITIES.—In awarding grants under this section, the Secretaries shall give priority to eligible entities that—

“(A) provide evidence of past or current investments in workforce innovation projects that incorporate one or more of the priority strategies;

“(B) focus on addressing the skill needs of multiple employers, including small- and medium-sized businesses; or

“(C) target services to low-income individuals, low-skill individuals, long-term unemployed, and other populations with barriers to employment.

“(g) ACTIVITIES.—

“(1) IN GENERAL.—An eligible entity receiving a grant under this section shall carry out the activities necessary to meet the strategic objectives, including planning activities if applicable, described in the entity’s application in a manner that—

“(A) integrates services and funding sources in a way that enhances the effectiveness of the activities; and

“(B) uses grant funds awarded under this section efficiently.

“(2) ADMINISTRATIVE COSTS.—An eligible entity may retain a portion of a grant awarded under this section for a fiscal year to carry out the administration of this section in an amount not to exceed 5 percent of the grant amount.

“(h) EVALUATION AND PROGRESS REPORTS.—

“(1) IN GENERAL.—Not later than 1 year after receiving a grant under this section, and annually thereafter during the grant period, an eligible entity shall report to the Secretary of Labor and the Secretary of Education, and to the Governor of the State that the eligible entity serves, on the spending and activities funded pursuant to a grant under this section, including an evaluation of the progress the eligible entity has made toward the strategic objectives identified in the application and measure the progress using the performance accountability measures identified in the application.

“(2) PUBLIC AVAILABILITY.—The Secretary shall transmit such reports to the Congress and make such reports available to the public.

“(i) ADMINISTRATION BY THE SECRETARIES.—

“(1) ADMINISTRATIVE COSTS.—The Secretaries may jointly retain a total of not more than 3 percent of the funds appropriated to carry out this section for each fiscal year to administer this section, including technical assistance and evaluation activities.

“(2) TECHNICAL ASSISTANCE AND OVERSIGHT.—The Secretaries shall provide technical assistance and oversight to assist the eligible entities in applying for and administering grants awarded under this section, including technical assistance and through the collection and dissemination of information on best practices.

“(3) PERFORMANCE ACCOUNTABILITY MEASURES.—The Secretaries shall issue a range of performance measures, with quantifiable benchmarks, and methodologies that eligible entities

may use to evaluate the effectiveness of each type of activity in making progress toward the strategic objectives described in the application. Such measures shall consider the benefits of the innovative workforce development projects and its activities for workers, firms, industries, and communities.

“(4) DISSEMINATION.—The Secretaries shall—

“(A) coordinate the annual review of each eligible entity receiving a grant under this section and produce an overview report that, at a minimum, includes each funded project and best practices identified;

“(B) make resource materials, including all reports published and all data collected under this section, available on the Internet; and

“(C) conduct conferences and seminars to—

“(i) disseminate information on best practices developed by eligible entities receiving a grant under this section; and

“(ii) provide information to interested stakeholders.

“(5) REPORT TO CONGRESS.—Not later than 24 months after the date of enactment of the Workforce Investment Act of 2013 and on an annual basis thereafter, the Secretaries shall transmit a report to Congress on the grant program established by this section. The report shall include a description of—

“(A) the eligible entities receiving funding;

“(B) the spending and activities carried out by the eligible entities;

“(C) how the eligible entities were selected to receive funding under this section; and

“(D) an assessment of the results achieved by the grant program including findings from the annual reviews conducted under subsection (i).

**“SEC. 171B. YOUTH INNOVATION AND BEST PRACTICES GRANTS.**

“(a) PROGRAM AUTHORIZED.—

“(1) IN GENERAL.—The Secretary of Labor and the Secretary of Education, shall—

“(A) for the first program year that begins after the date of enactment of the Workforce Investment Act of 2012, award transition grants in accordance with section 176; and

“(B) with funds not awarded for transition grants under paragraph (1) for the first program year that begins after the date of enactment of the Workforce Investment Act of 2012, and with the funds reserved for each program year thereafter, award youth innovation and replication grants to eligible entities described in subsection (c) for the purposes described in subsection (b).

“(b) AUTHORIZATION AND PURPOSE OF GRANTS.—

“(1) IN GENERAL.—From funds appropriated pursuant to section 174, the Secretary of Labor and the Secretary of Education shall award youth innovation and replication grants on a competitive basis to eligible entities described in subsection (c).

“(2) USE OF FUNDS.—The grants awarded under this section shall be used to support the demonstration of innovative new strategies and activities, or the replication and expansion of effective evidence-based strategies and activities that are de-

signed to substantially improve education and employment outcomes for eligible youth, including preparation for post secondary education and training and for careers. Such strategies and activities shall include—

“(A) establishing career pathways in in-demand industry sectors and occupations for eligible youth, in collaboration with other Federal, State, and local programs, and public and private entities;

“(B) developing and implementing a comprehensive strategy, for an area of high poverty, that provides education and training programs, resources, and other activities that prepare youth for postsecondary education and training and for employment that leads to economic self-sufficiency;

“(C) developing and implementing strategies and activities that provide opportunities for youth with disabilities to receive education, training, and employment services that lead to a recognized postsecondary credential or integrated, competitive employment, including through incorporating elements of the individualized education program and related services under the Individuals with Disabilities in Education Act;

“(D) developing and implementing evidence-based strategies and activities, such as—

“(i) education offered concurrently and contextually with workforce preparation and training for a specific occupation or occupational cluster;

“(ii) career academies;

“(iii) dropout prevention and recovery strategies;

“(iv) paid or unpaid work experience, including summer employment opportunities and employment opportunities available throughout the school year, combined with academic learning leading to a recognized postsecondary credential;

“(v) innovative programs for youth facing multiple barriers to employment that arrange for the provision of or provide supportive services combined with education, training, including preparation for postsecondary education and training, or employment activities; or

“(vi) to include youth service and conservation corps programs in which a project undertaken is credited as qualifying experience for higher education, job training, or careers in public service; or

“(E) other evidence-based strategies or activities designed to improve the education and employment outcomes for youth.

“(c) ELIGIBLE ENTITIES AND APPLICATION.—

“(1) ELIGIBLE ENTITIES.—An entity eligible to receive a grant under this section shall include—

“(A)(i) the Governor of a State in coordination with the State board and with a local board for a local area that is aligned with a region, or with all boards for local areas that comprise a planning region, under section 116(c); or

“(ii) a local board for a local area that is aligned with a region, or all local boards for local areas that comprise a planning region, under section 116(c), in consultation with the standing committee on youth associated with the local board; and

“(B) one or more of the following:

“(i) A State education agency.

“(ii) A local education agency.

“(iii) A nonprofit organization with expertise serving eligible youth, including a community-based organization, youth corps, or an intermediary.

“(iv) An institution of higher education, including a community college and an area career and technical education center.

“(v) A joint labor-management partnership.

“(2) APPLICATION.—To receive a grant under this subsection, an eligible entity shall submit an application to the Secretary of Labor and the Secretary of Education at such time, in such manner, and containing such information, consistent with this paragraph, as the Secretaries may require. Each such application shall describe the innovation and replication strategies and activities that the eligible entity will carry out to strengthen the workforce investment system in the State or region in order to substantially improve education and employment outcomes for youth, such as youth with disabilities, served by such system, and may include—

“(A) a description of the region in the State or the State, as applicable, that will be the focus of grant activities, including analyses of economic conditions, skill needs, the workforce, and the workforce development services (including the strengths and weaknesses of such services and the capacity to provide such services) that are relevant to the proposed strategies and activities that would be carried out under the grant;

“(B) a description of the youth populations to be served, including individuals with barriers to employment who are youth, and the skill needs of those populations;

“(C) a description of the promising strategies and activities the eligible entity is proposing to demonstrate, or the evidence-based strategies and activities that the eligible entity is proposing to expand or replicate;

“(D) a description of how the eligible entity will meaningfully involve youth in the design and implementation of the proposed strategies and activities;

“(E) a description of how, in carrying out such strategies and activities, the eligible entity will—

“(i) collaborate to leverage resources among strategic partners to achieve the purposes of the grant, and to provide the matching share described in subsection (d)(2); and

“(ii) ensure the sustainability of the programs and activities supported by the grant after grant funds are no longer available;

“(F) a description of how the strategies and activities will be aligned with the State plan and the local plans in

the region of the State that will be the focus of grant activities;

“(G) a description of the outcomes, including outcomes for the performance accountability measures based on indicators of performance described in section 136(b)(2)(A)(ii), to be achieved by the proposed strategies and activities; and

“(H) a description of how the eligible entity will—

“(i) use technology;

“(ii) collect data;

“(iii) made data publicly available; and

“(iv) use technology and data to improve program delivery, activities, and administration.

“(d) MATCHING FUNDS REQUIREMENTS.—

“(1) INNOVATION FUND SHARE.—The amount of the share of the funds provided under this section shall be not greater than 50 percent of the cost of the programs and activities that are carried out under the grant.

“(2) MATCHING SHARE.—

“(A) IN GENERAL.—

“(i) AMOUNT.—The amount of the matching share under this subsection for a program year may not be less than 50 percent of the costs of the programs and activities that are carried out under the grant.

“(ii) IN CASH OR KIND.—The matching share may be in cash or in kind (fairly evaluated).

“(iii) SOURCES.—Not more than 50 percent of the matching share required under this subsection may be provided from Federal resources, of which not less than 50 percent shall be provided from Federal resources from the partner programs identified in the application other than resources provided under the core programs. Non-Federal sources for the matching share may include State resources, local resources, contributions from private organizations, or a combination of such resources and contributions.

“(B) FINANCIAL HARDSHIP WAIVER.—The Secretary of Labor and the Secretary of Education may waive or reduce the matching share of an eligible entity that has submitted an application under this subsection if such entity demonstrates a need for such waiver or reduction due to extreme financial hardship as defined by the Secretary of Labor and the Secretary of Education.

“(C) SUPPLEMENT NOT SUPPLANT.—The Federal and matching share required by this subsection shall be used to supplement and not supplant other Federal and State funds used to carry out activities described in this subsection.

“(e) GRANT PERIOD.—Grants awarded under this subsection shall be awarded for periods of not more than 3 years in duration and may not be renewed.

“(f) REPORTING.—The Secretary of Labor and the Secretary of Education are authorized to establish appropriate reporting requirements for grantees under this subsection.

“(g) TECHNICAL ASSISTANCE AND EVALUATION.—For each program year for which funds are available to carry out this section, the Secretary of Labor and the Secretary of Education may reserve a total of not more than 3 percent of the amount available to carry out this subsection to provide technical assistance to applicants and grantees under this subsection and to evaluate projects carried out under this subsection. The Secretaries shall ensure that the results of the evaluations are publicly available, including through electronic means.”.

**SEC. 158. EVALUATIONS.**

Section 172 is amended—

- (1) in subsection (a)(2), by inserting “accountability” after “performance”;
- (2) in subsection (c)—
  - (A) by striking “as least” and inserting “at least”; and
  - (B) by striking “2005” and inserting “2016”;
- (3) in subsection (e), by striking “Labor and Human Resources” and inserting “Health, Education, Labor, and Pensions”;
- (4) by redesignating subsection (f) as subsection (g) and inserting after subsection (e) the following new subsection:

“(f) PUBLICATION OF REPORTS.—If an entity that enters into a contract or other arrangement with the Secretary to conduct an evaluation of a program or activity under this section requests permission from the Secretary to publish a report resulting from the evaluation, such entity may publish the report unless the Secretary denies the request during the 90-day period beginning on the date the Secretary receives such request.”.

**SEC. 159. NATIONAL DISLOCATED WORKER GRANTS.**

Section 173 is amended—

- (1) in the section heading, by striking “**EMERGENCY**” and inserting “**DISLOCATED WORKER**”;
- (2) by striking subsection (b) and redesignating subsection (a) as subsection (b), and inserting before such redesignated subsection the following new subsection:
 

“(a) DEFINITIONS.—In this section—

  - “(1) the term ‘emergency or disaster’ means—
    - “(A) an emergency or a major disaster, as defined in paragraphs (1) and (2), respectively, of section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122 (1) and (2)); or
    - “(B) an emergency or disaster situation of national significance that could result in a potentially large loss of employment, as declared or otherwise recognized by the chief official of a Federal agency with authority for or jurisdiction over the Federal response to the emergency or disaster situation; and
  - “(2) the term ‘disaster area’ means an area that has suffered or in which has occurred an emergency or disaster.”;
- (3) in subsection (b) (as so redesignated)—
  - (A) by striking paragraph (4) and redesignating paragraphs (1) through (3) and (4) as subparagraphs (A) through (C), respectively, and moving such subparagraphs (as so redesignated) 2 ems to the right;

- (B) in the matter preceding subparagraph (A) (as so redesignated)—
- (i) by striking “The Secretary” and inserting:
    - “(1) GRANTS.—The Secretary”; and
    - (ii) by striking “emergency grants in a timely manner” and inserting “dislocated worker grants”;
  - (C) in subparagraph (A) (as so redesignated), by striking “subsection (c)” and inserting “subsection (c)(1)(B)”;
  - (D) in subsection (B) (as so redesignated), by striking “an area that has suffered” and all that follows and insert “a disaster area, to provide disaster relief employment in the disaster area”;
  - (E) in subparagraph (C) (as so redesignated), by striking “paragraphs (1) and (2)” and inserting “subparagraphs (A) and (B)”;
  - (F) by inserting after subparagraph (C) the following:
    - “(D) to provide additional assistance to a State board or local board serving an area where—
      - “(i) a higher-than-average demand for employment and training activities for dislocated members of the Armed Forces, spouses described in section 101(14)(E), or members of the Armed Forces described in subsection (c)(2)(A)(iv), exceeds State and local resources for providing such activities; and
      - “(ii) such activities are to be carried out in partnership with the Department of Defense and Department of Veterans Affairs transition assistance programs; and
    - “(E) from funds appropriated under section 174(c), to a State or entity described in subsection (c)(1)(B) to carry out—
      - “(i) subsection (e), including providing assistance to eligible individuals; and
      - “(ii) subsection (f), including providing assistance to eligible individuals.
- “(2) DECISIONS AND OBLIGATIONS.—The Secretary shall issue a final decision on a complete application for a national dislocated worker grant under this subsection not later than 45 calendar days after receipt of the application.”;
- (4) in subsection (c)—
    - (A) in paragraph (1)(A), by striking “subsection (a)(1)” and inserting “subsection (b)(1)(B)”;
    - (B) in paragraph (2)—
      - (i) in the matter preceding subparagraph (A), by striking “emergency” and inserting “dislocated worker”; and
      - (ii) in subparagraph (C), by striking “emergency” and inserting “dislocated worker”;
  - (5) in subsection (d)—
    - (A) by striking “subsection (a)(2)” each place it appears and inserting “subsection (b)(1)(B)”;
    - (B) in paragraph (1)(A)—
      - (i) by inserting “, in coordination with the Administrator of the Federal Emergency Management Agency, as applicable,” after “shall be used”; and

- (ii) by striking “structures” and inserting “public structures”;
- (C) in paragraph (2), by inserting “emergency or” after “consequence of the”;
- (D) in paragraph (3)—
  - (i) by striking “No individual” and inserting:
    - “(A) IN GENERAL.—Except as provided in subparagraph (B), no individual”;
    - (ii) by striking “natural disaster” and inserting “emergency or disaster”; and
    - (iii) by adding at the end the following new subparagraph:
      - “(B) EXTENSION.—At the request of a State, the Secretary may extend such employment, related to recovery from a single emergency or disaster involving the State, for not more than an additional 6 months.”; and
  - (E) by adding at the end the following new paragraphs:
    - “(4) USE OF AVAILABLE FUNDS.—Funds made available under subsection (b)(1)(B) shall be available to assist workers described in paragraph (2) who are affected by an emergency or disaster, including workers who have relocated from an area in which an emergency or disaster has been declared or otherwise recognized, as appropriate. Under conditions determined by the Secretary and following notification to the Secretary, a State may use such funds, that are appropriated for any fiscal year and available for expenditure under any grant awarded to the State under this section, to provide any assistance authorized under this subsection. Funds used pursuant to the authority provided under this paragraph shall be subject to the liability and reimbursement requirements described in paragraph (5).
    - “(5) LIABILITY AND REIMBURSEMENT.—Nothing in this Act shall be construed to relieve liability, by a responsible party that is liable under Federal law, for any costs incurred by the United States under subsection (b)(1)(B) or this subsection, including the responsibility to provide reimbursement for such costs to the United States.”;
- (6) by striking subsection (e) and redesignating subsections (f) and (g) as subsections (e) and (f), respectively;
- (7) in subsection (e) (as so redesignated)—
  - (A) by striking “paragraph (4)(A) of subsection (a)” each place it appears and inserting “subsection (b)(1)(E)(i)”;
  - (B) in paragraph (1)—
    - (i) in subparagraph (A), by striking “clauses (i) through (v)” and inserting “clauses (i) through (iv)”;
    - (ii) in subparagraph (B)(iii), by striking “enactment of this clause” and inserting “enactment of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5, 123 Stat. 115)”;
    - (iii) in subparagraph (C), by striking “subsection (g)” and inserting “subsection (f)”;
  - (C) in paragraph (2), by striking “subsection (g)” and inserting “subsection (f)”;
  - (D) in paragraph (3)(A)(i), by striking “not later than” and inserting “notwithstanding subsection (b)(2), not later than”; and



- (E) in paragraph (7)(A)—
  - (i) in clause (i), by striking “section 4980B” and inserting “section 4980B(f)(4)”; and
  - (ii) in clause (ii)(I), by striking “clause (i), (ii), or (vi) of paragraph (2)(A)” and inserting “subparagraph (A), (B), or (F) of section 35(e)(1) of such Code”; and
- (8) in subsection (f), (as so redesignated)—
  - (A) by striking “paragraph (4)(A) of subsection (a)” each place it appears and inserting “subsection (b)(1)(E)(i)”;
  - (B) in paragraph (1), by striking “subsection (f)(1)(A)” and inserting “subsection (e)(1)(A)”; and
  - (C) in paragraph (4)—
    - (i) in subparagraph (A)—
      - (I) in the matter preceding clause (i), by striking “this subsection” and inserting “subsection (b)(1)(E)(ii)”; and
      - (II) in clause (i), by striking “not later than” and inserting “notwithstanding subsection (b)(2), not later than”; and
    - (ii) in subparagraph (B), by striking “174(c)(1)(B)” and inserting “subsection (b)(1)(E)(ii)”.

**SEC. 160. YOUTHBUILD PROGRAM.**

Section 173A is amended—

- (1) in subsection (a)—
  - (A) in paragraph (3), by striking “; and” and inserting a semicolon;
  - (B) in paragraph (4), by striking the period and inserting “; and”; and
  - (C) by inserting after paragraph (4) the following new paragraph:
 

“(5) to improve the quality and energy efficiency of community and other nonprofit and public facilities, including those facilities that are used to serve homeless and low-income families.”;
- (2) in subsection (b)—
  - (A) by striking paragraph (8) and redesignating paragraphs (9) through (13) as paragraphs (8) through (12), respectively;
  - (B) in paragraph (11) (as so redesignated), by striking “means housing provided” and all that follows and inserting “has the meaning given the term in section 401(29) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360(29)).”; and
  - (C) in paragraph (12) (as so redesignated), by striking “or construction” and inserting “construction, or energy efficiency enhancement”;
- (3) in subsection (c)—
  - (A) in paragraph (2)—
    - (i) in subparagraph (A)(i), by striking “or construction” and inserting “construction, or energy efficiency enhancement”;
    - (ii) in subparagraph (A)(iv)—
      - (I) in subclause (II), by striking “individuals with limited English proficiency” and inserting

- “participants who are English language learners”; and
- (II) in subclause (III), by striking “General Education Development (GED) credential, or other State-recognized equivalent (including recognized alternative standard” and inserting “or its recognized equivalent including recognized certificates of attendance or similar documents”;
- (iii) in subparagraph (A)(vii)—
- (I) by striking “supportive services”; and
- (II) by inserting “or training” after “postsecondary education”;
- (iv) in subparagraph (B), by striking “or construction” and inserting “construction, or energy efficiency enhancement”;
- (v) in subparagraph (C)—
- (I) by striking “or construction” and inserting “construction, or energy efficiency enhancement”;
- and
- (II) by striking “10 percent” and inserting “15 percent”; and
- (vi) in subparagraph (D), by inserting “, including recruitment and selection of participants,”;
- (B) in paragraph (3)(B)—
- (i) in clause (i), by inserting “construction and” after “opportunities in”;
- (ii) in clauses (iii) and (vi), by striking “or construction” each place it appears and inserting “construction, or energy efficiency enhancement”;
- (iii) in clause (x), by striking “vocational education” and inserting “career and technical education and training”;
- (iv) in clause (xii)—
- (I) by striking “results” and inserting “levels”;
- (II) by striking “common” and inserting “primary”; and
- (III) by striking “youth and lifelong learning, as identified by the Secretary” and inserting “eligible youth described in section 136(b)(2)(A)(ii)”;
- (v) in clause (xvi)—
- (I) in subclause (II), by inserting “energy efficiency enhancement” after “construction”; and
- (II) in subclause (III), by striking “vocational education” and inserting “career and technical education and training”; and
- (vi) in clause (xvii)(I), by inserting “energy efficiency enhancement” after “construction”; and
- (C) in paragraph (4)—
- (i) in subparagraph (C)—
- (I) by inserting “community and” after “which the housing and”; and
- (II) by striking “or construction” each place it appears and inserting “construction, or energy efficiency enhancement”; and
- (ii) in subparagraph (J)—

- (I) in clause (ii), by inserting “energy efficiency enhancement” after “construction”; and
- (II) in clause (iii), by striking “vocational education” and inserting “career and technical education and training”;
- (4) in subsection (d), by striking “or construction” each place it appears and inserting “construction, or energy efficiency enhancement”;
- (5) in subsection (e)(1)—
- (A) in subparagraph (A)(iii), by inserting “, or an individual who was a school dropout and has subsequently re-enrolled” before the period; and
- (B) in amending subparagraph (B)(i) to read as follows:
- “(i) are basic skills deficient, despite attainment of a secondary school diploma or its recognized equivalent (including recognized certificates of attendance or similar documents for individuals with disabilities); or”;
- (6) in subsection (f)(2)—
- (A) in subparagraph (A), by inserting “, or to support pilot and demonstration projects or program evaluations with recipients of grants under subsection (c) as directed by the Secretary, including pilot or demonstration projects that create new career tracks for Youthbuild participants in areas such as health care and manufacturing” before the period; and
- (B) in subparagraph (B), by striking “shall reserve” and inserting “shall reserve not less than 3 percent and not more than”;
- (7) in subsection (g), by striking “postsecondary educational institutions” and inserting “institutions of higher education”; and
- (8) by amending subsection (h) to read as follows:
- “(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2013 through 2017 such sums as may be necessary to carry out this section.”.

**SEC. 161. AUTHORIZATION OF APPROPRIATIONS.**

Subsections (a) and (b) of section 174 are amended to read as follows:

“(a) NATIVE AMERICAN PROGRAMS; MIGRANT AND SEASONAL FARMWORKER PROGRAMS; VETERANS’ WORKFORCE INVESTMENT PROGRAMS.—

“(1) IN GENERAL.—Subject to paragraph (2), there are authorized to be appropriated to carry out sections 166 through 168 such sums as may be necessary for each of the fiscal years 2013 through 2017.

“(2) RESERVATIONS.—Of the amount appropriated pursuant to the authorization of appropriations under paragraph (1) for a fiscal year, the Secretary shall—

“(A) reserve not less than \$55,000,000 for carrying out section 166;

“(B) reserve not less than \$70,000,000 for carrying out section 167; and

“(C) reserve not less than \$7,300,000 for carrying out section 168.

“(b) TECHNICAL ASSISTANCE; INNOVATION GRANTS.—There are authorized to be appropriated to carry out sections 169 through 171 such sums as may be necessary for each of the fiscal years 2013 through 2017.”.

**SEC. 162. TRANSITION GRANTS TO STATES.**

Subtitle D is further amended by adding at the end the following:

**“SEC. 175. TRANSITION GRANTS TO STATES.**

“(a) IN GENERAL.—For the program year described in section 171A, from the funds allocated for awards described in section 171A and section 171B, the Secretary of Labor and the Secretary of Education shall award, on a competitive basis, transition grants to States. The Secretaries, to the extent practicable and consistent with the purposes of the transition grants under this section, shall award transition grants in a manner that maximizes the number of States benefitting from such grants.

“(b) APPLICATION.—To be eligible to receive a grant under this section, the Governor of a State, in coordination with the State board and in consultation with the local boards, shall submit an application to the Secretary of Labor and the Secretary of Education, at such time, in a such manner, and containing such information, consistent with this subsection, as the Secretaries may require, including—

“(1) a description of how the grant funds will be used to carry out the transition activities described in subsection (d);

“(2) a description of the process by which the State will award funds to local areas in accordance with subsection (d)(2); and

“(3) assurances that all the entities carrying out core programs in the State will participate in the activities.

“(c) GRANT PERIOD.—Grants awarded under this subsection shall be awarded for periods of not more than 2 years in duration and may not be renewed.

“(d) USE OF FUNDS.—A State that receives a grant under this section—

“(1) may reserve not more than 40 percent of the grant funds for transition activities to assist in the development of the State plan under section 112 or 113; and

“(2) shall use not less than 60 percent of the grant funds to award subgrants to local areas for transition activities to assist in the development local and regional plans under section 116(c) and 118, with a priority in making such awards to local areas most in need of resources to make the transition to meeting the requirements of the Workforce Investment Act of 2012.

“(e) LIMITATIONS.—No State may—

“(1) receive more than 1 grant under this section; and

“(2) receive a grant under this section concurrently with a grant under section 171A or 171B for the first program year that commences after the date of enactment of the Workforce Investment Act of 2011.”.

**SEC. 163. INTERAGENCY AGREEMENT.**

Subtitle D is further amended by adding after section 175 (as added by section 112) the following:

**“SEC. 176. INTERAGENCY AGREEMENT.**

“(a) **IN GENERAL.**—The Secretary of Education and the Secretary of Labor shall jointly develop policies for the administration of this subtitle in accordance with such terms as the Secretaries shall set forth in an interagency agreement. Such interagency agreement, at a minimum, shall include a description of the respective roles and responsibilities of the Secretaries in carrying out this subtitle (both jointly and separately), including—

“(1) how the funds available under this subtitle will be obligated and disbursed and compliance with applicable laws (including regulations) will be ensured, as well as how the grantees will be selected and monitored, and a peer review process for selection of grantees that includes program practitioners and national experts will be carried out;

“(2) how evaluations and research will be conducted on the effectiveness of grants awarded under this subtitle in addressing the education and employment needs of job seekers and workers, youth, and employers;

“(3) how technical assistance will be provided to applicants and grant recipients;

“(4) how information will be disseminated, including through electronic means, on best practices and effective strategies and service delivery models for activities carried out under this subtitle; and

“(5) how policies and processes critical to the successful achievement of the education, training, and employment goals of this subtitle will be established.

“(b) **TRANSFER AUTHORITY.**—The Secretary of Labor and the Secretary of Education shall have the authority to transfer funds between the Department of Labor and the Department of Education to carry out this subtitle in accordance with the agreement described in subsection (a).

“(c) **REPORTS.**—The Secretary of Labor and the Secretary of Education shall jointly develop and submit a biennial report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Workforce of the House of Representatives, describing—

“(1) actions the Departments have taken to—

“(A) assess the effectiveness of the projects carried out under this subtitle; and

“(B) facilitate the coordination of the programs carried out through the grants awarded with other education, employment and training programs;

“(2) barriers that impede effectiveness of projects carried out under this subtitle;

“(3) the best practices and effective strategies and service delivery models that the Departments have identified pursuant to this subtitle and actions the Departments have taken to promptly disseminate information, including through electronic means, on such best practices, service delivery models, and effective strategies; and

“(4) the actions the Departments have taken to leverage resources provided under Federal law other than this subtitle and non-Federal resources, to improve the workforce invest-

ment system nationwide, including in States, regions, and local areas that have not received funds under this subtitle.”.

## **Subtitle E—Administration**

### **SEC. 171. REQUIREMENTS AND RESTRICTIONS.**

Section 181 is amended—

(1) in subsection (a), by amending subparagraph (B) of paragraph (1) to read as follows:

“(B) **RULE OF CONSTRUCTION.**—The reference in subparagraph (A) to section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) shall not be applicable for individuals in territorial jurisdictions in which section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) does not apply.”;

(2) in subsection (b)(1) by striking “investment” and inserting “development”;

(3) in subsection (c)(1), by inserting “or allocation” after “an allotment”;

(4) in subsection (d)(2)—

(A) by striking “employment and training activity” and inserting “employment or training activity”;

(B) by inserting “incumbent worker training, transitional employment,” after “on-the-job training,”; and

(C) in paragraph (3), by inserting “(or that has provided funding to an entity that has violated such paragraph)” after “violated such paragraph”;

(5) in subsection (e)—

(A) by inserting “to carry out an activity” after “No funds available”;

(B) by striking “and similar activities” and inserting “or similar activities”; and

(C) by striking “title. No funds available under subtitle B” and inserting “or under subtitle C. No funds received to carry out an activity under subtitle B or C”; and

(6) in subsection (f), by inserting “or subtitle C” after “subtitle B” both places it appears.

### **SEC. 172. FISCAL CONTROLS OR SANCTIONS.**

Section 184 is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking “the appropriate circulars” and inserting “appropriate circulars or rules”; and

(ii) in subparagraph (B)(ii), by striking “administration of youth activities” and inserting:

“(iii) administration of youth workforce investment activities.”; and

(B) in paragraphs (5)(A), (6)(C), and (7) (A) and (B), by inserting “with the requirements” after “compliance” each place it appears;

(2) in subsection (b)(1)(B)(v), by inserting “with the provision” after “compliance”;

(3) in subsection (c)—

(A) in paragraph (2)—

(i) by striking “made available” and inserting “received”;

(ii) by striking “offset repayment” and inserting “require payment by offsetting the amount”; and

(iii) by inserting “under this title” after “may be entitled”; and

(B) in paragraph (4), by inserting “(subsequent to the program year for which the determination was made)” after “allocations”; and

(4) in subsection (d)(1), by striking “paragraphs (2) and (3) of”.

**SEC. 173. REPORTS, RECORDKEEPING, INVESTIGATIONS.**

Section 185(c) is amended—

(1) in paragraph (2), by striking “; and” and inserting a semicolon;

(2) in paragraph (3), by striking the period and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(4) shall, to the extent practicable, submit or make available (including through electronic means) any reports, records, plans, or any other data that are required to be submitted or made available, respectively, under this title.”.

**SEC. 174. ADMINISTRATIVE PROVISIONS.**

Section 189 is amended—

(1) in subsection (a), by striking “section 204 of the Intergovernmental Cooperation Act of 1968” and inserting “section 6504 of title 31, United States Code”;

(2) in subsection (g), by amending paragraph (2) to read as follows:

“(2) AVAILABILITY.—

“(A) IN GENERAL.—Funds obligated for any program year for a program or activity funded under subtitle B may be expended by each State receiving such funds during that program year and the 2 succeeding program years. Funds received by local areas from States under subtitle B during a program year may be expended during that program year and the succeeding program year.

“(B) CERTAIN NATIONAL ACTIVITIES.—

“(i) IN GENERAL.—Funds obligated for any program year for any program or activity carried out under section 170 or 171 shall remain available until expended.

“(ii) INCREMENTAL FUNDING BASIS.—A contract or arrangement entered into under the authority of section 170(c) (relating to research projects, studies and reports, and multistate projects) or section 171 (relating to evaluations), including a long-term, nonseverable services contract, may be funded on an incremental basis with annual appropriations or other available funds.

“(C) SPECIAL RULE.—No amount of the funds obligated for a program year for a program or activity funded under this title shall be deobligated on account of a rate of expenditure that is consistent with a State plan, an oper-

ating plan described in section 151, or a plan, grant agreement, contract, application, or other agreement described in subtitle D, as appropriate.”; and

(3) in subsection (i)—

(A) in paragraph (3), by inserting “accountability” after “performance”; and

(B) in paragraph (4)—

(i) in subparagraph (A)(i)—

(I) by inserting “the funding of infrastructure costs for one-stop centers,” after “functions of local areas and local boards”; and

(II) by inserting “, and other requirements relating to the basic purposes of this title” before the period;

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i), by striking “investment” and inserting “development”; and

(II) in clause (v), by striking “an opportunity to comment on such request has been provided to the local board” and inserting “, in the case of a waiver for a local area, an opportunity to comment on such request has been provided to the local board for the local area for which the waiver is requested”;

(iii) in subparagraph (C), by inserting “for which the waiver was requested” after “ensure that the local area”; and

(iv) by adding at the end the following new subparagraph:

“(D) EXPEDITED DETERMINATION REGARDING PROVISION OF WAIVERS.—If the Secretary has approved a waiver of statutory or regulatory requirements for a State or local area pursuant to this subsection, the Secretary shall expedite the determination regarding the provision of that waiver, for another State or local area.”.

**SEC. 175. REPEALS.**

The Act is further amended by striking section 190, and redesignating sections 191 through 195 as sections 190 through 194, respectively.

**SEC. 176. GENERAL PROGRAM REQUIREMENTS.**

Section 194 (as redesignated by section 185) is amended by adding at the end the following new paragraphs:

“(14) Funds provided under this title shall not be used to establish or operate a stand-alone fee-for-service enterprise in a situation in which a private sector employment agency (as defined in section 701 of the Civil Rights Act of 1964 (42 U.S.C. 2000e)) is providing full access to similar or related services in such a manner as to fully meet the identified need. For purposes of this paragraph, such an enterprise does not include a one-stop delivery system described in section 121(e).

“(15)(A) None of the funds available under this title shall be used by a recipient or subrecipient of such funds to pay the salary and bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of the annual rate of basic pay



prescribed for level II of the Executive Schedule under section 5313 of title 5, United States Code.

“(B) The limitation described in subparagraph (A) shall not apply to vendors providing goods and services as defined in Office of Management and Budget Circular A-133.

“(C) In a case in which a State is a recipient of such funds, the State may establish a lower limit than is provided in subparagraph (A) for salaries and bonuses of those receiving salaries and bonuses from a subrecipient of such funds, taking into account factors including the relative cost of living in the State, the compensation levels for comparable State or local government employees, and the size of the organizations that administer the Federal programs involved.”

**SEC. 177. OFFICE OF DISABILITY EMPLOYMENT POLICY.**

Subtitle E is further amended by adding at the end the following:

**“SEC. 195. OFFICE OF DISABILITY EMPLOYMENT POLICY.**

“(a) PURPOSE.—The purpose of this section is to establish an Office of Disability Employment Policy—

“(1) to help develop and support national policies and practices that will increase employment and economic advancement opportunities for all individuals with disabilities; and

“(2) to ensure that such individuals are fully integrated into the 21st century workforce.

“(b) OFFICE.—There is established within the Department of Labor an Office of Disability Employment Policy (referred to in this section as the ‘Office’). Except as otherwise specifically provided in this Act, such Office shall be the principal entity carrying out the functions described in this section.

“(c) ASSISTANT SECRETARY.—

“(1) IN GENERAL.—The Office shall be headed by an Assistant Secretary of Disability Employment Policy (referred to in this title as the ‘Assistant Secretary’) appointed by the President by and with the advice and consent of the Senate. Except as otherwise specifically provided in this Act, the Assistant Secretary shall be the principal officer carrying out the functions described in this section.

“(2) EXPERIENCE.—The Assistant Secretary shall be an individual with substantial experience in, and a thorough knowledge of, disability employment policy, training and educational opportunities for individuals with disabilities (including youth with disabilities), public benefit programs for individuals with disabilities, job development, and the barriers that may limit employment and economic advancement opportunities of individuals with disabilities.

“(3) GOALS AND DIRECTION.—In carrying out the functions of the Office, the Assistant Secretary shall be guided by the goals of achieving equal opportunity, full participation, economic self-sufficiency, and independent living for all individuals with disabilities, to the greatest extent possible. In the performance of the functions of the Office, the Assistant Secretary shall be directly responsible to the Secretary of Labor.

“(d) FUNCTIONS.—The Assistant Secretary shall provide national leadership, and encourage interagency collaboration, on increasing employment and training opportunities for individuals with disabili-

ities through the development of policies and initiatives (taking into account relevant information from other Federal agencies and including the awarding of grants as appropriate) that—

“(1) eliminate barriers to the employment and training of individuals with disabilities;

“(2) advance opportunities for employment, and identify strategies that increase employment opportunities in the private sector, for individuals with disabilities, including recruitment, retention, and promotion of such individuals;

“(3) identify and remove disincentives that limit or prevent the full employment of individuals with disabilities who are receiving benefits through Federal or State programs such as medical assistance under a State Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), disability insurance benefits under title II of the Social Security Act (42 U.S.C. 401 et seq.), or supplemental security income benefits under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.);

“(4) advise and assist the Department of Labor and other Federal agencies in the development of policies and practices that increase employment opportunities in the Federal Government for individuals with disabilities, including outreach to and recruitment, retention, and promotion of such individuals;

“(5) assist youth with disabilities, including such youth who are out-of-school youth, in successfully transitioning into the workforce;

“(6) increase access for individuals with disabilities seeking employment, education, and training services from a one-stop delivery system described in section 221(e) of the Workforce Investment Act of 2012, and other public and private providers of such services and supports;

“(7) increase coordination of activities between State vocational rehabilitation programs and the workforce development systems (as defined in section 101 of such Act), including the one-stop centers (as defined in such section 101), including assisting individuals with disabilities in maximizing the services available through such programs, systems, and centers;

“(8) leverage available public and system resources to address individual and systematic employment barriers for individuals with disabilities, and assist such individuals in navigating the process of coordinating their public benefits, including health care;

“(9) increase employment opportunities for individuals with significant disabilities in competitive integrated employment; and

“(10) meet other objectives, as specified by the Secretary of Labor, that will increase employment and training opportunities for individuals with disabilities.

“(e) REPORT.—For each fiscal year, beginning with the first full fiscal year following the date of enactment of the , the Secretary of Labor shall prepare a report and submit the report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, not later than 90 days after the end of that fiscal year. The report shall summarize the Office’s progress in—

“(1) meeting the general objectives specified in paragraphs (1) and (2) of subsection (a);

“(2) meeting each of the 4 goals specified in subsection (c)(3); and

“(3) developing the specific policies and initiatives specified in subsection (d).

“(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2013 through 2017.”.

**SEC. 178. INDEPENDENT EVALUATION OF THE EFFICIENCY AND EFFECTIVENESS OF THE FEDERAL WORKFORCE INVESTMENT SYSTEM.**

(a) DEFINITIONS.—In this section—

(1) the term “Federal job training program” means any federally funded employment and training program; and

(2) the term “individual with barriers to employment” has the meaning given such term in section 101(23) of the Workforce Investment Act of 2013.

(b) EVALUATION BY THE GOVERNMENT ACCOUNTABILITY OFFICE.—

(1) EVALUATION.—The Comptroller General shall conduct an evaluation of the operations of federally funded job training programs in order to evaluate their efficiency and effectiveness in providing job training services to eligible participants, particularly individuals with barriers to employment. The evaluation shall consider—

(A) the findings of the January 2011 report of the Government Accountability Office entitled “Multiple Employment and Training Programs: Providing Information, Collocating Services and Consolidating Administrative Structures could Promote Efficiencies”(GAO–11–92);

(B) whether programs need to be enhanced in order to more effectively provide needed services;

(C) whether programs are effectively aligned to provide needed services to different eligible populations; and

(D) whether any programs provide duplicative services to their participants and, if so, why.

(2) CONSULTATION AND RECOMMENDATIONS.—The Comptroller General shall consult with the States, local workforce investment boards, businesses, labor organizations, workforce advocates and community organizations, and relevant education-related organizations in preparing its evaluation and may make any recommendations to improve the efficiency and effectiveness of training programs and attain needed levels of services and accessibility of services.

(3) SUBMISSION OF PLAN.—Not later than 12 months after the date of enactment of this Act, the Comptroller General shall submit the evaluation and any plan for improvement to the appropriate committees of Congress.

## **Subtitle F—Community College to Career Fund**

**SEC. 181. COMMUNITY COLLEGE TO CAREER FUND.**

Title I is further amended by adding at the end the following:

## **“Subtitle F—Community College to Career Fund**

### **“SEC. 199. COMMUNITY COLLEGE AND INDUSTRY PARTNERSHIPS PROGRAM.**

“(a) **GRANTS AUTHORIZED.**—From funds appropriated under section 199D(1), the Secretary of Labor and the Secretary of Education, in accordance with the interagency agreement described in section 199E, shall award competitive grants to eligible entities described in subsection (b) for the purpose of developing, offering, improving or providing educational or career training programs for workers.

“(b) **ELIGIBLE ENTITY.**—

“(1) **IN GENERAL.**—Entities eligible for a grant under this section are any of the following (or a consortium of any of the following) in partnership with employers or an association of employers:

“(A) a junior or community college (as defined in section 312(f) of the Higher Education Act of 1965 (20 U.S.C. 1085(f)));

“(B) a four-year public institution of higher education (as defined in section 101 of the Higher Education Act of 1965) that offers two-year degrees, will use funds provided under this section for activities at the certificate and associate degree levels, and is not reasonably close, as determined by the Secretaries, to a community college;

“(C) a tribal college or university (as defined in section 316(b) of the Higher Education Act); or

“(D) at the discretion of the Secretaries, a private, not-for-profit, two-year institution of higher education in Puerto Rico, Guam, the United States Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau.

“(2) **ADDITIONAL PARTNERSHIPS.**—In addition to partnering with employers or an association of employers, the eligible entities described in paragraph (1) may partner with any of the organizations described in subparagraphs (A) through (D). Any such partnership shall collaborate with, and may include, the State or local workforce investment board.

“(A) An adult education provider or institution of higher education (as defined in section 101 of the Higher Education Act of 1965).

“(B) A community-based organization.

“(C) A joint-labor management partnership.

“(D) Any other organization that the Secretaries considers appropriate.

“(c) **APPLICATION.**—An eligible entity seeking a grant under this section shall submit a grant proposal to the Secretaries at such time and containing such information as the Secretaries determine is required, including a detailed description of—

“(1) the specific project for which the grant proposal is submitted, including the manner in which the grant will be used

to develop, offer, improve, or provide an educational or career training program;

“(2) the extent to which the project will meet the educational or career training needs of workers in the area served by the eligible entity;

“(3) the extent to which the project will meet the needs of employers in the region for skilled workers in in-demand industry sectors and occupations;

“(4) the extent to which the project submitted fits within any overall strategic plan developed by an eligible entity; and

“(5) any previous experience of the eligible entity in providing educational or career training programs, the absence of which shall not automatically disqualify an eligible institution from receiving a grant under this section.

“(d) CRITERIA FOR AWARD.—

“(1) IN GENERAL.—Grants under this section shall be awarded based on criteria established by the Secretaries, that include the following:

“(A) A determination of the merits of the grant proposal submitted by the eligible entity to develop, offer, improve, or provide educational or career training programs to be made available to workers.

“(B) An assessment of the likely employment opportunities available in the region to individuals who complete an educational or career training program that the eligible entity proposes to develop, offer, improve, or provide.

“(C) An assessment of prior demand for training programs by individuals eligible for training served by the eligible entity as well as availability and capacity of existing training programs to meet future demand for training programs.

“(2) PRIORITY.—The Secretaries shall give priority to eligible entities that—

“(A) include a partnership with a business or industry or sector partnership that—

“(i) pays a portion of the costs of such programs; or

“(ii) agrees to hire individuals who have completed a particular postsecondary degree, certificate, or credential resulting from the training program of the eligible entity;

“(B) enter into a partnership with a labor organization or labor-management training program that provides technical expertise for occupationally specific education necessary for a recognized postsecondary credential leading to a skill occupation in an in-demand industry sector;

“(C) are focused on serving individuals with barriers to employment, low-income, non-traditional students as defined in section 803(j) of the Higher Education Act (20 U.S.C. 11561(c)(j)), students who are dislocated workers, students who are veterans, or students who are long-term unemployed;

“(D) are community colleges serving areas with high unemployment rates, including rural areas; and

“(E) are eligible entities that include an institution of higher education eligible for assistance under title III or V of the Higher Education Act of 1965.

“(e) USE OF FUNDS.—Grants awarded under this section shall be used for one or more of the following:

“(1) The development, offering, improvement, or provision of academic programs or training programs, that provide relevant job training for skilled occupations that will meet the needs of employers in in-demand industries sectors, and which may include registered apprenticeship programs, on-the-job training programs, and programs that support employers in upgrading the skills of their workforce.

“(2) The development and implementation of policies and programs to expand opportunities for students to earn a recognized postsecondary credential or degree in in-demand industry sectors and occupations, including by—

“(A) facilitating the transfer of academic credits between institutions of higher education, including the transfer of academic credits for courses in the same field of study;

“(B) expanding articulation agreements and policies that guarantee transfer between such institutions, including through common course numbering and general core curriculum; and

“(C) developing or enhancing student support services programs.

“(3) The creation of workforce programs that provide a sequence of education and occupational training that leads to a recognized postsecondary credential or degree, including programs that—

“(A) blend basic skills and occupational training;

“(B) facilitate means of transitioning from non-credit occupational, basic skills, or developmental coursework to for-credit coursework within and across institutions;

“(C) build or enhance linkages including the development of dual enrollment programs and early college high schools between secondary education or adult education programs (including programs established under the Carl D. Perkins Career and Technical Education Act of 2006 and title II of this Act);

“(D) implement other innovative programs designed to increase the provision of training for students, including students who are veteran members of the National Guard or Reserves, to enter skilled occupations in in-demand industry sectors; and

“(E) support paid internships that will allow students to simultaneously earn credit for work-based learning and gain relevant employment experience in an in-demand industry sector or occupation, which shall include opportunities that transition individuals into employment.

“(4) The support of regional or national in-demand industry sectors to develop skills consortia that will identify pressing workforce needs and develop solutions such as—

“(A) standardizing industry certifications;

“(B) developing new training technologies; and

“(C) collaborating with industry employers to define and describe how specific skills lead to particular jobs and career opportunities.

**“SEC. 199A. PAY-FOR-PERFORMANCE AND PAY-FOR-SUCCESS JOB TRAINING PROJECTS.**

“(a) AWARD GRANTS AUTHORIZED.—From funds appropriated under section 199D(2), the Secretary of Labor and the Secretary of Education, in accordance with the interagency agreement described in section 199E, shall award grants on a competitive basis to eligible entities described in subsection (b) who meet specific performance outcomes and criteria established by the Secretaries under subsection (c). Projects funded by grants under this section shall be referred to as either Pay-for-Performance or Pay-for-Success projects, as set forth in subsection (b).

“(b) ELIGIBLE ENTITY.—To be eligible to receive a grant under this section an entity shall be a State or local organization (which may be a local workforce organization) in partnership with entities such as community colleges and other training providers who—

“(1) in the case of Pay-for-Performance projects, agree to be reimbursed primarily on the basis of achievement of specified performance outcomes and criteria agreed upon by the Secretaries under subsection (c); or

“(2) in the case of Pay-for-Success projects, include partnerships with investors, such as philanthropic organizations that provide funding for a specific project or projects to address a clear and measurable job training need in the community or region and agree to be reimbursed under the grant only if the project or projects meet specified performance outcomes and criteria agreed to by the Secretaries under subsection (c).

“(c) PERFORMANCE OUTCOMES AND CRITERIA.—Not later than 6 months after the date of the enactment of this subtitle, the Secretary of Labor and the Secretary of Education shall establish and publish specific performance measures for the initial qualification of eligible entities to receive a grant under this section. At a minimum, to receive an award an eligible entity shall—

“(1) identify a particular program area and client population that is not achieving optimal outcomes;

“(2) provide evidence that the proposed strategy would achieve better results;

“(3) clearly articulate and quantify the improved outcomes of such new approach;

“(4) for Pay-for-Success projects, specify a monetary value that would need to be paid to obtain such results and explain the basis for such value;

“(5) identify data that would be required to evaluate whether outcomes are being achieved for a target population and a comparison group;

“(6) identify estimated savings that would result from the improved outcomes, including to other programs or units of government;

“(7) demonstrate the capacity to collect required data, track outcomes, and validate those outcomes; and

“(8) any other criteria the Secretaries may require.

“(d) PERIOD OF AVAILABILITY FOR PAY-FOR-SUCCESS PROJECTS.—Funds appropriated to carry out Pay-for-Success projects pursuant

to section 199D(2) shall, upon obligation, remain available for disbursement until expended, notwithstanding section 1552 of title 31, United States Code, and, if later deobligated, in whole or in part, be available until expended for additional Pay-for-Success grants under this section.

**“SEC. 199B. BRING JOBS BACK TO AMERICA GRANTS.**

“(a) GRANTS AUTHORIZED.—From funds appropriated under section 199D(3), the Secretary of Labor and the Secretary of Education, in accordance with the interagency agreement described in section 199E, shall award grants to State or local governments for job training and recruiting activities that can quickly provide businesses with skilled workers in order to encourage businesses to remain in or relocate to areas served by such governments. The Secretaries shall coordinate with the Secretary of Commerce in carrying out this section.

“(b) PURPOSE AND USE OF FUNDS.—Grants awarded under this section may be used by a State or local government to issue subgrants to eligible entities as designated by the Secretaries, including those described in section 199(b), to assist such eligible entities in providing training necessary to provide skilled workers for businesses that have relocated or are considering relocating operations outside the United States, and may instead relocate to the areas served by such governments.

“(c) APPLICATION.—A State or local government seeking a grant under the program established under subsection (a) shall submit an application to the Secretaries in such manner and containing such information as the Secretaries may require. At a minimum, each application shall include—

“(1) a description of the eligible entity or entities the State or local government proposes to assist in providing job training or recruiting activities;

“(2) a description of the proposed or existing business facility, including the number of jobs relating to such facility and the average wage or salary of those jobs; and

“(3) a description of any other resources that the State has committed to assisting such business in locating such facility, including tax incentives provided, bonding authority exercised, and land granted.

“(d) CRITERIA.—The Secretaries shall award grants to State and local governments that—

“(1) the Secretaries determine are most likely to succeed with a grant under the program in assisting an eligible entity in providing the training necessary to cause a business or businesses to remain in or relocate to areas served by such governments;

“(2) will fund training programs that will result in the greatest number and quality of jobs;

“(3) have committed State or other resources, to the extent of their ability as determined by the Secretaries, to assist a business or businesses to remain in or relocate to areas served by such governments; and

“(4) have met such other criteria as the Secretaries consider appropriate, including criteria relating to marketing plans, benefits to ongoing regional or State strategies for economic development and job growth.



**“SEC. 199C. GRANTS FOR ENTREPRENEUR AND SMALL BUSINESS STARTUP TRAINING.**

“(a) GRANTS AUTHORIZED.—From funds appropriated under section 199D(4), the Secretary of Labor and the Secretary of Education, in accordance with the interagency agreement described in section 199E, shall award competitive grants to eligible entities described in subsection (b) to provide training in starting a small business and entrepreneurship. The Secretaries shall coordinate with the Administrator of the Small Business Administration in carrying out this section including in the development of criteria and selection of proposals.

“(b) ELIGIBLE ENTITY.—

“(1) IN GENERAL.—Entities eligible for a grant under this section are any of the following (or a consortium of any of the following) in partnership with at least one local or regional economic development entity described in paragraph (2):

“(A) a junior or community college (as defined in section 312(f) of the Higher Education Act of 1965 (20 U.S.C. 1085(f)));

“(B) a four-year public institution of higher education (as defined in section 101 of the Higher Education Act of 1965) that offers two-year degrees, will use funds provided under this section for activities at the certificate and associate degree levels, and is not reasonably close, as determined by the Secretaries, to a community college;

“(C) a tribal college or university (as defined in section 316(b) of the Higher Education Act); or

“(D) at the discretion of the Secretaries, a private, not-for-profit, two-year institution of higher education in Puerto Rico, Guam, the United States Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau.

“(2) ADDITIONAL PARTNERSHIPS.—Local or regional economic development entities described in this paragraph are the following:

“(A) Small business development centers.

“(B) Women’s business centers.

“(C) Regional innovation clusters.

“(D) Local accelerators or incubators.

“(E) State or local economic development agencies.

“(c) APPLICATION.—An eligible entity seeking a grant under this section shall submit a grant proposal in such manner and containing such information as the Secretaries and the Small Business Administrator shall require. Such information shall include the manner in which entrepreneurship training and education will be provided, the role of partners in such an arrangement, and the manner in which the proposal will integrate and partner with local economic development resources.

“(d) USE OF FUNDS.—Grants awarded under this section shall be used to provide training in entrepreneurship and starting a small business, including through online courses, intensive seminars, and comprehensive courses.

**“SEC. 199D. AUTHORIZATION OF APPROPRIATIONS.**

“(a) IN GENERAL.—There is authorized to be appropriated \$8,000,000,000 to carry out this subtitle, of which \$4,000,000,000 is authorized to be appropriated to the Secretary of Labor and \$4,000,000,000 is authorized to be appropriated to the Secretary of Education. Such amounts shall be used to carry out the programs authorized by this subtitle as follows:

“(1) \$7,000,000,000 is authorized for the program established by section 199;

“(2) \$500,000,000 is authorized for the program established by section 199A;

“(3) \$250,000,000 is authorized for the program established by section 199B;

“(4) \$250,000,000 is authorized for the program established by section 199C; and

“(5) Not more than 5 percent of the amounts authorized under paragraphs (1) through (4) may be used by the Secretaries to administer each respective program, including providing technical assistance and carrying out evaluations.

“(b) PERIOD OF AVAILABILITY.—Except as provided in section 199A(d), the funds appropriated pursuant to subsection (a) shall be available for Federal obligation for the fiscal year for which the funds are appropriated and the succeeding 2 fiscal years.

**“SEC. 199E. INTERAGENCY AGREEMENT.**

“(a) IN GENERAL.—The Secretary of Labor and the Secretary of Education shall jointly develop policies for the administration of this subtitle in accordance with such terms as the Secretaries shall set forth in an interagency agreement. Such interagency agreement, at a minimum, shall include a description of the respective roles and responsibilities of the Secretaries in carrying out this subtitle (both jointly and separately), including—

“(1) how the funds available under this subtitle will be obligated and disbursed and compliance with applicable laws (including regulations) will be ensured, as well as how the grantees will be selected and monitored;

“(2) how evaluations and research will be conducted on the effectiveness of grants awarded under this subtitle in addressing the education and employment needs of workers, and employers;

“(3) how technical assistance will be provided to applicants and grant recipients;

“(4) how information will be disseminated, including through electronic means, on best practices and effective strategies and service delivery models for activities carried out under this subtitle; and

“(5) how policies and processes critical to the successful achievement of the education, training, and employment goals of this subtitle will be established.

“(b) TRANSFER AUTHORITY.—The Secretary of Labor and the Secretary of Education shall have the authority to transfer funds between the Department of Labor and the Department of Education to carry out this subtitle in accordance with the agreement described in subsection (a). The Secretary of Labor and the Secretary of Education shall have the ability to transfer funds to the Sec-

retary of Commerce and the Administrator of the Small Business Administration to carry out sections 199B and 199C, respectively.

“(c) REPORTS.—The Secretary of Labor and the Secretary of Education shall jointly develop and submit a biennial report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives, describing the activities carried out under this subtitle and the outcomes of such activities.”.

## **TITLE II—ADULT EDUCATION AND LITERACY**

### **SEC. 201. PURPOSES, DEFINITIONS, AND MISCELLANEOUS PROVISIONS.**

(a) PURPOSE.—Section 202 is amended to read as follows:

#### **“SEC. 202. PURPOSE.**

“It is the purpose of this title to create a partnership among the Federal Government, States, and localities to provide, on a voluntary basis, adult education and literacy activities, in order to—

“(1) assist adults to become literate and obtain the knowledge and skills necessary for employment and economic self-sufficiency;

“(2) assist adults who are parents to obtain the education and skills that—

“(A) are necessary to becoming full partners in the educational development of their children; and

“(B) lead to sustainable improvements in the economic opportunities for their family;

“(3) assist adults in attaining a secondary school diploma or its equivalent and in the transition to and success in postsecondary education and training, including through career pathways;

“(4) assist immigrants and other individuals who are English language learners in improving their reading, writing, speaking, and comprehension skills in English;

“(5) assist immigrants in acquiring an understanding of the American system of government and the responsibilities of citizenship;

“(6) assist States in expanding a 21st century delivery system for adult education, literacy, and workplace skills services that meet the needs of adults at all skill levels;

“(7) assist adults in developing technology literacy; and

“(8) enable more adults to complete adult education and enter and succeed in postsecondary education and employment.”.

(b) DEFINITIONS.—Section 203 is amended—

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

“(1) ADULT EDUCATION.—The term ‘adult education’ means academic instruction and services below the postsecondary level that increase an individual’s ability to—

“(A) read, write, and speak in English and perform mathematics or other activities necessary for the attainment of a secondary school diploma or its recognized equivalent;

- “(B) transition to and success in postsecondary education and training; or  
“(C) obtain employment.”;
- (2) in paragraph (2), by striking “activities described in section 231(b)” and inserting “programs, activities, and services that include adult education, literacy, workplace adult education and literacy activities, family literacy activities, English language acquisition activities, workforce preparation activities, or integrated education and training”;
- (3) by striking paragraphs (3), (8), (9), (10), (13), (14), and (17) and redesignating paragraphs (4), (7), (11), (12), (15), (16), and (18) as paragraphs (3), (9), (10), (11), (13), (14), and (15), respectively;
- (4) in paragraph (3) (as so redesignated), by inserting “activities” after “literacy”;
- (5) by inserting after paragraph (3) (as so redesignated) the following:  
“(4) ELIGIBLE INDIVIDUAL.—The term ‘eligible individual’ means an individual—  
“(A) who has attained 16 years of age;  
“(B) who is not enrolled or required to be enrolled in secondary school under State law; and  
“(C) who—  
“(i) is unable to compute or solve problems, or read, write, or speak English at a level necessary to function on the job, in the individuals’ family, or in society;  
“(ii) does not have a secondary school diploma or its recognized equivalent, and has not achieved an equivalent level of education; or  
“(iii) is an English language learner.”;
- (6) in paragraph (5)—  
(A) by striking “means—” and inserting “means an organization that has demonstrated effectiveness in providing adult education and literacy activities that may include—”;  
(B) in subparagraphs (B) and (C), by striking “of demonstrated effectiveness” both places it appears;  
(C) in subparagraph (H), by striking “literacy services” and all that follows and inserting “adult education and literacy activities to eligible individuals;”;  
(D) in subparagraph (I), by striking the period at the end and inserting “; and”; and  
(E) by adding at the end the following:  
“(J) a partnership between an employer and an entity described in any of subparagraphs (A) through (I).”;
- (7) by amending paragraph (6) to read as follows:  
“(6) ENGLISH LANGUAGE ACQUISITION PROGRAM.—The term ‘English language acquisition program’ means a program of instruction—  
“(A) designed to help eligible individuals who are English language learners achieve competence in reading, writing, speaking, and comprehension of the English language;  
“(B) that may lead to—

“(i) attainment of a secondary school diploma or its recognized equivalent;

“(ii) transition to success in postsecondary education and training; and

“(iii) employment or career advancement; and

“(C) that such programs may be sequential, integrated, or concurrent in nature.”;

(8) by inserting after paragraph (6) the following:

“(7) ENGLISH LANGUAGE LEARNER.—The term ‘English language learner’ when used with respect to an eligible individual, means an eligible individual who has limited ability in reading, writing, speaking, or comprehending the English language, and—

“(A) whose native language is a language other than English; or

“(B) who lives in a family or community environment where a language other than English is the dominant language.

“(8) HIGH QUALITY LITERACY INSTRUCTION.—The term ‘high quality literacy instruction’ means developmentally appropriate, explicit, and systematic instruction that provides students with—

“(A) early development and grade-level mastery of oral language skills, both listening and speaking, phonological awareness, using a wide vocabulary, conventional forms of grammar, and academic language;

“(B) the ability to read regularly spelled words and high-frequency irregularly spelled words and to decode regularly spelled unfamiliar words accurately, using phonemic awareness, print awareness, alphabet knowledge, and knowledge of English spelling patterns;

“(C) the ability to read texts accurately, fluently, and with comprehension, relying on knowledge of the vocabulary in those texts and of the background information that the students possess;

“(D) the ability to read with a purpose and the capacity to differentiate purposes and to select and apply comprehension strategies appropriate to achieving the purpose;

“(E) an understanding of, and ability to adapt to, the varying demands of different genres, formats, and types of texts across the core content areas in order to comprehend texts of appropriate levels of complexity and content, including texts necessary for mastery of grade-level standards;

“(F) the ability to effectively access, critically evaluate, and appropriately synthesize information from a variety of sources and formats;

“(G) the development and maintenance of a motivation to read and write, as reflected in habits of reading and writing regularly and or discussing one’s reading and writing with others; and

“(H) the ability to write clearly, accurately, and quickly so as to communicate ideas and deepen comprehension, in ways that fit purpose, audience, occasion, discipline, and

format; adhere to conventions of spelling and punctuation; and benefit from revision so as to improve clarity, coherence, logical development, and the precise use of language.”;

(9) in paragraph (9)—

(A) in the paragraph heading, by striking “SERVICES” and inserting “ACTIVITIES”;

(B) in the matter preceding subparagraph (A)—

(i) by striking “services” both places it appears and inserting “activities”; and

(ii) by striking “changes in a family” and inserting “improvements in the economic prospects for a family and that better enable parents to support their children’s learning needs”;

(C) by striking subparagraph (C) and redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and

(D) by inserting before subparagraph (B) (as so redesignated) the following:

“(A) Parent adult education and literacy activities that lead to readiness for the attainment of a secondary school diploma or its recognized equivalent postsecondary education or training, employment, career advancement, and economic self-sufficiency.”;

(10) by inserting after paragraph (10) (as so redesignated) the following:

“(11) INTEGRATED EDUCATION AND TRAINING.—The term ‘integrated education and training’ means services that provide adult education and literacy activities contextually and concurrently with workforce preparation activities and workforce training for a specific occupation or occupational cluster. Such services may include offering adult education services concurrent with credit-bearing postsecondary education and training, including through co-instruction.

“(12) INTEGRATED ENGLISH LITERACY AND CIVICS EDUCATION.—The term ‘integrated English literacy and civics education’ means an integrated program of educational services for immigrant and other limited English proficient adults, including immigrant professionals with degrees and credentials in their native countries, that enables them to achieve competency in the English language and acquire the basic and more advanced skills needed to function effectively as parents, workers, and citizens. Such programs shall include instruction in literacy and English language acquisition and instruction on the rights and responsibilities of citizenship and civic participation, and may include workforce training.”;

(11) by amending paragraph (15) (as so redesignated) to read as follows:

“(15) WORKPLACE ADULT EDUCATION AND LITERACY ACTIVITIES.—The term ‘workplace adult education and literacy activities’ means adult education and literacy activities offered by an eligible provider in collaboration with an employer or employee organization at a workplace or an off-site location that is designed to improve the productivity of the workforce.”; and

(12) by adding at the end the following:

“(16) WORKFORCE PREPARATION ACTIVITIES.—The term ‘workforce preparation activities’ means activities, programs, or services designed to help an individual acquire a combination of basic academic skills, critical thinking skills, and self-management skills, including competencies in utilizing resources, using information, working with others, understanding systems, working with technology, and skills necessary for successful transition into and completion of postsecondary education or training, or employment.”

(c) HOME SCHOOLS.—Section 204 is amended—

(1) by inserting “whether a home school is treated as a home school or a private school under State law,” after “home schools,”; and

(2) by striking “an English literacy program” and all that follows and inserting “adult education and literacy activities.”

(d) RULE OF CONSTRUCTION.—Title II is further amended by redesignating section 205 as section 206 and inserting after section 204 the following:

**“SEC. 205. RULE OF CONSTRUCTION REGARDING POSTSECONDARY TRANSITION AND CONCURRENT ENROLLMENT ACTIVITIES.**

“Nothing in this title shall be construed to prohibit or discourage the use of funds provided under this title for adult education and literacy activities that help eligible individuals transition to and succeed in postsecondary education, including credit-bearing coursework, and training or employment, or for concurrent enrollment activities.”

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 206 (as so redesignated) is amended—

(1) by inserting “\$1,100,000,000 for fiscal year 2013 and” after “to carry out this title”; and

(2) by striking “of the fiscal years 1999 through 2003” and inserting “succeeding fiscal year”.

(f) TECHNICAL AMENDMENT.—Title II is further amended—

(1) by striking subtitle B;

(2) by striking the subtitle A designation; and

(3) by redesignating chapters 1 through 4 as subtitles A through D, respectively.

**SEC. 202. AMENDMENTS TO SUBTITLE A.**

(a) RESERVATION OF FUNDS, ELIGIBLE AGENCIES, ALLOTMENTS.—Section 211 is amended—

(1) by amending subsection (a) to read as follows:

“(a) RESERVATION OF FUNDS.—From the sum appropriated under section 206 for a fiscal year, the Secretary—

“(1) shall reserve \$250,000,000 to carry out section 242(c)(1)(E);

“(2) shall reserve 1.5 percent to carry out the remainder of section 242, except that the amount so reserved shall not exceed \$15,000,000;

“(3) shall reserve 1.5 percent to carry out section 243, except that the amount so reserved shall not exceed \$12,000,000; and

“(4) shall reserve 12 percent of the amount that remains after reserving funds under paragraphs (1) and (2) to carry out section 244.”;

(2) in subsection (b)—

- (A) by striking “section 205” and inserting “section 206”;
- and
- (B) by striking “section 224” and inserting “section 112 or a State unified plan approved under section 113”; and
- (3) in subsection (c)—
  - (A) in paragraph (1)—
    - (i) by striking “section 205” and inserting “section 206”;
    - (ii) by striking “section 224” and inserting “section 112 or a State unified plan approved under section 113”; and
    - (iii) in subparagraph (A)—
      - (I) by striking “\$100,000” and inserting “\$250,000”; and
      - (II) by inserting “except as provided in subsection (e)” after “outlying area”; and
    - (iv) in subparagraph (B), by striking “\$250,000” and inserting “\$350,000”; and
  - (B) in paragraph (2), by striking “section 205” and inserting “section 206”;
- (4) by amending subsection (f) to read as follows:
  - “(f) **HOLD-HARMLESS PROVISIONS.**—
    - “(1) **IN GENERAL.**—Notwithstanding subsection (c), for fiscal year 2011 and each succeeding fiscal year, no eligible agency shall receive an allotment under this section that is less than 90 percent of the allotment the eligible agency received for the preceding fiscal year under this section.
    - “(2) **100 PERCENT ALLOTMENT.**—Notwithstanding paragraph (1) of subsection (e), for a fiscal year for which an eligible agency receives only an initial allotment under subsection (c)(1) (and no additional allotment under subsection (c)(2)) the eligible agency shall receive an allotment under this section that is equal to 100 percent of the initial allotment under subsection (c)(1).
    - “(3) **RATABLE REDUCTION.**—If for any fiscal year the amount available for allotment under this title is insufficient to satisfy the provisions of paragraphs (1) and (2), the Secretary shall ratably reduce the payments to all eligible agencies, as necessary.”; and
  - (5) by adding at the end the following:
    - “(h) **STUDY AND REPORT.**—
      - “(1) **STUDY.**—The Comptroller General of the United States shall conduct a study concerning the formula described in this section and, in conducting the study, shall, at a minimum—
        - “(A) examine whether the formula results in a distribution of funds that sufficiently targets the entire population of individuals eligible for adult education and literacy activities under this title;
        - “(B) examine whether the data used to count qualified adults, for purposes of the formula, accurately identify the population of individuals eligible for the activities; and
        - “(C) develop recommendations, as necessary, for improving the formula so that the formula results in a distribution of funds that better serves that population and the



data used to count qualified adults accurately measure that population.

“(2) REPORT.—Not later than 3 years after the date of enactment of the Workforce Investment Act of 2013, the Comptroller General shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives a report containing the results of the study described in paragraph (1).”.

(b) PERFORMANCE ACCOUNTABILITY SYSTEM.—Section 212 is amended to read as follows:

**“SEC. 212. PERFORMANCE ACCOUNTABILITY SYSTEM.**

“Programs and activities authorized in this title are subject to the performance accountability provisions described in section 136. Additional indicators shall include the following:

“(1) Demonstrated improvements in literacy skill levels in reading, writing, and speaking the English language, numeracy, English language acquisition, and other literacy skills.

“(2) Receipt of a secondary school diploma or its equivalent.

“(3) Attainment of an industry-recognized workforce readiness credential or other recognized postsecondary credential, the attainment of which requires skills below the postsecondary level.

“(4) Placement in, retention in, or completion of a postsecondary education or training program.”.

**SEC. 203. AMENDMENTS TO SUBTITLE B.**

(a) STATE ADMINISTRATION.—Section 221 is amended—

(1) in paragraph (1), by striking “submission, and implementation of the State plan” and inserting “implementation, and monitoring of the relevant components of the State unified plan in section 112 or the State unified plan in section 113”.

(b) STATE DISTRIBUTION AND MATCHING REQUIREMENT.—Section 222 is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “this subtitle” and inserting “section 211(b)”;

(B) in paragraph (1)—

(i) by striking “82.5 percent” and inserting “80 percent”;

(ii) by striking “10 percent” and inserting “not less than 10 percent”; and

(iii) by striking “of the 82.5 percent”;

(C) in paragraph (2), by striking “12.5 percent” and inserting “15 percent”; and

(D) in paragraph (3), by striking “\$65,000” and inserting “\$75,000”; and

(2) in subsection (b)(1), by striking “equal to—” and inserting “that is not less than—”.

(c) STATE LEADERSHIP ACTIVITIES.—Section 223 is amended by amending subsection (a) to read as follows:

“(a) ACTIVITIES.—

“(1) REQUIRED.—Each eligible agency shall use funds made available under section 222(a)(2) and from other funds avail-

able to the State for such purposes, for the following adult education and literacy activities to develop or enhance the adult education system of the State or outlying area:

“(A) The alignment of adult education and literacy activities with other core programs and one-stop partners, including eligible providers, to implement the strategy identified in the unified State plan under section 112 or the State unified plan under section 113, including the development of career pathways to provide access to employment and training services for individuals in adult education and literacy activities.

“(B) The establishment or operation of high-quality professional development programs to improve the instruction provided pursuant to local activities required under section 231(b), including instruction incorporating the essential components of reading, writing, and numeracy instruction and instruction for English language learners as such components relate to adults, instruction related to the specific needs of adult learners, instruction provided by volunteers or by personnel of a State or outlying area, and dissemination of information about models and promising practices related to such programs.

“(C) The provision of technical assistance to eligible providers of adult education and literacy activities, including technical assistance in—

“(i) the development and dissemination of instructional and programmatic practices based on available evidence-based research, where appropriate, in reading, writing, speaking, mathematics, English language acquisition programs, distance education, and staff training;

“(ii) the role of eligible providers as a one-stop partner in providing access to employment, education, and training services;

“(iii) the use of technology, including for staff training, to eligible providers, especially the use of technology to improve system efficiencies;

“(iv) the development of content and models for career pathways, including integrated education and training, career bridge programs or instruction, and postsecondary transition activities; and

“(v) the acquisition and implementation of technology tools, applications, and other resources that will—

“(I) help in enhancing or redesigning adult education, literacy, and workplace skills curricula to improve technology literacy for adult learners;

“(II) facilitate assessments for data analysis to enable individualized instruction; and

“(III) be employed in professional development activities.

“(D) The monitoring and evaluation of the quality of, and the improvement in, adult education and literacy activities and the dissemination of information about models and proven or promising practices within the State.

“(E) The assessment of the quality of the adult education teacher workforce in the State, which shall include taking actions to improve that quality, including by establishing a requirement that all paid professionals have at least a bachelor’s degree and that volunteers be required to be supervised or supported by a paid professional with a bachelor’s degree, and through such actions as working in partnership with colleges and universities to improve the quality of adult education teacher preparation and increase access to high-quality preparation programs.

“(F) The development of rigorous content standards and aligned assessments for their adult education programs that reflect accepted standards for college- and career-readiness that are aligned with the college- and career-ready standards the State develops and implements in compliance with section 14006(d)(4) of the American Recovery and Reinvestment Act of 2009.

“(2) PERMISSIBLE ACTIVITIES.—Each eligible agency may use funds made available under section 222(a)(2) for 1 or more of the following adult education and literacy activities:

“(A) The support of State or regional networks of literacy resource centers.

“(B) The development and implementation of technology applications, including online and on-air educational digital content, translation technology, or distance education, including professional development to support the use of instructional technology.

“(C) The development and dissemination of curricula, including curricula incorporating the essential components of reading instruction as such components relate to adults.

“(D) The dissemination of content and models for integrated education and training and career pathways, including the provision of technical assistance to eligible providers in the State administering such programs.

“(E) The provision of assistance to eligible providers in developing and implementing programs that achieve the objectives of this title and in measuring the progress of those programs in achieving such objectives, including meeting the State adjusted levels of performance described in section 136(b)(3).

“(F) The provision of assistance to eligible providers in the development of new data management systems required by the performance accountability system described in section 136(b).

“(G) The development and implementation of a system to assist in the transition from adult education to postsecondary education, including linkages with postsecondary educational institutions or institutions of higher education.

“(H) The integration of literacy and English language instruction with occupational skill training, including promoting linkages with employers.

“(I) Activities to promote workplace adult education and literacy activities.

“(J) Activities to promote and complement local outreach initiatives described in section 243(b)(3)(G).

“(K) In cooperation with efforts funded under sections 242 and 243, development and piloting of—

“(i) promising and proven assessment tools and strategies that—

“(I) are based on evidence-based research, where available and appropriate; and

“(II) identify the needs and capture the gains of students at all levels, with particular emphasis on—

“(aa) students at the lowest achievement level;

“(bb) students who are English language learners; and

“(cc) adults with learning disabilities;

“(ii) strategies for improving teacher quality and retention;

“(iii) assistance in converting evidence-based research into practice; and

“(iv) strategies in the use of technology, including online and on-air educational digital content to improve technology literacy for adult learners.

“(L) The development and implementation of programs and services to meet the needs of adult learners with learning disabilities who are English language learners.

“(M) Family literacy activities that promote adult education and help parents become their child’s first teacher.

“(N) Support for recruitment and outreach for instructors, students, and employers.

“(O) Other activities of statewide significance that promote the purpose of this title.

“(3) DIGITAL LEARNING.—Each eligible agency may reserve up to 10 percent of the funds made available under section (222)(a)(2) for grants to an entity that owns and operates a television public broadcast station, as defined in section 397(6) of the Communications Act of 1934 (47 U.S.C. 397(6)) (including a partnership of such entities), in partnership with an eligible agency, State Board described in section 111, or institution of higher education to develop, disseminate, and provide online and on-air education and training services for adults, including:

“(A) the development, training and use of innovative, high-quality tools, products, and educational digital content and services for—

“(i) adult education and literacy, GED preparation, workforce training, and related outreach (including community and family) services;

“(ii) professional development; and

“(iii) English language education and services for non-English speakers;

“(B) the development and implementation of technology applications, including online and on-air education digital content, translation technology, or distance education, including professional development to support the use of instructional technology; and

“(C) developing and piloting strategies in the use of technology through online and on-air educational digital content, including to improve technology literacy for adult learners.”

(d) STATE PLAN.—Section 224 is amended to read as follows:

**“SEC. 224. STATE PLAN.**

“Each State desiring to receive funds under this title for any fiscal year shall submit and have approved by the Secretary and the Secretary of Labor a State plan in accordance with section 112 or a State unified plan in accordance with section 113.”

(e) PROGRAMS FOR CORRECTIONS EDUCATION AND OTHER INSTITUTIONALIZED INDIVIDUALS.—Section 225 is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking “basic education” and inserting “adult education and literacy activities”;

(B) in paragraph (2), by striking “education programs” and inserting “education,”; and

(C) by striking paragraphs (3) and (4) and inserting the following:

“(3) secondary school credit;

“(4) integrated education and training;

“(5) career pathways;

“(6) concurrent enrollment;

“(7) postsecondary correctional education linked to employment;

“(8) peer tutoring; and

“(9) transition to re-entry initiatives and other post-release services with the goal of reducing recidivism.”; and

(2) by striking subsection (d) and inserting the following:

“(d) REPORT.—In addition to any report required under section 136, each eligible agency that receives assistance provided under this section shall annually prepare and submit to the Secretary a report on the progress, as described in section 136, of the eligible agency with respect to the programs and activities carried out under this section, including the rate of recidivism for the criminal offenders served.

“(e) DEFINITIONS.—In this section:

“(1) CORRECTIONAL INSTITUTION.—The term ‘correctional institution’ means any—

“(A) prison;

“(B) jail;

“(C) reformatory;

“(D) work farm;

“(E) detention center; or

“(F) halfway house, community-based rehabilitation center, or any other similar institution designed for the confinement or rehabilitation of criminal offenders.

“(2) CRIMINAL OFFENDER.—The term ‘criminal offender’ means any individual who is charged with or convicted of any criminal offense.”

**SEC. 204. AMENDMENTS TO SUBTITLE C.**

(a) GRANTS AND CONTRACTS FOR ELIGIBLE PROVIDERS.—Section 231 is amended—

(1) in subsection (b), by striking “one or more programs that provide” and all that follows and inserting “programs that provide adult education and literacy activities, programs that provide such activities concurrently with postsecondary education or training or employment activities, and credit-bearing postsecondary coursework.”;

(2) in subsection (c)—

(A) by striking “Each eligible” and inserting:

“(1) IN GENERAL.—Each eligible”;

(B) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and moving such subparagraphs 2 ems to the right;

(C) in subparagraph (A) (as so redesignated), by inserting “and compete” after “apply”; and

(D) by adding at the end the following:

“(2) GAO STUDY.—Not later than the second program year following the date of enactment of the , the Comptroller General shall conduct a study to determine how the provisions of paragraph (1) have been implemented and whether such provisions accomplished the purposes of such paragraph.”;

(3) in subsection (d)—

(A) by striking “section 203(1)” and inserting “section 203(4)”;

(B) by striking “other than adult education activities” and inserting “other than activities for eligible individuals”;

(4) in subsection (e)—

(A) in paragraph (1), by striking “will establish measurable goals for participant outcomes” and insert “would be responsive to—

“(A) regional needs as identified in the local plan under section 118; and

“(B) serving individuals in the community who were identified in such plan as most in need of adult education and literacy activities, including individuals—

“(i) who have low levels of literacy skills;

“(ii) who have learning disabilities; or

“(iii) who are English language learners;”;

(B) by amending paragraphs (2) through (8) to read as follows:

“(2) capacity, including past effectiveness in improving the English language, reading, and mathematic skills of eligible individuals of the eligible provider, to meet and exceed State-adjusted levels of performance for the primary indicators of performance described in section 136 for eligible individuals, especially with respect to eligible individuals who have low levels of literacy;

“(3) the extent to which the eligible provider demonstrates alignment between proposed activities and services and the strategy and goals of the local plan under section 118, as well as with the activities and services of the one-stop partners;

“(4) whether the eligible provider’s program uses instructional practices that include the essential components of reading instruction;

“(5) whether the eligible provider’s activities are built on a strong foundation of evidence-based research on available and effective educational practices;

“(6) whether the eligible provider’s activities effectively employ advances in technology and delivery systems, including distance education;

“(7) whether the eligible provider’s activities provide learning in context, including through integrated education and training, so that an individual acquires the skills needed to transition to and success in completing postsecondary education and training programs, obtain and advance in employment leading to economic self-sufficiency, and exercise the rights and responsibilities of citizenship;

“(8) whether the eligible provider’s activities are delivered by instructors, counselors, and administrators who meet minimum qualifications established by the State, and who have access to professional development, including through electronic means;”;

(C) in paragraph (9)—

(i) by inserting “eligible provider’s” after “whether the”;

(ii) by inserting “education, training, and social service” after “other available”;

(iii) by inserting “local workforce investment boards,” after “postsecondary educational institutions,”; and

(iv) by inserting “, business, industry, labor organizations, community-based organizations, nonprofit organizations, and intermediaries, for the development of career pathways” before the semicolon;

(D) in paragraph (10)—

(i) by inserting “eligible provider’s” after “whether the”;

(ii) by inserting “coordination with Federal, State, and local” after “schedules and”; and

(iii) by striking “and transportation” and inserting “transportation, mental health services, and career planning”; and

(E) by striking paragraphs (11) and (12) and inserting the following:

“(11) the capacity of the eligible provider to provide integrated education and training;

“(12) whether the eligible provider maintains an information management system that has the capacity to report measurable participant outcomes (consistent with section 136) and monitor program performance;

“(13) the capacity of the eligible provider to offer or connect individuals with career pathways that will lead to economic self-sufficiency;

“(14) whether the local areas in which the eligible provider is located have demonstrated need for additional English language acquisition programs, integrated English literacy, and civics education programs; and

“(15) the capacity of the eligible provider to serve eligible individuals with disabilities, including individuals with learning disabilities.”

(b) LOCAL APPLICATION.—Section 232 is amended—

(1) in the matter preceding paragraph (1), by striking “under this subtitle” and inserting “from an eligible agency”;

(2) in paragraph (1), by striking “; and” and inserting “consistent with the requirements of this title;”; and

(3) by striking the period at the end of paragraph (2) and inserting a semicolon, and after such paragraph inserting the following:

“(3) a description of how the eligible provider will provide services in alignment with the local plan under section 118, including how such provider will promote concurrent enrollment in programs and activities under titles I and II, as appropriate, to assist eligible individuals in accessing and succeeding in postsecondary education and job training services and how such provider will promote access to career pathways;

“(4) a description of how the eligible provider will meet the State adjusted levels of performance described in section 136(b)(3), including how such provider will collect data to report on such performance indicators;

“(5) a description of how the eligible provider will fulfill one-stop partner responsibilities as described in section 121(b)(1)(A), as appropriate;

“(6) a description of how the eligible provider will provide services in a manner that meets the needs of eligible individuals; and

“(7) information that addresses the considerations described under section 231(e), as applicable.”

(c) LOCAL ADMINISTRATIVE COST LIMITS.—Section 233 is amended—

(1) in subsection (a)(2), by striking “personnel development and interagency coordination” and inserting “(including carrying out the requirements of section 136), professional development, and the activities described in paragraphs (3) and (5) of section 232”; and

(2) in subsection (b), by striking “adequate planning, administration, personnel development, and interagency coordination” and inserting “the eligible provider to carry out the activities described in subsection (a)(2)”.

**SEC. 205. AMENDMENTS TO SUBTITLE D.**

(a) ADMINISTRATIVE PROVISIONS.—Section 241(b) is amended—

(1) in paragraph (1)(A), by striking “adult education and literacy activities” and inserting “activities under this title”; and

(2) in paragraph (4), by striking “1 fiscal year only” and inserting “not more than 1 fiscal year”.

(b) NATIONAL INSTITUTE FOR ADULT EDUCATION AND LITERACY.—Section 242 is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting “Adult Education and” after “Institute for”;

(B) in paragraph (1), by striking “literacy” and inserting “effective adult education and literacy activities for adults



and families, including the identification of research topics”;

(C) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively, and inserting after paragraph (1) the following:

“(2) supports the development and replication of promising and proven approaches to adult education and literacy activities and programs of demonstrated effectiveness;”;

(D) in paragraph (3) (as so redesignated), by striking “literacy” and inserting “and disseminates information on adult education and literacy activities;”;

(E) in paragraph (4) (as so redesignated), by striking “programs by—” and all that follows through subparagraph (A) and inserting “activities by—

“(A) providing advice on the efforts of the Department of Education, Department of Labor, and the Department of Health and Human Services and other relevant agencies to achieve the goals of adult education and literacy programs and programs consistent with title I, within and across such agencies;

“(B) coordinating and participating in the Federal effort to identify, produce, and disseminate information on adult education and literacy activities that are derived from available evidence-based research and effective programs that serve adults and families, including individuals with learning disabilities; and

“(C) providing current information annually on effective practices and research in adult education and literacy activities to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives, and the relevant Federal agencies.”;

(2) in subsection (b)—

(A) in paragraph (1), by inserting “Adult Education and” after “Institute for”; and

(B) in paragraph (2), by striking “separate” and inserting “independent”;

(3) by amending subsection (c) to read as follows:

“(c) DUTIES.—

“(1) IN GENERAL.—In order to reinforce and support the alignment of activities and programs consistent with provisions under title I, the Institute is authorized—

“(A) to maintain a national electronic database of information that disseminates information to the broadest possible audience within the adult education and literacy field, and that includes—

“(i) best practices and research regarding the provision of adult education and literacy activities, including instruction in the essential components of reading instruction, integrated education and training, and the integration of English literacy and civics education;

“(ii) public and private adult education and literacy activities and programs, and Federal, State, and local policies, affecting the provision of adult education and

literacy activities at the national, State, and local levels;

“(iii) opportunities for technical assistance, meetings, conferences, and other opportunities that lead to the improvement of adult education and literacy activities;

“(iv) a list of eligible providers; and

“(v) best practices in reading research, numeracy instruction, and service to English language learners;

“(B) to coordinate the support of promising and proven research, as defined by the Institute of Education Sciences, and development on adult education and literacy activities for adults and for employers across Federal agencies, and to carry out basic and applied research and development on topics that are not being investigated by other organizations or agencies, such as the special literacy needs of individuals with learning disabilities;

“(C) to provide policy and technical assistance to Federal, State, and local entities for the improvement of policy and programs relating to adult education and literacy activities;

“(D) to fund a network of State or regional adult education and literacy resource centers to assist State eligible agencies, eligible providers, and private nonprofit efforts to improve adult education and literacy activities by—

“(i) encouraging the coordination of adult education and literacy activities;

“(ii) enhancing the capacity of State eligible agencies and eligible providers to deliver adult education and literacy activities; and

“(iii) serving as a link between the Institute and eligible providers of adult education and literacy activities for the purpose of sharing information, data, research, expertise, and literacy resources, and for soliciting research needs;

“(E) to establish and maintain a national adult learning and technology resource center to—

“(i) develop frameworks for technology-based learning and professional development materials for adult education, literacy, and workplace skills;

“(ii) support distance education for professional development for eligible entities and eligible providers of adult education, literacy, and workplace skills services;

“(iii) coordinate and share information on the innovative uses of technology, such as the use of assistive technology to deliver digital content to adult learners; and

“(iv) be accessible to the public through the website of the center;

“(F) to advise Congress and Federal departments and agencies regarding the development of policy with respect to adult education and literacy activities;

“(G) to undertake other activities that lead to the improvement of the Nation’s adult education and literacy de-

livery system and that complement other such efforts being undertaken by public and private agencies and organizations, including activities that relate to the acquisition of skills in reading, writing, English language acquisition, and mathematics;

“(H) to assist States that are pursuing the implementation of standards-based educational improvements and related standards-based assessment instruments for eligible providers through the dissemination of training, technical assistance, and related support; and

“(I) to develop and disseminate best practices on the education, training, professional development, certification, and credentialing of adult education instructors, including how the use of technology can contribute to such efforts.

“(2) GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.—The Institute may award competitive grants to, or enter into contracts or cooperative agreements with, individuals, public or private institutions, agencies, organizations, or consortia of such institutions, agencies, or organizations to carry out the activities of the Institute.

“(3) COORDINATION.—In identifying and supporting promising and proven research the Institute shall use standards for research quality that are consistent with those of the Institute of Education Sciences.”;

(4) in subsection (d)(1), by striking “research, or innovation” and inserting “or research”;

(5) in subsection (e)—

(A) in the subsection heading, by inserting “ADULT EDUCATION AND” after “INSTITUTE FOR”;

(B) in paragraph (1)—

(i) in subparagraph (A), by inserting “Adult Education and” after “Institute for”;

(ii) in subparagraph (B)(i)—

(I) by inserting “adult education and” after “organizations and providers of”; and

(II) by striking “English literacy” and inserting “English language acquisition”;

(iii) in subparagraph (B)(ii), by striking “literacy programs” and inserting “or have participated in or partnered with workplace adult education and literacy activities”;

(iv) in subparagraph (B)(iii), by striking “literacy” both places it appears and inserting “adult education and literacy”;

(v) in subparagraph (B)(iv), by inserting “adult education and literacy research, including adult” after “area of”;

(vi) in subparagraph (B)(vi), by striking “and”;

(vii) in subparagraph (B)(vii), by striking the period and inserting “; and”; and

(viii) by adding at the end the following:

“(viii) institutions of higher education or postsecondary educational institutions.”;

(C) in paragraph (2)—

(i) in subparagraph (B), by striking “and”;

- (ii) in subparagraph (C), by striking the period at the end and inserting “; and”; and
- (iii) by adding at the end the following:
  - “(D) review the biennial report submitted to Congress pursuant to subsection (k).”; and
  - (D) in paragraph (5)—
    - (i) by striking “Any” and inserting “A”; and
    - (ii) by inserting “at a meeting for which there is a quorum” before the period;
- (6) in subsection (k)—
  - (A) in the matter preceding paragraph (1)—
    - (i) by striking “The” and inserting “; and”; and
    - (ii) by striking “Committee on Labor and Human Resources of the Senate” and inserting “Committee on Health, Education, Labor and Pensions of the Senate and the relevant agencies”; and
  - (B) in paragraph (1), by inserting “adult education and” after “field of”; and
  - (C) in paragraph (2), by striking “adult education and” after “goals of the”; and
- (7) by adding at the end the following:
  - “(m) NATIONAL INSTITUTE FOR LITERACY.—Any reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to—
    - “(1) the head of the National Institute for Literacy shall be treated as a reference to the head of the National Institute for Adult Education and Literacy; and
    - “(2) the National Institute for Literacy shall be treated as a reference to the National Institute for Adult Education and Literacy.”.
- (c) NATIONAL LEADERSHIP ACTIVITIES.—Section 243 is amended—
  - (1) in the matter preceding paragraph (1)—
    - (A) by striking “The Secretary” and inserting:
      - “(a) IN GENERAL.—The Secretary”;
      - (B) by inserting “and outcomes” after “the quality”;
      - (C) by striking “programs” and inserting “activities and programs”; and
      - (D) by striking “Such activities may include the following:” and inserting:
        - “(b) ALLOWABLE ACTIVITIES.—The national leadership activities described in subsection (a) may include the following:”;
    - (2) in paragraph (1)—
      - (A) by redesignating subparagraphs (A) through (C) as subparagraphs (B) through (D), respectively and inserting before subparagraph (B) (as so redesignated) the following:
        - “(A) assistance to help States meet the requirements of section 136;”;
      - (B) in subparagraph (B) (as so redesignated)—
        - (i) by striking “developing and using performance measures” and inserting “using performance accountability measures based on indicators described in section 136, and data systems”; and
        - (ii) by striking “, including family literacy services”;
      - (C) in subparagraph (C) (as so redesignated), by striking “including family literacy services” and all that follows and

- inserting “utilizing evidence-based research where available;”;
- (D) in subparagraph (D) (as so redesignated)—
- (i) by striking “learning” and inserting “education”; and
  - (ii) by striking the period and inserting the following: “, including through the use of instructional models that blend in-person and online instruction; and”;
- (E) by adding at the end the following:  
 “(E) assistance in the development and dissemination of promising and proven models for addressing the digital literacy needs of adults, including older adults.”;
- (3) by redesignating paragraph (2) as paragraph (3), and inserting after paragraph (1) the following:  
 “(2) A program of grants, contracts, or cooperative agreements awarded on a competitive basis to national, regional, or local networks of private nonprofit organizations, public libraries, or institutions of higher education to build the capacity of such networks’ members to—
- “(A) meet the performance requirements, described in section 136, of eligible providers under this title; and
  - “(B) involve eligible individuals in program improvement.”; and
- (4) in paragraph (3) (as so redesignated)—
- (A) in the matter preceding subparagraph (A), by inserting “institutions of higher education,” after “postsecondary educational institutions,”;
  - (B) in subparagraph (A), by striking “phonemic awareness” and all that follows through “reading comprehension” and inserting “the essential components of reading instruction”;
  - (C) in subparagraph (B), by striking “, including family literacy services”;
  - (D) in subparagraph (C), by striking “research, such as” and inserting: “research, including evidence-based research where available, on national literacy basic skill acquisition for adult learning, including”;
  - (E) in subparagraph (D)—
    - (i) in clause (i), by striking the semicolon and inserting “, which may include programs that—
      - “(I) accelerate learning outcomes for eligible individuals with the lowest literacy levels;
      - “(II) promote career pathways for eligible individuals;
      - “(III) promote concurrent enrollment programs in adult education and credit bearing postsecondary coursework; and
      - “(IV) develop high-quality professional development activities for eligible providers.”; and
    - (ii) in clause (ii), by striking “such as the development” and all that follows and inserting “such as—
      - “(I) programs for skill certification;

“(II) the identification of effective strategies for working with adults with learning disabilities and with adults who are English language learners;

“(III) integrated education and training programs;

“(IV) programs providing adult education and literacy activities coordinated with employment services;

“(V) family literacy activities that promote adult education and help parents become their child’s first teacher; and

“(VI) postsecondary education and training transition programs;”;

(F) in subparagraph (E)—

(i) in the matter preceding clause (i), by striking “through studies and analyses conducted independently”;

(ii) in clause (i)—

(I) by inserting “accountability” after “performance”;

(II) by inserting “, including interim measures connected to increasing advancement along a career pathway,” after “measures of accountability”; and

(III) by striking “, including family literacy services”;

(iii) in clause (ii)—

(I) by striking “including family literacy services”; and

(II) by striking “adults (and of children” and all that follows through “in such activities” and inserting “eligible individuals, lead”;

(iv) in clause (iii)—

(I) by striking “adults” and inserting “eligible individuals”;

(II) by striking “family”; and

(III) by striking “programs” and inserting “activities”; and

(v) in clause (iv), by striking “eligible agencies have distributed” and all that follows and inserting “different types of providers measurably improve the skills of eligible individuals in adult education and literacy activities;”;

(G) by redesignating subparagraphs (F), (G) and (H) as subparagraphs (G), (H), and (K), respectively;

(H) by inserting after subparagraph (E) the following:

“(F) carrying out research on the relationship between instructional quality, including education levels, certification status, and experience of instructors, and the performance outcomes of eligible providers consistent with section 136;”;

(I) in subparagraph (G) (as so redesignated)—

(i) by inserting “of programs” after “building”; and

(ii) by striking “subtitle” and inserting “title”; and

(J) in subparagraph (H) (as so redesignated), by striking “; and” and inserting a semicolon and inserting after such subparagraph the following:

“(I) supporting the development of an entity that would produce and distribute technology-based programs and materials for adult education and literacy activities using an interconnection system (as defined in section 397 of the Communications Act of 1934 (47 U.S.C. 397)) and expand the effective outreach and use of such programs and materials to eligible providers;

“(J) determining how participation in adult education and literacy activities prepares eligible individuals for entry into postsecondary education and employment and, in the case of programs carried out in correctional institutions, has an effect on recidivism; and”.

(d) INTEGRATED ENGLISH LITERACY AND CIVICS EDUCATION.— Subtitle D, as redesignated by section 201(f), is further amended by adding after section 243 the following new section:

**“SEC. 244. INTEGRATED ENGLISH LITERACY AND CIVICS EDUCATION.**

“(a) IN GENERAL.—From funds made available under section 211(a)(1)(C) for each fiscal year, the Secretary shall award grants to States, from allotments under subsection (b), for integrated English literacy and civics education.

“(b) ALLOTMENT.—

“(1) IN GENERAL.—Subject to paragraph (2), from amounts made available under section 211(a)(1)(C) for a fiscal year, the Secretary shall allocate—

“(A) 65 percent to the States on the basis of a State’s need for integrated English literacy and civics education, as determined by calculating each State’s share of a 10-year average of the data of the Office of Immigration Statistics of the Department of Homeland Security for immigrants admitted for legal permanent residence for the 10 most recent years; and

“(B) 35 percent to the States on the basis of whether the State experienced growth, as measured by the average of the 3 most recent years for which the data of the Office of Immigration Statistics of the Department of Homeland Security for immigrants admitted for legal permanent residence are available.

“(2) MINIMUM.—No State shall receive an allotment under paragraph (1) in an amount that is less than \$60,000.

“(c) STUDY TO DETERMINE CONTINUED NEED.—Not later than 2 years after the date of the enactment of the Workforce Investment Act of 2012 and every 2 years thereafter, the Secretaries of Education, Labor, and Homeland Security shall submit a report to Congress about the English-language instruction needs of adult immigrants. It shall include changes in national, State and county-level approaches and requirements in English-language instruction; data on the composition of recent immigration flows and immigrant settlement patterns across States; and estimated instructional needs based on the English ability and educational attainment of recent immigrants from top immigrant-sending countries. Such study shall be commissioned by the Institute of Education Sciences, with

its design conducted in collaboration with the Departments of Labor and Homeland Security.”.

## **TITLE III—AMENDMENTS TO THE WAGNER-PEYSER ACT**

### **SEC. 301. EMPLOYMENT SERVICE OFFICES.**

Section 1 of the Wagner-Peyser Act (29 U.S.C. 49) is amended by inserting “service” before “offices”.

### **SEC. 302. DEFINITIONS.**

Section 2 of the Wagner-Peyser Act (29 U.S.C. 49a) is amended—

(1) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively;

(2) by inserting after paragraph (1) the following:

“(2) the term ‘employment service office’ means a local office of a State agency;”;

(3) in paragraph (3) (as so redesignated)—

(A) by striking “investment board” each place it appears and inserting “development board”; and

(B) by striking “of 1998” and inserting “of 2011”;

(4) in paragraph (4) (as so redesignated)—

(A) by striking “134(c)” and inserting “221(e)”; and

(B) by striking “1998” and inserting “2011”;

(5) in paragraph (6) (as so redesignated), by striking the period and inserting a semicolon; and

(6) by adding at the end the following:

“(7) except in section 15, the term ‘State agency’, used without further description, means an agency designated or authorized under section 4; and

“(8) the term ‘workplace learning advisor’, has the meaning given the terms in section 101 of the Workforce Investment Act of 1998.”.

### **SEC. 303. FEDERAL AND STATE EMPLOYMENT SERVICE OFFICES.**

(a) **COORDINATION.**—Section 3(a) of the Wagner-Peyser Act (29 U.S.C. 49b(a)) is amended by striking “services” and inserting “service offices”.

(b) **PUBLIC LABOR EXCHANGE SERVICES SYSTEM.**—Section 3(c)(2) of the Wagner-Peyser Act (29 U.S.C. 49b(c)(2)) is amended by inserting “, and identify and disseminate information on best practices for such system” before the semicolon.

(c) **ONE-STOP CENTERS.**—Section 3 of the Wagner-Peyser Act (29 U.S.C. 49b) is amended by inserting after subsection (c) the following:

“(d) In order to improve service delivery, avoid duplication of services, and enhance coordination of services, the employment service offices in each State and the one-stop centers shall be collocated to the extent practicable.

“(e) The Secretary, in consultation with States, is authorized to assist the States in the development of national electronic tools that may be used to improve access to workforce information for individuals through—

“(1) the one-stop delivery systems established as described in section 121(e) of the Workforce Investment Act of 2012; and



“(2) such other delivery systems as the Secretary determines to be appropriate.”.

**SEC. 304. ALLOTMENT OF SUMS.**

Section 6 of the Wagner-Peyser Act (29 U.S.C. 49e) is amended—

(1) in subsection (a)—

(A) by striking “From” and inserting “After making the reservation required by subsection (c), from”; and

(B) by striking “amounts appropriated pursuant to section 5” and inserting “funds appropriated and (except for Guam) certified under section 5 and made available for allotments under this section”; and

(2) in subsection (b)(1)—

(A) in the matter preceding subparagraph (A)—

(i) by inserting before “the Secretary” the following “after making the allotments required by subsection (a),”; and

(ii) by striking “sums” and all that follows through “this Act” and inserting “funds described in subsection (a);”;

(B) in each of subparagraphs (A) and (B), by striking “sums” and inserting “remainder”; and

(C) by adding at the end the following: “For purposes of this paragraph, the term ‘State’ does not include Guam or the Virgin Islands.”.

**SEC. 305. USE OF SUMS.**

(a) **RESOURCES FOR UNEMPLOYMENT INSURANCE CLAIMANTS.**—Section 7(a)(3) of the Wagner-Peyser Act (29 U.S.C. 49f(a)(3)) is amended—

(1) by striking “and” at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting “; and”; and

(3) by inserting after subparagraph (F) the following:

“(G) providing unemployment insurance claimants and other unemployed individuals with referrals to, and application assistance for, training and education resources and programs, including Federal Pell Grants under subpart 1 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a et seq.), educational assistance under chapter 30 of title 38, United States Code (commonly referred to as the Montgomery GI Bill), and chapter 33 of that title (Post-9/11 Veterans Educational Assistance), student assistance under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), State student higher education assistance, and training and education programs provided under titles I and II of the Workforce Investment Act of 2012, and title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.).”.

(b) **STATE ACTIVITIES.**—Section 7(b) of the Wagner-Peyser Act (29 U.S.C. 49f(b)) is amended—

(1) in paragraph (1), by striking “performance standards established by the Secretary” and inserting “the performance accountability measures that are based on indicators described in section 136(b)(2)(A)(i) of the Workforce Investment Act of 2012”; and

(2) in paragraph (2), by inserting “offices” after “employment service”.

(c) PROVIDING ADDITIONAL FUNDS.—Section 7(c)(2) of the Wagner-Peyser Act (29 U.S.C. 49f(c)(2)) is amended by striking “1998” and inserting “2011”.

(d) OTHER SERVICES AND ACTIVITIES.—Section 7(d) of the Wagner-Peyser Act (29 U.S.C. 49f(d)) is amended by striking “1998” and inserting “2011”.

(e) CONFORMING AMENDMENT.—Section 7(e) of the Wagner-Peyser Act (29 U.S.C. 49f(e)) is amended by striking “labor employment statistics” and inserting “labor market information”.

**SEC. 306. STATE PLAN.**

Section 8 of the Wagner-Peyser Act (29 U.S.C. 49g) is amended to read as follows:

“SEC. 8. Any State desiring to receive assistance under section 6 shall prepare and submit to, and have approved by, the Secretary and the Secretary of Education, a State plan in accordance with section 112 or 113 of the Workforce Investment Act of 2011.”

**SEC. 307. PERFORMANCE ACCOUNTABILITY MEASURES.**

Section 13(a) of the Wagner-Peyser Act (29 U.S.C. 49l(a)) is amended to read as follows:

“(a) The activities carried out pursuant to section 7 shall be subject to the performance accountability measures that are based on indicators described in section 136(b)(2)(A)(i) of the Workforce Investment Act of 2011.”

**SEC. 308. PILOT PROJECTS.**

The Wagner-Peyser Act is amended by inserting after section 13 (29 U.S.C. 49l) the following:

**“SEC. 13A. PILOT PROJECTS.**

“(a) GRANTS.—From funds appropriated under subsection (f), the Secretary, in consultation with the Secretary of Education, shall establish and carry out a pilot program. In carrying out the program, the Secretary shall annually make grants, on a competitive basis, to State agencies to cooperate in the administration of this Act by carrying out pilot projects that enhance the professional development and provision of services by the staff of such State agencies.

“(b) USE OF FUNDS.—Funds made available under this section may be used to enable a State agency to—

“(1) make available a broad range of career guidance services, including career planning, aptitude and interest assessments, provision of labor market information, job placement services, and evaluations of the outcomes for recipients of such services;

“(2) strengthen the capacity of the State agency to identify job openings through the use of technology, and through intensive outreach to small- and medium-size employers while using and enhancing the business and employer services authorized under this Act;

“(3) provide professional development and career advancement opportunities for staff of a State agency in order to upgrade their skills and competencies in the provision of career development activities, employer outreach, job placement, and other services authorized under this Act, including upgrading

those skills and competencies through the training of such staff to improve their knowledge of, and ability to effectively interact with, staff and programs of one-stop partners and other entities administering workforce development programs;

“(4) identify and implement strategies for State agency staff to provide technical assistance and training to assist other providers of workforce development activities, including workplace learning advisors, in providing counseling and employment-related services to workers and job seekers, and employers; and

“(5) identify and implement new strategies for integrating counseling and technology to enhance the provision of employment-related services under this Act.

“(c) APPLICATIONS.—A State agency that seeks a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(d) PRIORITY.—In awarding grants under this section, the Secretary, in consultation with the Secretary of Education, shall—

“(1) give priority to a State agency that—

“(A) demonstrates participation by employees of the agency and their organized representatives in the planning of the proposed pilot project;

“(B) demonstrates participation by the employees, or provides an assurance that the employees will participate, in the implementation of the pilot project; and

“(C) demonstrates that the State agency has established a partnership, or provides an assurance that the agency will establish a partnership, with a relevant professional organization, or with an institution of higher education; and

“(2) ensure geographic diversity and diversity with respect to the population density of the States in which projects under this section will be carried out.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2013 through 2017.”

#### **SEC. 309. LABOR MARKET INFORMATION SYSTEM.**

(a) HEADING.—The section heading for section 15 of the Wagner-Peyser Act (29 U.S.C. 491–2) is amended by striking “**EMPLOYMENT STATISTICS**” and inserting “**LABOR MARKET INFORMATION SYSTEM**”.

(b) NAME OF SYSTEM.—Section 15(a)(1) of the Wagner-Peyser Act (29 U.S.C. 491–2(a)(1)) is amended by striking “employment statistics system of employment statistics” and inserting “labor market information system”.

(c) SYSTEM RESPONSIBILITIES.—Section 15(b) of the Wagner-Peyser Act (29 U.S.C. 491–2(b)) is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—

“(A) STRUCTURE.—The labor market information system described in subsection (a) shall be evaluated and improved by the Secretary, in consultation with the Workforce Information Advisory Council established in subsection (d).

“(B) GRANTS AND RESPONSIBILITIES.—

“(i) IN GENERAL.—The Secretary shall carry out the provisions of this section in a timely manner, through grants to or agreements with States.

“(ii) DISTRIBUTION OF FUNDS.—Using amounts appropriated under subsection (g), the Secretary shall provide funds through those grants and agreements. In distributing the funds (relating to labor market information funding) for fiscal years 2013 through 2017, the Secretary shall continue to distribute the funds to States in the manner in which the Secretary distributed funds to the States under this section for fiscal years 2004 through 2008.”; and

(2) by striking paragraph (2) and inserting the following:

“(2) DUTIES.—The Secretary, with respect to data collection, analysis, and dissemination of labor market information for the system, shall carry out the following duties:

“(A) Assign responsibilities within the Department of Labor for elements of the labor market information system described in subsection (a) to ensure that the statistical and administrative data collected is consistent with appropriate Bureau of Labor Statistics standards and definitions, and that the information is accessible and understandable to users of such data.

“(B) Actively seek the cooperation of heads of other Federal agencies to establish and maintain mechanisms for ensuring complementarity and nonduplication in the development and operation of statistical and administrative data collection activities.

“(C) Solicit, receive, and evaluate the recommendations from the Workforce Information Advisory Council established in subsection (d) concerning the evaluation and improvement of the labor market information system described in subsection (a) and respond in writing to the Council regarding the recommendations.

“(D) Through the Bureau of Labor Statistics and the Employment and Training Administration, and in collaboration with States, develop and maintain the elements of the labor market information system described in subsection (a), including the development of consistent procedures and definitions for use by the States in collecting the data and information described in subparagraphs (A) and (B) of subsection (a)(1).

“(E) Establish procedures for the system to ensure that—

“(i) such data and information are timely; and

“(ii) paperwork and reporting for the system are reduced to a minimum.”.

(d) TWO-YEAR PLAN.—Section 15 of the Wagner-Peyser Act (29 U.S.C. 491–2) is amended by striking subsection (c) and inserting the following:

“(c) TWO-YEAR PLAN.—The Secretary, acting through the Commissioner of Labor Statistics and the Assistant Secretary for Employment and Training, and in consultation with the Workforce Information Advisory Council described in subsection (d) and heads of other appropriate Federal agencies, shall prepare a 2-year plan

for the labor market information system. The plan shall be developed and implemented in a manner that takes into account the activities described in State plans submitted by States under section 112 or 113 of the Workforce Investment Act of 2012 and shall be submitted to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate. The plan shall include—

“(1) a description of how the Secretary will work with the States to manage the nationwide labor market information system described in subsection (a) and the statewide workforce and labor market information systems that comprise the nationwide system;

“(2) a description of the steps to be taken in the following 2 years to carry out the duties described in subsection (b)(2);

“(3) an evaluation of the performance of the system, with particular attention to the improvements needed at the State and local levels;

“(4) a description of the involvement of States in the development of the plan, through consultation by the Secretary with the Workforce Information Advisory Council in accordance with subsection (d); and

“(5) a description of the written recommendations received from the Workforce Information Advisory Council established under subsection (d), and the extent to which those recommendations were incorporated into the plan.”.

(e) WORKFORCE INFORMATION ADVISORY COUNCIL.—Section 15 of the Wagner-Peyser Act (29 U.S.C. 491-2) is amended by striking subsection (d) and inserting the following:

“(d) WORKFORCE INFORMATION ADVISORY COUNCIL.—

“(1) IN GENERAL.—The Secretary, through the Commissioner of Labor Statistics and the Assistant Secretary of Labor for Employment and Training, shall formally consult at least twice annually with the Workforce Information Advisory Council established in accordance with paragraph (2). Such consultations shall address the evaluation and improvement of the nationwide labor market information system described in subsection (a) and the statewide labor market information systems that comprise the nationwide system and how the Department of Labor and the States will cooperate in the management of such systems. The Council shall provide written recommendations to the Secretary concerning the evaluation and improvement of the nationwide system, including any recommendations regarding the 2-year plan described in subsection (c).

“(2) ESTABLISHMENT OF COUNCIL.—

“(A) ESTABLISHMENT.—The Secretary shall establish an advisory council that shall be known as the Workforce Information Advisory Council (referred to in this section as the ‘Council’) to participate in the consultations and provide the recommendations described in paragraph (1).

“(B) MEMBERSHIP.—The Secretary shall appoint the members of the Council, which shall consist of—

“(i) 4 members who are representatives of lead State agencies with responsibility for workforce investment activities, or State agencies described in section 4, who

have been nominated by such agencies or by a national organization that represents such agencies;

“(ii) 4 members who are representatives of the State labor market information directors affiliated with the State agencies that perform the duties described in subsection (e)(2), who have been nominated by the directors;

“(iii) 1 member who is a representative of providers of training services under section 122 of the Workforce Investment Act of 2012;

“(iv) 1 member who is a representative of economic development entities;

“(v) 1 member who is a representative of businesses, who has been nominated by national business organizations or trade associations;

“(vi) 1 member who is a representative of labor organizations, who has been nominated by a national labor federation;

“(vii) 1 member who is a representative of local workforce investment boards, who has been nominated by a national organization representing such boards; and

“(viii) 1 member who is a representative of research entities that utilize labor market information.

“(C) GEOGRAPHIC DIVERSITY.—The Secretary shall ensure that the membership of the Council is geographically diverse and that no 2 of the members appointed under clauses (i), (ii), and (vii) represent the same State.

“(D) PERIOD OF APPOINTMENT; VACANCIES.—

“(i) IN GENERAL.—Each member of the Council shall be appointed for a term of 3 years, except that the initial terms for members may be 1, 2, or 3 years in order to establish a rotation in which one-third of the members are selected each year. Any such member may be appointed for not more than 2 consecutive terms.

“(ii) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member’s predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member’s term until a successor has taken office.

“(E) TRAVEL EXPENSES.—The members of the Council shall not receive compensation for the performance of services for the Council, but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Council. Notwithstanding section 1342 of title 31, United States Code, the Secretary may accept the voluntary and uncompensated services of members of the Council.”.

(f) STATE RESPONSIBILITIES.—Section 15(e) of the Wagner-Peyser Act (29 U.S.C. 491–2(e)) is amended—

(1) by striking “employment statistics” each place it appears and inserting “labor market information”;

(2) in paragraph (1)(A) by striking “annual plan” and inserting “plan described in subsection (c)”; and

(3) in paragraph (2)—

(A) in subparagraph (G), by inserting “and” at the end;

(B) by striking subparagraph (H);

(C) in subparagraph (I), by striking “section 136(f)(2) of the Workforce Investment Act of 1998” and inserting “section 131(i)(2) of the Workforce Investment Act of 2012”; and

(D) by redesignating subparagraph (I) as subparagraph (H).

(g) AUTHORIZATION OF APPROPRIATIONS.—Section 15(g) of the Wagner-Peyser Act (29 U.S.C. 491–2(g)) is amended by striking “1999 through 2004” and inserting “2013 through 2017”.

## **TITLE IV—AMENDMENTS TO THE REHABILITATION ACT OF 1973**

### **Subtitle A—Introductory Provisions**

#### **SEC. 401. REFERENCES.**

Except as otherwise specifically provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a provision, the amendment or repeal shall be considered to be made to a provision of the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).

#### **SEC. 402. FINDINGS, PURPOSE, POLICY.**

(a) FINDINGS.—Section 2(a) is amended—

(1) in paragraph (5), by striking “and” at the end;

(2) in paragraph (6), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(7)(A) a high proportion of students are leaving secondary education without being employed in competitive integrated employment, or being enrolled in postsecondary education; and

“(B) there is a substantial need to support such students as they transition from school to postsecondary life.”.

(b) PURPOSE.—Section 2(b) (29 U.S.C. 701(b)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “with disabilities” and all that follows through “economic” and inserting “with disabilities, including individuals with the most significant disabilities, to maximize opportunities for competitive integrated employment and to achieve economic”; and

(B) at the end of subparagraph (F), by striking “and”;

(2) in paragraph (2), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(3) to increase employment opportunities and employment outcomes for individuals with disabilities, including through

encouraging meaningful involvement by employers and vocational rehabilitation service providers on successful and prospective employment and placement strategies; and

“(4) to ensure, to the greatest extent possible, that youth with disabilities and students with disabilities who are transitioning from receipt of special education services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) and receiving accommodations and supports consistent with section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) are either continuing their education or employed in competitive integrated employment.”.

**SEC. 403. REHABILITATION SERVICES ADMINISTRATION.**

Section 3 (29 U.S.C. 702) is amended—

(1) in subsection (a)—

(A) in the first sentence, by striking “Office of the Secretary” and inserting “Office of Special Education and Rehabilitative Services”;

(B) in the second sentence, by striking “IV and V” and inserting “IV, V, VII, and VIII”; and

(C) by striking the last 3 sentences and inserting “The functions of the Commissioner shall not be delegated to any officer, unless the officer is directly responsible to the Assistant Secretary for Special Education and Rehabilitative Services.”;

(2) by redesignating subsection (b) as subsection (c);

(3) by inserting after subsection (a) the following:

“(b) The Secretary shall ensure that—

“(1) the Rehabilitation Services Administration provides oversight of, conducts monitoring of, and provides technical assistance to, the designated State agencies funded under this Act; and

“(2) the staff providing such oversight, monitoring, and technical assistance includes individuals who have training in and experience with the programs administered by the Rehabilitation Services Administration.”; and

(4) in subsection (c), as redesignated by paragraph (2), by striking “for the programs” and all that follows and insert “in a manner that is consistent with the purposes of the program for which the funds are appropriated and of this Act, as enumerated in section 2(b)”.

**SEC. 404. DEFINITIONS.**

Section 7 (29 U.S.C. 705) is amended—

(1) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by inserting after “means” the following: “an assessment that presumes the attainment of an employment outcome for all individuals with disabilities (including individuals with significant disabilities and individuals with the most significant disabilities), and that relies on”; and

(B) in subparagraph (B)—

(i) in clause (iii), by striking “and” at the end;

(ii) in clause (iv), by striking the semicolon and inserting “; and”; and

(iii) by adding at the end the following:



“(v) to the maximum extent possible, relies on information obtained from experiences in integrated employment settings in the community, and other integrated community settings;”;

(2) in paragraph (5)—

(A) in the matter preceding subparagraph (A), by striking “for employment, including career advancement” and inserting “for competitive integrated employment and for career advancement, including”;

(B) by redesignating subparagraphs (O) through (Q) as subparagraphs (P) through (R);

(C) by inserting after subparagraph (N) the following:

“(O) customized employment services;”;

(D) in subparagraph (R), as redesignated by subparagraph (B) of this paragraph, by striking “(P)” and inserting “(Q)”;

(3) by redesignating paragraphs (6) as paragraph (7) and inserting after paragraph (5) the following new paragraph:

“(6) COMPETITIVE INTEGRATED EMPLOYMENT.—

“(A) IN GENERAL.—The term ‘competitive integrated employment’ means work by an employee who is an individual with a disability—

“(i) that is compensated at a rate that—

“(I) is the same rate as the rate for other employees who are not individuals with disabilities, and who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills; and

“(II) shall be in accordance with the applicable law, but in no event less than the higher of the rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable State or local minimum wage law;

“(ii) for which the employee receives health and employment benefits comparable to those of other employees;

“(iii) that is at a location typically found in the community where the employee interacts frequently with other employees and individuals who are not individuals with disabilities to the same extent that non-disabled employees in comparable positions interact with others; and

“(iv) that provides opportunities for advancement that are equivalent to those for other employees who are not individuals with disabilities and who have comparable positions.

“(B) INCLUSION OF CUSTOMIZED OR SUPPORTED EMPLOYMENT.—The term ‘competitive integrated employment’ includes integrated employment resulting from the provision of customized employment strategies or supported employment services, provided the work involved satisfies the criteria described in subparagraph (A).

“(C) INCLUSION OF SELF-EMPLOYMENT OR MICRO-ENTERPRISES.—The term ‘competitive integrated employment’ includes self-employment or micro-enterprises, as long as the

work involved satisfies the criteria described in subparagraph (A).”;

(4) by redesignating paragraphs (8) through (28) as paragraphs (9) through (29), respectively, and inserting after paragraph (7) the following:

“(8) CUSTOMIZED EMPLOYMENT.—The term ‘customized employment’ means an employment outcome in competitive integrated employment, for an individual with a significant disability, that is based on an individualized determination of the strengths, needs, and interests of the individual with a significant disability, is designed to meet the specific abilities of the individual with a significant disability and the business needs of the employer, and is carried out through flexible strategies, such as—

“(A) job exploration by the individual; and

“(B) working with an employer to facilitate placement, including—

“(i) customizing a job description based on current employer needs or on previously unidentified and unmet employer needs;

“(ii) developing a set of job duties (including a work schedule) and specifics of supervision (including performance evaluation and review), and determining job location;

“(iii) representation by a professional chosen by the individual, or self-representation by the individual, in working with an employer to facilitate placement; and

“(iv) providing services and supports at the job location.”;

(5) in paragraph (12) (as so redesignated)—

(A) in subparagraph (A), by striking “competitive employment in the integrated labor market” and inserting “competitive integrated employment”; and

(B) in subparagraph (C), by inserting “customized employment,” after “outcome of”;

(6) in paragraph (18) (as so redesignated)—

(A) by striking the “and” at the end of subparagraph (C);

(B) in subparagraph (D), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(E) transition and prevention services that—

“(i) facilitate the transition of individuals with significant disabilities from nursing homes and other institutions to home and community-based residences, with the required supports and services;

“(ii) provide assistance to individuals with significant disabilities who are at risk of entering institutions so that the individuals may remain in the community; and

“(iii) facilitate the transition of youth (including students) who are individuals with significant disabilities, who were eligible for individualized education programs under section 614(d) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)), and who have completed their secondary education or oth-

erwise left school, to postsecondary life, including employment; and

“(F) services to promote full access to community life.”;

(7) in paragraph (21)(B), by striking “and VII” and inserting “VII, and VIII”;

(8) by redesignating paragraphs (29) through (34) as paragraphs (32) through (37), respectively;

(9) by inserting after paragraph (29) the following:

“(30) POST-EMPLOYMENT SERVICE.—The term ‘post-employment service’ means a service identified under section 103(a) that is—

“(A) provided subsequent to the achievement of an employment outcome; and

“(B) necessary for an individual to maintain or regain an employment outcome in competitive integrated employment, consistent with the individual’s strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

“(31) PRE-EMPLOYMENT TRANSITION SERVICES.—

“(A) IN GENERAL.—The term ‘pre-employment transition services’ means a coordinated set activities for an eligible student with a disability, designed within an outcome-oriented process, that promotes movement from school to any of the following post-school activities: postsecondary education, vocational training, competitive integrated employment (including supported employment), adult education, adult services, independent living, or community participation.

“(B) SPECIFIC SERVICES.—The term ‘pre-employment transition services’ means a set of services, that is available to students with disabilities, and that makes available, at a minimum—

“(i) career counseling;

“(ii) work-based learning experience, including in-school and after school work experience, or work experience outside the traditional school setting (such as experience through job training or internships), that is provided in an integrated environment to the maximum extent possible;

“(iii) counseling on opportunities for enrollment in a comprehensive transition or postsecondary educational program at an institution of higher education;

“(iv) school-based preparatory employment experiences such as role playing, social skills development, and independent living training, coordinated with any transition services provided by the local educational agency under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.); and

“(v) training in self-advocacy, individual rights, self-determination skills, and the informed consent process, as well as peer mentoring.

“(C) COORDINATED SET OF ACTIVITIES.—For purposes of subparagraph (A), the coordinated set of activities shall be based on the individual student’s needs, taking into account the student’s preferences and interests, and shall in-

clude education and training, community experiences, the development of employment and other adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation.”;

(10) by redesignating paragraphs (35) through (39) as paragraphs (39) through (43), respectively, and inserting after paragraph (37) (as so redesignated) the following:

“(38) STUDENT WITH A DISABILITY.—

“(A) IN GENERAL.—The term ‘student with a disability’ means an individual with a disability who—

“(i) attends a secondary school;

“(ii)(I) is not younger than the earliest age for the provision of transition services under section 614(d)(1)(A)(i)(VIII) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)(1)(A)(i)(VIII)); and

“(II)(aa) is not older than 21 years of age; or

“(bb) if the State law for the State provides for a higher maximum age for receipt of services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), is not older than that maximum age; and

“(iii)(I) is eligible for, and receiving, special education or related services under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.); or

“(II) is an individual with a disability, for purposes of section 504.”;

(11) by striking paragraphs (38) and (39), as redesignated by paragraph (12), and inserting the following:

“(38) SUPPORTED EMPLOYMENT.—The term ‘supported employment’ means an employment outcome in competitive integrated employment, including customized employment, that is consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the individuals involved, for individuals with the most significant disabilities—

“(A)(i) for whom competitive integrated employment has not historically occurred; or

“(ii) for whom competitive integrated employment has been interrupted or intermittent as a result of a significant disability;

“(B) who, because of the nature and severity of their disability—

“(i) need intensive supported employment services for the period described in paragraph (39); and

“(ii) need extended services described in paragraph (13) in order to continue to perform in such work beyond the period described in paragraph (39); and

“(C) to the extent that on-going extended services, as described in paragraph (13) of this section, are needed, the designated State unit will assist the individual in identifying providers of those services.

“(39) SUPPORTED EMPLOYMENT SERVICES.—The term ‘supported employment services’ means ongoing support services, including customized employment, needed to support and

maintain an individual with a most significant disability in an employment, outcome that—

“(A) are provided singly or in combination and organized and made available in such a way as to assist an eligible individual to succeed in competitive integrated employment;

“(B) are based on a determination of the needs of an eligible individual, as specified in an individualized plan for employment; and

“(C) are provided by the designated State unit for a period of not more than 24 months, except that the period may be extended, if necessary, in order to achieve the employment outcome identified in the individualized plan for employment.”; and

(12) by inserting after paragraph (43) (as so redesignated) the following:

“(44) YOUTH WITH A DISABILITY.—The term ‘youth with a disability’ means an individual with a disability who—

“(A) is not younger than 14 years of age; and

“(B) is not older than 24 years of age.”.

**SEC. 405. ADMINISTRATION OF THE ACT.**

Section 12(a)(1) (29 U.S.C. 709) is amended—

(1) by striking “(1)” and inserting “(1)(A)”; and

(2) by adding at the end the following:

“(B) provide technical assistance to the designated State units on developing successful partnerships with local and multi-State businesses to increase the employment of individuals with disabilities; and

“(C) provide technical assistance to providers and organizations on developing self-employment opportunities and outcomes for individuals with disabilities.”.

**SEC. 406. REPORTS.**

Section 13 (29 U.S.C. 710) is amended—

(1) in section (c)—

(A) by striking “(c)” and inserting “(c)(1)”; and

(B) by adding at the end the following:

“(2) The ILA Director described in section 701A shall include, in the annual report, information on the extent to which centers for independent living receiving funds under part C of title VII have complied with the standards and assurances set forth in section 725. The ILA Director may identify individual centers for independent living in the analysis contained in that information. The ILA Director shall include in the report the results of onsite compliance reviews, identifying individual centers for independent living and other recipients of assistance under part C of title VII.”; and

(2) by adding at the end the following:

“(d)(1)(A) The Commissioner shall ensure that the reports, information, and data described in subparagraph (B) are made publicly available in a timely and accessible manner, including through electronic means, in order to inform the public about the administration and performance of programs in each State under this Act.

“(B) The reports, information, and data referred to in subparagraph (A) shall consist of—

“(i) reports submitted by a designated State agency or designated State unit under this Act;

“(ii) accountability information, including State performance information relating to evaluation standards and performance indicators, and additional performance accountability indicators, under section 106, including information on compliance with such standards, indicators, and measures, relating to individuals with disabilities, submitted by a designated State agency or designated State unit under this Act, or submitted by a State to the Secretary of Labor or the Secretary of Education under section 136 of the Workforce Investment Act of 1998;

“(iii) data collected from each designated State unit under this Act; and

“(iv) reports from monitoring conducted under this Act, including relevant reports required under section 136 of the Workforce Investment Act of 1998 and other relevant reports, information, and data required under title I of such Act.

“(C)(i) The Commissioner shall ensure that the information described in clause (ii) is made publicly available in a timely and accessible manner, including through electronic means.

“(ii) The information referred to in clause (i) is—

“(I) the reports, information, and data required to be submitted by designated State units or designated State agencies under this Act;

“(II) evaluations, studies, and audits conducted by Federal agencies, concerning programs carried out under this Act; and

“(III) a list that specifies the designated State unit or designated State agency for each State, including a link to the website maintained by each such unit or agency.

“(2) The Commissioner shall maintain public use read-only access to the State and aggregated reports, and analyzed data, concerning programs carried out under this Act, that are filed and maintained in the Rehabilitation Services Administration management information system or a system maintained by the Department of Education.”.

#### **SEC. 407. EVALUATION.**

Section 14(f)(2) (29 U.S.C. 711(f)(2)) is amended by striking “non-integrated to integrated employment” and inserting “nonintegrated to competitive integrated employment”.

#### **SEC. 408. CARRYOVER.**

Section 19 (29 U.S.C. 716) is amended—

(1) in subsection (a), by striking “part B of title I” and all that follows through “including” and inserting “part B of title I (except the client assistance program funded under section 112), part B of title VI, or chapter 2 and 4 of title VII including”; and

(2) by adding at the end the following:

“(c) CLIENT ASSISTANCE PROGRAM; PROTECTION AND ADVOCACY OF INDIVIDUAL RIGHTS.—

“(1) APPROPRIATED AMOUNTS.—Notwithstanding any other provision of law, any funds appropriated for a fiscal year to carry out a grant program under section 112 or 509 (except as provided in section 509(b)), including any funds reallocated dur-

ing that fiscal year under such grant program, that are not obligated and expended by a recipient prior to the beginning of the succeeding fiscal year, shall remain available for obligation and expenditure by such recipient during such succeeding fiscal year.

“(2) PROGRAM INCOME.—Notwithstanding any other provision of law, any amount of program income received by a recipient under a grant program under section 112 or 509 in a fiscal year that is not obligated and expended by the recipient prior to the beginning of the succeeding fiscal year, shall remain available until expended.”.

**SEC. 409. TRADITIONALLY UNDERSERVED POPULATIONS.**

Section 21 (29 U.S.C. 718) is amended in subsection (a), by striking paragraphs (1) and (2) and inserting the following:

“(1) RACIAL PROFILE.—The demographic profile of the United States is changing at an unprecedented rate, with the population of the Nation becoming far more ethnically diverse than in the past. Within the United States, while the rate of increase from 2000 to 2010 for White Americans was 7.9 percent, the rate of increase during that period for racial and ethnic minorities was much higher: 42.0 percent for Latinos, 11.4 percent for African-Americans, and 34.9 percent for Asian-Americans.

“(2) RATE OF DISABILITY.—Ethnic and racial minorities tend to have disabling conditions at a disproportionately high rate. In 2005—

“(A) among Americans ages 25 through 64, the rate of disability was 17.3 percent;

“(B) among African-Americans in that age range, the disability rate was more than twice as high, at 21.3 percent; and

“(C) for American Indians in the same age range, the disability rate was 25.6 percent of the general population.”.

## **Subtitle B—Vocational Rehabilitation Services**

**SEC. 411. DECLARATION OF POLICY; AUTHORIZATION OF APPROPRIATIONS.**

(a) FINDINGS; PURPOSE; POLICY.—Section 100(a) (29 U.S.C. 720(a)) is amended—

(1) in paragraph (1)(C), by striking “gainful employment in integrated settings” and inserting “gainful employment in competitive integrated employment settings”;

(2) in paragraph (2)(B), by striking “gainful employment” and inserting “high quality employment that will increase opportunities for economic self-sufficiency”; and

(3) in paragraph (3)—

(A) in subparagraph (B), by striking “gainful employment in integrated settings” and inserting “competitive integrated employment”;

(B) in subparagraph (C)(ii), by striking “for the individuals”; and

(C) in subparagraph (E), by inserting “should” before “facilitate”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 100(b)(1) (29 U.S.C. 720(b)(1)) is amended by striking “fiscal years 1999 through 2003” and inserting “fiscal years 2013 through 2017”.

**SEC. 412. STATE PLANS.**

(a) PLAN REQUIREMENTS.—Section 101(a) (29 U.S.C. 721(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking “to participate” and all that follows and inserting “to receive funds under this title for a fiscal year, a State shall submit, and have approved by the Secretary and the Secretary of Labor a State plan in accordance with section 112, or a State unified plan in accordance with section 113. The State plan or State unified plan shall include the provisions of a State plan for vocational rehabilitation services, described in this subsection.”;

(B) in subparagraph (B)—

(i) by striking “in the State plan for vocational rehabilitation services,” and inserting “as part of the vocational rehabilitation services portion of the State plan or State unified plan submitted in accordance with subparagraph (A),”; and

(ii) by striking “Rehabilitation Act Amendments of 1998” and inserting “Workforce Investment Act of 2012”; and

(C) in subparagraph (C)—

(i) by striking “The State plan shall remain in effect subject to the submission of such modifications” and inserting “The vocational rehabilitation services portion of the State plan or State unified plan submitted in accordance with subparagraph (A) shall remain in effect until the State is required to submit the plan in accordance with subparagraph (A) or until the submission of such modifications”; and

(ii) by striking “, until the State submits and receives approval of a new State plan”;

(2) in paragraph (2)—

(A) in subparagraph (A), by striking “The State plan” and inserting “The State plan for vocational rehabilitation services”;

(B) in subparagraph (B)(ii)—

(i) in subclause (III), by striking “and” at the end;

(ii) in subclause (IV), by striking the period and inserting “; and”; and

(iii) by adding at the end the following:

“(V)(aa) has the authority and responsibility within the State to ensure that the funds appropriated under this title are expended only in a manner that is consistent with the purposes of this title; and

“(bb) the authority and responsibility described in subparagraph (aa) may not be delegated to or performed by another agency, including the des-



ignated State agency for the vocational rehabilitation program, and or individual.”;

(3) in paragraph (5)—

(A) in subparagraph (C), by striking “and” at the end;

(B) by redesignating subparagraph (D) as subparagraph (E); and

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

“(D) notwithstanding subparagraph (C), assure that the designated State unit may give priority for the provision of services to those eligible individuals who require specific services or equipment in accordance with an approved individualized plan for employment to maintain an employment outcome under the vocational rehabilitation program; and”;

(4) in paragraph (6)(B), by striking “to employ and advance in employment” and inserting “to recruit, employ, and advance in competitive integrated employment”;

(5) in paragraph (7)(A)(v)—

(A) by striking subclause (I) and inserting the following:

“(I) a system for the continuing education of rehabilitation professionals and paraprofessionals within the designated State unit, particularly with respect to rehabilitation technology, including training implemented in coordination with entities carrying out State programs under section 4 of the Assistive Technology Act of 1998 (29 U.S.C. 3003); and”;

(6) in paragraph (8)—

(A) in subparagraph (A), by striking “(5)(D)” and inserting “(5)(E)”;

(B) in subparagraph (B)—

(i) in the matter preceding clause (i) by striking “(5)(D)” and inserting “(5)(E)”;

(ii) in clause (iv), by striking “(5)(D)” and inserting “(5)(E)”;

(C) in subparagraph (C)(i), by striking “(5)(D)” and inserting “(5)(E)”;

(7) in paragraph (10)—

(A) in subparagraph (B), by striking “annual” and all that follows through “of 1998” and inserting “annual reporting of information, on eligible individuals receiving the services, that is necessary to assess the State’s performance on those primary indicators of performance (described in section 136(b)(2)(A) of the Workforce Investment Act of 2012)”;

(B) in subparagraph (C)—

(i) in the matter preceding clause (i), by inserting “, from each individual State,” after “additional data”;

(ii) in clause (i)(II), by striking “determined” and all that follows and inserting “determined to be ineligible for vocational rehabilitation services, and the reason for such determination of ineligibility (disaggregated by type of disability, and age)”;

(iii) in clause (ii)—

(I) in subclause (I), by striking “(5)(D)” and inserting “(5)(E)”;

(II) in subclause (II), by striking “and” at the end; and

(III) by adding at the end the following:

“(IV) the total number of individuals with ongoing open cases (disaggregated by individuals who are in training settings, and individuals who are in postsecondary education), and the services individuals described in this subclause are receiving;

“(V) the total number of students with disabilities that are receiving pre-employment transition services, and the total cost for providing those services for each full fiscal year after the date of enactment of the Workforce Investment Act of 2012;

“(VI) the total number of students with disabilities that are receiving transition services, and the total cost for providing those services for each full fiscal year after the date of enactment of the Workforce Investment Act of 2012;

“(VII) the number of individuals referred to one-stop centers, as defined in section 134(c) of the Workforce Investment Act of 1998; and

“(VIII) the number of individuals referred from such one-stop centers to designated State units and the outcomes of such referrals;”;

(iv) by striking all of clause (iii) and inserting the following:

“(iii) the number of applicants and eligible recipients, including the numbers of individuals with significant disabilities, who exited the program carried out under this title and the number who achieved employment outcomes after receiving vocational rehabilitation services, including—

“(I) the number of youth with disabilities who—

“(aa) entered postsecondary education and the earnings of such youth who completed postsecondary education, by academic fields;

“(bb) attained academic levels and job skills needed for employment, such as a high school diploma, certificate, or other educational credential required for the employment outcome specified in the individual’s individualized plan for employment;

“(cc) entered postsecondary training or programs for apprenticeships registered under the Act of August 16, 1937 (commonly known as the ‘National Apprenticeship Act’; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.); and

“(dd) the number of youth with disabilities who entered employment;

“(II) for individuals who obtained an employment outcome with wages—

“(aa) the average length of time for obtaining employment;

“(bb) the average earnings of individuals who obtained an employment outcome;

“(cc) the number who earned the minimum wage rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or another wage level set by the Commissioner, during such employment; and

“(dd) the number who received employment benefits from an employer during such employment;

“(III) a comparison, among individuals who obtained employment, of the number of individuals who no longer used public benefits; and

“(IV) for those individuals who received supported employment services—

“(aa) the number of individuals who were employed 6 months after receiving such services;

“(bb) the number of individuals who were employed 12 months after receiving such services; and

“(cc) the number of individuals who earned wages at not less than the minimum wage rate determined under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) during their employment; and”;

(v) by striking clause (iv) and inserting the following:

“(iv)(I) the transition from school to postsecondary life, including employment, and achievement of the postsecondary vocational goals, of students with disabilities served under the program carried out under this title; and

“(II) the provision of supported employment services; and”;

(C) in subparagraph (E)(ii), by striking “of the State” and all that follows and inserting “of the State in meeting the standards and indicators established pursuant to section 106.”; and

(D) by adding at the end the following:

“(G) RULES FOR REPORTING OF DATA.—The disaggregation of data under this section shall not be required within a category if the number of participants in a category is insufficient to yield statistically reliable information, or required if the results would reveal personally identifiable information about an individual participant.

“(H) COMPREHENSIVE REPORT.—The State plan shall specify that the Commissioner will provide an annual comprehensive report that includes the reports and data required under this section, as well as a summary of the reports and data, for each fiscal year. The Commissioner shall submit the report to the Committee on Education and the Workforce of the House of Representatives, the

Committee on Appropriations of the House of Representatives, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Appropriations of the Senate, not later than 180 days after the end of the fiscal year involved.”;

(8) in paragraph (11)—

(A) in subparagraph (A)(i)(II), by inserting “(including programmatic accessibility and physical accessibility)” after “program accessibility”;

(B) in subparagraph (C)—

(i) by inserting “the State programs carried out under section 4 of the Assistive Technology Act of 1998 (29 U.S.C. 3003),” after “including”;

(ii) by inserting “noneducational agencies serving out-of-school youth,” after “Agriculture”; and

(iii) by striking “such agencies and programs” and inserting “such Federal, State, and local agencies and programs”;

(C) in subparagraph (D)—

(i) in clause (ii), by striking “completion” and inserting “implementation”;

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

(iii) by inserting after clause (ii) the following:

“(iii) identifying options for additional education and training, in order to facilitate the provision of services for youth with disabilities, including transition services for students with disabilities, such as services provided under section 114;”;

(D) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (H), respectively;

(E) by inserting after subparagraph (D) the following:

“(E) COORDINATION WITH EMPLOYERS.—The State plan shall contain plans, policies, and procedures for coordination between the designated State units, State workforce investment boards, local workforce investment boards, and employers that provide for building relationships with employers and identifying community-based competitive integrated employment opportunities and career exploration opportunities, in order to facilitate the provision of transition services for youth with disabilities and students with disabilities, such as services provided under section 114;”;

(F) in subparagraph (F), as redesignated by subparagraph (E) of this paragraph—

(i) by inserting “chapter 1 of” after “part C of”; and

(ii) by inserting “, as appropriate” before the period;

(G) by inserting after subparagraph (F), as redesignated by subparagraph (E) of this paragraph, the following:

“(G) COOPERATIVE AGREEMENT REGARDING INDIVIDUALS ELIGIBLE FOR HOME AND COMMUNITY-BASED WAIVER PROGRAMS.—The State plan shall include an assurance that the designated State unit has entered into a formal cooperative agreement with the State agency responsible for administering the State Medicaid plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) and the State

designated agency described in section 125(d) of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15025) with respect to the delivery of vocational rehabilitation services, including extended services, for individuals with the most significant disabilities who have been determined to be eligible for home- and community-based services under a Medicaid waiver, Medicaid State plan amendment, or other authority related to a State Medicaid program. The agreement shall describe strategies for collaboration and coordination in providing vocational rehabilitation services to such individuals receiving Medicaid home- and community-based services in a manner consistent with the person-centered planning process required by Medicaid.”;

(H) in subparagraph (H), as redesignated by subparagraph (E) of this paragraph—

(i) in clause (ii)—

(I) by inserting “on or” before “near”; and

(II) by striking “and” at the end;

(ii) by redesignating clause (iii) as clause (iv); and

(iii) by inserting after clause (ii) the following:

“(iii) strategies for the provision of transition planning, by personnel of the designated State unit, the State educational agency, and the recipient of funds under part C, that will facilitate the development and implementation of the individualized education programs under section 614(d) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)) and, as appropriate, the development and completion of the individualized plans for employment under section 102, in order to enable students with disabilities to achieve employment outcomes;”;

(I) by adding at the end the following:

“(I) COORDINATION WITH ASSISTIVE TECHNOLOGY PROGRAMS.—The State plan shall include an assurance that the designated State unit, and the lead agency and implementing entity (if any) designated by the Governor of the State under section 4 of the Assistive Technology Act of 1998 (29 U.S.C. 3003), have developed working relationships and will enter into agreements for the coordination of their activities, including the referral of individuals with disabilities to programs and activities described in that section.

“(J) COORDINATION WITH TICKET TO WORK AND SELF-SUFFICIENCY PROGRAM.—The State plan shall include an assurance that the designated State unit will coordinate activities with any other State agency that is functioning as an employment network under the Ticket to Work and Self-Sufficiency Program established under section 1148 of the Social Security Act (42 U.S.C. 1320b–19).”;

(9) in paragraph (14)—

(A) in the paragraph header, by striking “ANNUAL” and inserting “SEMIANNUAL”;

(B) in subparagraph (A)—

(i) by striking “annual” and inserting “semiannual”;

(ii) by striking “(and thereafter” and all that follows through “representative)” and inserting “, and annually thereafter”; and

(iii) by striking “to competitive” and all that follows and inserting the following: “to competitive integrated employment or training for competitive integrated employment;”;

(C) in subparagraph (B), by striking “and” at the end;

(D) in subparagraph (C), by striking “the individuals described” and all that follows and inserting “individuals in attaining competitive integrated employment; and”; and

(E) by adding at the end the following:

“(D) an assurance that the State will report the information generated under subparagraphs (A), (B), and (C), for each of the individuals, to the Administrator of the Wage and Hour Division of the Department of Labor for each fiscal year, not later than 60 days after the end of the fiscal year.”;

(10) in paragraph (15)—

(A) in subparagraph (A)—

(i) in clause (i)—

(I) in subclause (II), by striking “and” at the end; and

(II) by adding at the end the following:

“(IV) individuals with disabilities receiving Medicaid home- and community-based waiver habilitation services (reference), including pre-vocational and supported employment services; and

“(V) youth with disabilities, and students with disabilities, including their need for pre-employment transition services described in section 114 or other transition services; and”; and

(ii) by striking clauses (ii) and (iii) and inserting the following:

“(ii) include an assessment of the needs of individuals with disabilities for transition services and pre-employment transition services provided under this Act, and coordinated with transition services provided under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), and an assessment as to whether the transition and pre-employment transition services provided under those Acts meet the needs of individuals with disabilities.”;

(B) in subparagraph (B)—

(i) by redesignating clause (iii) as clause (iv); and

(ii) by inserting after clause (ii) the following:

“(iii) the number of individuals who are eligible for services under this title, but are not receiving such services due to an order of selection; and”; and

(C) in subparagraph (D)—

(i) by redesignating clauses (iii) through (v) as clauses (iv) through (vi); and

(ii) by inserting after clause (ii) the following:

“(iii) the methods to be used to improve and expand vocational rehabilitation services for students with dis-

abilities, including the coordination of services designed to facilitate the transition of such students from the receipt of educational services in school to postsecondary life (including the receipt of vocational rehabilitation services under this title, postsecondary education, employment, and pre-employment transition services under section 114);”;

(11) in paragraph (20)—

(A) by redesignating subparagraph (B) as subparagraph (C); and

(B) by inserting after subparagraph (A) the following:

“(B) INFORMATION ON ASSISTANCE FOR BENEFICIARIES OF ASSISTANCE UNDER TITLE II OR XVI OF THE SOCIAL SECURITY ACT.—The State plan shall include an assurance that the designated State unit will make available, to individuals entitled to benefits under title II or XVI of the Social Security Act (42 U.S.C. 401 et seq., 1381 et seq.) on the basis of a disability or blindness—

“(i) information on the availability of benefits and medical assistance authorized under the State Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) or under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), and medical assistance authorized under other federally funded programs;

“(ii) information on the availability of assistance through benefits planning and assistance programs authorized under section 1149 of the Social Security Act (42 U.S.C. 1320b–20) and services provided by the State protection and advocacy system and authorized under section 1150 of the Social Security Act (42 U.S.C. 1320b–21); and

“(iii) in the case of individuals who are also eligible for a ticket under the Ticket to Work and Self-Sufficiency Program established under section 1148 of the Social Security Act (42 U.S.C. 1320b–19), general information regarding the options for using the ticket and information on how to contact a program manager of the Ticket to Work and Self-Sufficiency Program to obtain information on approved employment networks, on providers for the benefits planning and assistance programs described in clause (ii) in the State, and on the services provided by the State protection and advocacy system and described in clause (ii).”;

(12) by adding at the end the following:

“(25) SERVICES FOR STUDENTS WITH DISABILITIES.—The State plan shall provide an assurance satisfactory to the Secretary that, with respect to students with disabilities, the State—

“(A) has developed and will implement—

“(i) strategies to address the needs identified in the assessments described in paragraph (15); and

“(ii) strategies to achieve the goals and priorities identified by the State, in accordance with paragraph (15), to improve and expand vocational rehabilitation

services for students with disabilities on a statewide basis; and

“(B) has developed and will implement a plan to carry out the provision of pre-employment transition services in accordance with section 114.

“(26) JOB GROWTH AND DEVELOPMENT.—The State plan shall provide an assurance describing how the State will utilize initiatives involving in-demand industry sectors or occupations as defined in section 101 of the Workforce Investment Act of 2012 to increase competitive integrated employment opportunities for individuals with disabilities.”.

(b) APPROVAL.—Section 101(b) (29 U.S.C. 721(b)) is amended to read as follows:

“(b) SUBMISSION; APPROVAL; MODIFICATION.—The State plan for vocational rehabilitation services shall be subject to—

“(1) section 112 of the Workforce Investment Act of 1998, in a case in which that plan is a portion of the State plan described in that section 112; and

“(2) section 113 of such Act in a case in which that State plan for vocational rehabilitation services is a portion of the State unified plan described in that section 113.”.

(c) CONSTRUCTION.—Section 101 (29 U.S.C. 721) is amended by adding at the end the following:

“(c) CONSTRUCTION.—Nothing in this part shall be construed to reduce the obligation of a local educational agency or any other agency to provide or pay for any transition services that are allowable under the programs of the respective agencies.”.

**SEC. 413. ELIGIBILITY AND INDIVIDUALIZED PLAN FOR EMPLOYMENT.**

(a) ELIGIBILITY.—Section 102(a) (29 U.S.C. 722(a)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)—

(i) in the subparagraph header, by striking “DEMONSTRATION” and inserting “APPLICANTS”; and

(ii) by striking “, unless” and all that follows and inserting a period; and

(B) in subparagraph (B)—

(i) in the subparagraph header, by striking “METHODS” and inserting “RESPONSIBILITIES”;

(ii) in the first sentence—

(I) by striking “In making the demonstration required under subparagraph (A),” and inserting “Prior to determining under this subsection that an applicant described in subparagraph (A) is unable to benefit due to the severity of the individual’s disability or that the individual is ineligible for vocational rehabilitation services,”; and

(II) by striking “, except under” and all that follows and inserting a period; and

(iii) in the second sentence, by striking “individual or to determine” and all that follows and inserting “individual. In providing the trial experiences, the designated State unit shall provide the individual with the opportunity to try different employment experiences, including supported employment, and the op-



- portunity to become employed in competitive integrated employment.”;
- (2) in paragraph (3)(A)(ii), by striking “outcome from” and all that follows and inserting “outcome, including supported employment, from vocational rehabilitation services due to the current (as of the date of the determination) severity of the disability of the individual.”;
- (3) in paragraph (5)—
- (A) in the matter preceding subparagraph (A)—
- (i) by striking “If an individual” and inserting “If, after the designated State unit carries out the activities described in paragraph (2)(B), a review of existing data, and, to the extent necessary, the assessment activities described in section 7(2)(A)(ii), an individual”;
- and
- (ii) by striking “is determined” and all that follows through “not to be” and inserting “is determined not to be”;
- (B) by redesignating subparagraphs (A) through (D) as subparagraphs (B) through (E), respectively;
- (C) by inserting before subparagraph (B) the following: “(A) the ineligibility determination shall be an individualized one, based on the available data, and shall not be based on disability category;”; and
- (D) in clause (i) of subparagraph (C), as redesignated by subparagraph (B) of this paragraph, by inserting after “determination” the following: “, including clear and convincing evidence that forms the basis for the determination of ineligibility”; and
- (4) in paragraph (6), by striking “60 days” each place it appears and inserting “45 days”.
- (b) DEVELOPMENT OF AN INDIVIDUALIZED PLAN FOR EMPLOYMENT, AND RELATED INFORMATION.—Section 102(b) (29 U.S.C. 722(b))—
- (1) in paragraph (1)—
- (A) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (C), and (D), and (E), respectively; and
- (B) by inserting after subparagraph (A) the following: “(B) information on the availability of assistance from consumer organizations, as defined in section 106(a)(4) (including a listing of such organizations) that can assist an individual in the development of an individualized plan for employment;”;
- (2) in paragraph (3), as redesignated by paragraph (2) of this subsection—
- (A) in subparagraph (E)—
- (i) in clause (i), by striking “and” at the end;
- (ii) in clause (ii), by striking the period and inserting “; and”; and
- (iii) by adding at the end the following: “(iii) amended, as necessary, to include the post-employment services and service providers that are necessary for the individual to maintain or regain employment, consistent with the individual’s strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.”; and

(B) by adding at the end the following:

“(F) TIMEFRAME FOR COMPLETING THE INDIVIDUALIZED PLAN FOR EMPLOYMENT.—The individualized plan for employment shall be developed as soon as possible, but not later than a deadline of 90 days after the date of the determination of eligibility described in paragraph (1), unless the designated State unit and the eligible individual agree to an extension of that deadline to a specific date by which the individualized plan for employment shall be completed.

“(G) FAILURE TO DEVELOP THE INDIVIDUALIZED PLAN FOR EMPLOYMENT WITHIN THE SPECIFIED TIMEFRAME.—In the event the individualized plan for employment is not completed by the deadline or extended deadline, as appropriate, under subparagraph (F), the eligible individual shall have the right to request both mediation and an impartial due process hearing according to the procedures described in subsection (c). At such hearing, the hearing officer shall have the authority to order the designated State unit to complete the individualized plan for employment within a specific period of time, not to exceed 60 days from the date of the decision, in addition to any other authority given to the officer under this section.”; and

(3) in paragraph (3)—

(A) in subparagraph (A), by striking “choice of the” and all that follows and inserting “choice of the eligible individual, consistent with the employment outcome of competitive integrated employment (except that in the case of an eligible individual who is a student, the description may be a description of the student’s projected employment outcome);”;

(B) in subparagraph (B)(i)—

(i) by redesignating subclause (II) as subclause (III); and

(ii) by striking subclause (I) and inserting the following:

“(I) needed to achieve the employment outcome, including, as appropriate—

“(aa) the provision of assistive technology devices and assistive technology services (including referrals described in section 103(a)(3) to the device reutilization programs and demonstrations described in subparagraphs (B) and (D) of section 4(e)(2) of the Assistive Technology Act of 1998 (29 U.S.C. 3003(e)(2))) through agreements developed under section 101(a)(11)(H); and

“(bb) personal assistance services (including training in the management of such services);

“(II) in the case of a plan for an eligible individual that is a student, the specific transition services and supports (including work experience, mentoring activities, and supported employment) needed to achieve the student’s employment outcome or projected employment outcome; and”;

(C) in subparagraph (F), by striking “and” at the end;

(D) in subparagraph (G), by striking the period and inserting “; and”; and

(E) by adding at the end the following:

“(H) for an individual who also is receiving assistance from an employment network under the Ticket to Work and Self-Sufficiency Program established under section 1148 of the Social Security Act (42 U.S.C. 1320b–19), a list of the services that are listed in the individual work plan that the individual developed with the employment network under subsection (g) of that section, and a description of how responsibility for service delivery will be divided between the employment network and the designated State unit in accordance with the agreement between the two parties required under the Ticket to Work and Self-Sufficiency Program.”

(c) PROCEDURES.—Section 102(c) (29 U.S.C. 722(c)) is amended—

(1) in paragraph (1), by adding at the end the following: “These procedures also shall allow for the review of any delay in the vocational rehabilitation process.”;

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) in clause (ii), by striking “and” at the end;  
(ii) in clause (iii), by striking the period and inserting “; and”; and

(iii) by adding at the end the following:

“(iv) any applicable State limit on the time by which a request for mediation under paragraph (4) or a hearing under paragraph (5) shall be made, and any required procedure by which the request shall be made.”; and

(B) in subparagraph (B)(iii), by inserting “the denial,” before “reduction,”; and

(3) in paragraph (5)—

(A) by striking subparagraph (A) and inserting the following:

“(A) OFFICER.—A due process hearing described in paragraph (2) shall be conducted by an impartial hearing officer who, on reviewing all the evidence presented, shall issue a written decision based on the provisions of the approved State plan, requirements specified in this Act (including regulations implementing this Act), and State regulations and policies that are consistent with the Federal requirements specified in this title. The officer shall provide the written decision to the applicant or eligible individual, or, as appropriate, the applicant’s representative or individual’s representative, and to the designated State unit. The impartial hearing officer shall have the authority to render a decision and require actions, consistent with the requirements specified in this title (including regulations implementing this title), regarding all aspects of the applicant’s or eligible individual’s vocational rehabilitation services under this title.”; and

(B) in subparagraph (B), by striking “in laws (including regulations)” and inserting “about Federal and State laws (including regulations) and the approved State plan”.

**SEC. 414. VOCATIONAL REHABILITATION SERVICES.**

Section 103 (29 U.S.C. 723) is amended—

(1) in subsection (a)—

(A) by striking paragraph (15) and inserting the following:

“(15) transition services for students with disabilities, that facilitate the transition from school to postsecondary life, such as achievement of an employment outcome in competitive integrated employment, or pre-employment transition services described in section 114;”;

(B) by redesignating paragraphs (17) and (18) as paragraphs (18) and (19), respectively;

(C) by inserting after paragraph (16) the following:

“(17) customized employment services;”;

(D) in paragraph (18), as redesignated by subparagraph (C) of this paragraph, by striking the “and” at the end;

(E) in paragraph (19), as redesignated by subparagraph (C) of this paragraph, by striking the period and inserting “; and”; and

(F) by adding at the end the following:

“(20) mentoring services.”; and

(2) in subsection (b)—

(A) in paragraph (2)(A), by striking the second sentence and inserting “Such programs shall be used to provide services that promote integration into the community and that result in competitive integrated employment, including supported employment and customized employment.”; and

(B) by striking paragraph (6) and inserting the following:

“(6) Consultation and technical assistance services to assist State educational agencies and local educational agencies in planning for the transition of students with disabilities from school to postsecondary life, including employment.”.

**SEC. 415. STATE REHABILITATION COUNCIL.**

Section 105 (29 U.S.C. 725) is amended—

(1) in subsection (b)(1)—

(A) in subparagraph (A)—

(i) by striking clause (ix) and inserting the following:

“(ix) in a State in which one or more projects are funded under section 121 and in which such services are provided through those projects, at least one representative of the directors of the projects located in such State;”;

(ii) in clause (x), by striking “and” at the end;

(iii) in clause (xi), by striking the period and inserting “; and”; and

(iv) by adding at the end the following:

“(xii) the director of the State’s comprehensive statewide program of technology-related assistance funded under section 4 of the Assistive Technology Act of 1998 (29 U.S.C. 3003).”; and

(B) in subparagraph (B)—

(i) in clause (xi), by striking “and” at the end;

(ii) in clause (xii), by striking the period and inserting “; and”; and

(iii) by adding at the end the following:

“(xiii) the director of the State’s comprehensive statewide program of technology-related assistance funded under section 4 of the Assistive Technology Act of 1998 (29 U.S.C. 3003).”; and

(2) in subsection (c)(6), by striking “Service Act” and all that follows and inserting “Service Act (42 U.S.C. 300x–3(a)) and the State workforce investment board, and with the activities of entities carrying out programs under the Assistive Technology Act of 1998 (29 U.S.C. 3001 et seq.);”.

**SEC. 416. PERFORMANCE ACCOUNTABILITY MEASURES.**

Section 106 (29 U.S.C. 726) is amended—

(1) by striking subsection (a) and inserting the following:

“(a) IN GENERAL.—

“(1) STANDARDS AND INDICATORS.—The evaluation standards and performance indicators for the vocational rehabilitation program carried out under this title shall be subject to the performance accountability provisions described in section 136(b) of the Workforce Investment Act of 2012.

“(2) ADDITIONAL PERFORMANCE ACCOUNTABILITY INDICATORS.—

“(A) IN GENERAL.—Subject to subparagraph (B), the Commissioner may establish through regulation additional performance accountability indicators, which may include outcome and related measures of program performance.

“(B) COMMENT.—Such additional performance accountability indicators shall be developed with input from State vocational rehabilitation agencies, related professional and consumer organizations, recipients of vocational rehabilitation services, and other interested parties.

“(3) REPORTS.—Each State that receives funds under this title shall submit a report to the Commissioner containing information on any additional performance accountability indicators established under paragraph (2).

“(4) CONSUMER ORGANIZATION.—In this subsection, the term ‘consumer organization’ means a membership organization, or disability advocacy group, for which a majority of the members of the board of directors of the organization or group are individuals with disabilities or family members of individuals with disabilities.”; and

(2) in subsection (b)(2)(B), by striking clause (i) and inserting the following:

“(i) on a biannual basis, review the program improvement efforts of the State and, if the State has not improved its performance to acceptable levels, as determined by the Commissioner, direct the State to make revisions to the plan to improve performance; and”.

**SEC. 417. MONITORING AND REVIEW.**

(a) IN GENERAL.—Section 107(a) (29 U.S.C. 727(a)) is amended—

(1) in paragraph (3)(E), by inserting before the period the following: “, including personnel of a client assistance program under section 112, and past or current recipients of vocational rehabilitation services”; and

(2) in paragraph (4)—

(A) by striking subparagraphs (A) and (B) and inserting the following:

“(A)(i) the eligibility process to ensure compliance with the requirements set forth in section 102(a); and

“(ii) implementation of an order of selection, if applicable, to ensure compliance with the requirements set forth in section 101(a)(5); and

“(B) the provision of services to ensure compliance with section 103;”;

(B) in subparagraph (C), by striking “and” at the end;

(C) by redesignating subparagraph (D) as subparagraph (E); and

(D) by inserting after subparagraph (C) the following:

“(D) data on individuals determined to be ineligible for services due to severity of their disability, to determine if systematic changes could result in increased capacity to meet the needs of such individuals; and”.

(b) REVIEW.—Section 107(d) of the Rehabilitation Act of 1973 (29 U.S.C. 727(d)) is amended, in paragraphs (1) and (2), by striking “a final determination of the Commissioner under section 101(b) or subsection (c)” and inserting “a final determination on a State plan for vocational rehabilitation services under the procedures referenced in section 101(b), or a final determination by the Commissioner under subsection (c)”.

**SEC. 418. TRAINING AND SERVICES FOR EMPLOYERS.**

Section 109 (29 U.S.C. 728a) is amended to read as follows:

**“SEC. 109. TRAINING AND SERVICES FOR EMPLOYERS.**

“A State may expend payments received under section 111 to educate and provide services to employers who have hired or are interested in hiring individuals with disabilities under programs carried out under this title, including—

“(1) providing training and technical assistance to employers regarding the employment of individuals with disabilities, including disability awareness, and the requirements of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and other employment-related laws;

“(2) working with employers to—

“(A) provide opportunities for work-based learning experience (including internships, short-term employment, apprenticeships, and fellowships), such as opportunities in conjunction with pre-employment transition services;

“(B) recruit qualified applicants with disabilities;

“(C) train employees with disabilities; and

“(D) promote retention of employees who are at risk of losing a job due to disability-related barriers;

“(3) providing consultations, technical assistance, and support to employers on workplace accommodations, assistive technology, and facilities and workplace access;

“(4) assisting employers with utilizing available financial support, including tax credits and deductions available for hiring or accommodating individuals with disabilities; and

“(5) supporting the development of working relationships between State vocational rehabilitation agencies, the workforce

investment system, their community partners, and employers on multi-State and national levels, including—

“(A) encouraging employers to recruit qualified individuals with disabilities for available employment opportunities;

“(B) facilitating such recruitment by disseminating information about specific available employment opportunities to qualified individuals who are recipients of vocational rehabilitation services under this subtitle, or who are applicants for such services;

“(C) matching qualified individuals who are recipients of vocational rehabilitation services under this subtitle, or who are applicants for such services, with employers that have available employment opportunities on the local, regional, or national level; and

“(D) providing support services, as appropriate, to employers to facilitate the hiring of qualified individuals who are recipients of vocational rehabilitation services under this subtitle, or who are applicants for such services.”

**SEC. 419. STATE ALLOTMENTS.**

(a) IN GENERAL.—Section 110 (29 U.S.C. 730) is amended—

(1) in subsection (a)(1), by striking “Subject to the provisions of subsection (c)” and inserting “Subject to the provisions of subsections (c), (d), and (e), and section 303(d)”; and

(2) by striking subsections (b) and (c) and inserting the following:

“(b)(1) Not later than 45 days prior to the end of the fiscal year, the Commissioner shall determine, after reasonable opportunity for the submission to the Commissioner of comments by the State agency administering or supervising the program established under this title, whether any amount from the payment of an allotment to a State under section 111(a) for any fiscal year will not be utilized by such State in carrying out the purposes of this title.

“(2)(A) As soon as practicable but not later than the end of the fiscal year, the Commissioner shall reallocate the amount available under paragraph (1) to other States, consistent with subparagraphs (B) and (C), for carrying out the purposes of this title to the extent the Commissioner determines that another State will be able to use an additional amount, during that fiscal year or the subsequent fiscal year for carrying out such purposes.

“(B)(i) The Commissioner shall reallocate a portion of the amount available under paragraph (1) for a fiscal year to each State whose allotment under subsection (a) for such fiscal year is less than such State’s allotment under subsection (a) for the immediately preceding fiscal year, adjusted by the percentage change in the funds available for subsection (a) from the immediately preceding fiscal year.

“(ii)(I) Subject to subclause (II), a State that is eligible to receive a reallocation under clause (i) shall receive a portion for a fiscal year from the amount available for reallocation under paragraph (1) that is equal to the difference between—

“(aa) the amount such State was allotted under subsection (a) for such fiscal year; and

“(bb) the amount such State was allotted under subsection (a) for the immediately preceding fiscal year, adjusted by the

percentage change in the funds available for subsection (a) from the immediately preceding fiscal year.

“(II) If the amount available for reallocation under paragraph (1) is insufficient to provide each State eligible to receive a reallocation under clause (i) with the portion described in subclause (I), the amount reallocated to each eligible State shall be determined by the Commissioner.

“(C) If there are funds remaining after each State eligible to receive a reallocation under subparagraph (B)(i) receives the portion described in subparagraph (B)(ii), the Commissioner shall reallocate the remaining funds among the States requesting a reallocation.

“(3) The Commissioner shall reallocate an amount to a State under this subsection only if the State will be able to make sufficient payments from non-Federal sources to pay for the non-Federal share of the cost of vocational rehabilitation services under the State plan for the fiscal year for which the amount was appropriated.

“(4) For the purposes of this part, any portion made available to a State for any fiscal year pursuant to this subsection shall be regarded as an increase of such State’s allotment (as determined under the preceding provisions of this section) for such year.

“(c)(1) For fiscal year 2012 and for each fiscal year thereafter, the Commissioner shall reserve, from the funds appropriated under section 100(b)(1) for each fiscal year, an amount that is not less than 1.23 percent and not more than 1.5 percent of those funds in order to carry out section 121, provided that the minimum percentage that may be reserved shall increase by 0.01 percent for each succeeding fiscal year after fiscal year 2012.

“(2) Notwithstanding paragraph (1), there shall be no increase in the minimum percentage of funds reserved under paragraph (1) unless there is an equivalent increase in the funds appropriated under section 100(b)(1).”

(b) RESERVATION FOR TRANSITION AND PRE-EMPLOYMENT TRANSITION SERVICES.—Section 110 (29 U.S.C. 730) is amended by adding at the end the following:

“(d) From any State allotment under subsection (a) for a fiscal year, the State shall reserve not less than 10 percent of the allotted funds for the provision of transition services to assist students with disabilities and youth with disabilities in transitioning from education or training to employment, which includes pre-employment transition services under section 114.”

**SEC. 420. CLIENT ASSISTANCE PROGRAM.**

Section 112 (29 U.S.C. 732) is amended—

(1) in subsection (a), in the first sentence—

(A) by striking “grants to States” and inserting “grants to agencies designated under subsection (c) (referred to individually in this section as a ‘designated CAP agency’)”;

(B) by inserting “including under sections 114,” after “all available benefits under this Act,”; and

(C) by inserting “and eligibility” after “to ensure the protection of the rights”;

(2) in subsection (b), by striking the matter preceding paragraph (1) and inserting “Neither an agency within the State, nor the State, may receive payments from an allotment under subsection (e) in any fiscal year unless the State has designated under subsection (c) an agency that—”;



(3) in subsection (c)—

(A) in paragraph (2), by inserting “(as defined in section 106(a))” after “consumer organizations”; and

(B) in paragraph (3), by striking “agency designated under this subsection” and inserting “designated CAP agency”;

(4) in subsection (d), by striking “agency designated under subsection (c) of this section” and inserting “designated CAP agency”;

(5) in subsection (e)—

(A) in paragraph (1)—

(i) by striking subparagraph (A) and inserting the following:

“(A) After reserving funds under subparagraphs (E) and (F), the Secretary shall allot the remainder of the sums appropriated for each fiscal year under this section among the designated CAP agencies within the States on the basis of relative population of each State, except that no such agency shall receive less than \$50,000.”;

(ii) in subparagraph (B), by inserting “the designated CAP agencies located in” before “American Samoa”; and

(iii) by striking subparagraph (D) and inserting the following:

“(D)(i) For any fiscal year for which the funds appropriated for such fiscal year under subsection (h) exceed \$7,500,000, the minimum allotment under this subsection shall be \$100,000 for the designated CAP agencies located in States and \$45,000 for the designated CAP agencies located in territories.

“(ii) For any fiscal year for which the total amount appropriated under subsection (h) exceeds the total amount appropriated under such subsection (or the corresponding provision) for the preceding fiscal year, the Secretary shall increase each of the minimum allotments under clause (i) by a percentage that shall not exceed the percentage increase, calculated by dividing such total amount for the fiscal year involved by such total amount for the preceding fiscal year.

“(E)(i) For any fiscal year for which the amount appropriated under subsection (h) equals or exceeds \$13,000,000, the Secretary shall reserve funds appropriated under subsection (h) to make a grant to the protection and advocacy system serving the American Indian Consortium, to provide designated CAP agency services in accordance with the requirements of this section. The amount of such a grant shall be the same amount as is provided to a territory under subparagraph (B), as increased under clauses (i) and, if applicable, (ii) of subparagraph (D).

“(ii) In this subparagraph:

“(I) The term ‘American Indian Consortium’ has the meaning given the term in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002).

“(II) The term ‘protection and advocacy system’ means a protection and advocacy system established under subtitle C of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.).

“(F) For any fiscal year for which the amount appropriated under subsection (h) equals or exceeds \$14,000,000, the Secretary shall reserve not less than 1.8 percent and not more than 2.2 percent of such amount to provide a grant for training and technical assistance for the programs established under this section. Such training and technical assistance shall be coordinated with activities provided under section 509(c)(1)(A).”;

(B) in paragraph (2)—

(i) except as provided in clause (ii), by striking “State” each place it appears and inserting “designated CAP agency”; and

(ii) by striking “States” each place it appears and inserting “designated CAP agencies”; and

(C) in paragraph (3), by striking “agency designated” and all that follows and inserting “designated CAP agency the amount specified in the application approved under subsection (f).”;

(6) in subsection (f), by striking “State” and inserting “designated CAP agency”;

(7) in paragraph (1) of subsection (g), by striking “such programs” and inserting “the designated CAP agency of a State”; and

(8) in subsection (h), by striking “1999 through 2003” and inserting “2013 through 2017”.

**SEC. 421. TECHNICAL ASSISTANCE FOR QUALITY SERVICES.**

Part B of title I (29 U.S.C. 730 et seq.), is amended by adding at the end the following:

**“SEC. 113. ADDITIONAL TECHNICAL ASSISTANCE.**

“The Commissioner shall provide technical assistance for programs provided under this title regarding improving the quality of vocational rehabilitation services provided through the programs, including—

“(1) consulting with the Department of Labor, the Small Business Administration, other appropriate Federal agencies, State and local workforce investment boards, and businesses or business-led intermediaries;

“(2) based on information obtained through the consultations, providing—

“(A) technical assistance that improves quality by enabling designated State units to develop successful partnerships with local and multi-State businesses in an effort to employ individuals with disabilities; and

“(B) technical assistance on developing self-employment opportunities and improving employment outcomes for individuals with disabilities; and

“(3) providing technical assistance to improve the quality of vocation rehabilitation services programs carried out under section 121.”.

**SEC. 422. PRE-EMPLOYMENT TRANSITION SERVICES.**

Part B of title I (29 U.S.C. 730 et seq.), as amended by section 521, is further amended by adding at the end the following:

**“SEC. 114. PROVISION OF PRE-EMPLOYMENT TRANSITION SERVICES FOR STUDENTS WITH DISABILITIES.**

“(a) IN GENERAL.—From the funds reserved under section 110(d), and funds made available from State, local, and private funding sources (consistent with requirements that apply to the acceptance and use of such funds), each State shall ensure that—

“(1) the designated State unit shall provide, or arrange for the provision of, pre-employment transition services for all students with disabilities who are in need of such services; and

“(2) the designated State unit will not expend more than 5 percent of the funds reserved to carry out this section to pay for the administrative costs associated with providing pre-employment transition services under this section.

“(b) LOCAL PRE-EMPLOYMENT TRANSITION COORDINATOR.—

“(1) COORDINATOR.—Each local office of a designated State unit shall designate at least 1 staff person to carry out the responsibilities of a Local Pre-Employment Transition Coordinator for students with disabilities, as well as appropriate staff to support the Coordinator in carrying out the responsibilities as described in paragraph (2).

“(2) RESPONSIBILITIES.—It shall be the responsibility of a Local Pre-Employment Transition Coordinator to—

“(A) attend individualized education program meetings, as appropriate, for students with disabilities;

“(B) work with the local workforce investment boards, one-stop centers, and employers to develop job opportunities for students with disabilities, including internships, summer employment opportunities and other employment opportunities available throughout the school year, and apprenticeships; and

“(C) work with schools, including those carrying out activities under section 614(d)(1)(A)(i)(VIII) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)(1)(A)(i)(VIII)), to coordinate and ensure the provision of pre-employment transition services for students with disabilities, including services described in clauses (i) through (v) of section 7(30)(B).

“(c) NATIONAL PRE-EMPLOYMENT TRANSITION COORDINATION.—

“(1) IN GENERAL.—The Secretary of Education and the Secretary of Labor shall each designate a lead staff person to fulfill the responsibilities of a National Pre-Employment Transition Coordinator for Students with Disabilities. The National Pre-Employment Transition Coordinators shall work cooperatively, and with other Federal agencies including the Corporation for National and Community Service, to develop and coordinate—

“(A) agency policies related to pre-employment transition services; and

“(B) resources to increase job opportunities for students with disabilities, including internships, summer employment opportunities and other employment opportunities available throughout the school year, and apprenticeships.

“(2) CONSTRUCTION.—Nothing in this subsection shall be construed to prohibit either Secretary from assigning additional responsibilities, other than the responsibilities described in

this subsection, to a staff person designated under this subsection.”.

**SEC. 423. AMERICAN INDIAN VOCATIONAL REHABILITATION SERVICES.**

Section 121 (29 U.S.C. 741) is amended—

(1) in subsection (a), in the first sentence, by inserting before the period the following: “(referred to in this section as ‘eligible individuals’), consistent with such eligible individuals’ strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, so that such individuals may prepare for, and engage in, high quality employment that will increase opportunities for economic self-sufficiency”;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking “and” at the end;

(ii) in subparagraph (C), by striking the period and inserting “; and”; and

(iii) by adding at the end the following:

“(D) contains assurances that—

“(i) all decisions affecting eligibility for vocational rehabilitation services, the nature and scope of available vocational rehabilitation services, and the provision of such services, will be made by a representative of the tribal vocational rehabilitation program funded through the grant; and

“(ii) such decisions will not be delegated to another agency or individual.”; and

(B) by striking paragraphs (3) and (4) and inserting the following:

“(3) If an application is approved under this part for a grant, the resulting grant shall be for 5 years, if the grant recipient complies with the program requirements for the program carried out under this part (including the regulations promulgated for the program). The grant shall be renewed for additional 5-year periods if the Commissioner determines that the grant recipient demonstrated acceptable past performance and the grant recipient submits, and obtains approval by the Commissioner, for a plan, including a proposed budget, that identifies future performance criteria, goals, and objectives. The State shall continue to provide vocational rehabilitation services under the State plan to American Indians residing on or near a reservation whenever such State includes any such American Indians in its State population under section 110(a)(1).

“(4) In allocating funds for grants under this part, the Secretary shall give priority to paying the continuation costs of projects in existence on the date of the allocation and may provide for increases in funding for such projects that the Secretary determines to be necessary.”;

(3) by redesignating subsection (c) as subsection (d); and

(4) by inserting after subsection (b) the following:

“(c)(1) From the funds appropriated and made available to carry out this part for any fiscal year, beginning with fiscal year 2012, the Commissioner shall first reserve not less than 1.8 percent and not more than 2 percent of the funds to provide training and technical assistance to governing bodies described in subsection (a) for such fiscal year.

“(2) From the funds reserved under paragraph (1), the Commissioner shall make grants to, and enter into contracts and other arrangements with, entities that have experience in the operation of vocational rehabilitation services programs under this section to provide such training and technical assistance with respect to developing, conducting, administering, and evaluating such programs.

“(3) The Commissioner shall conduct a survey of the governing bodies regarding training and technical assistance needs in order to determine funding priorities for such grants, contracts, or other arrangements.

“(4) To be eligible to receive a grant or enter into a contract or other arrangement under this section, such an entity shall submit an application to the Commissioner at such time, in such manner, and containing a proposal to provide such training and technical assistance, and containing such additional information as the Commissioner may require. The Commissioner shall provide for peer review of grant applications by panels that include persons who are not government employees and who have experience in the operation of vocational rehabilitation services programs under this section.”.

## **Subtitle C—Research and Training**

### **SEC. 431. PURPOSE.**

Section 200 (29 U.S.C. 760) is amended—

(1) in paragraph (1), by inserting “technical assistance,” after “training,”;

(2) in paragraph (2), by inserting “technical assistance,” after “training,”;

(3) in paragraph (3)—

(A) in the matter preceding subparagraph (A)—

(i) by inserting “, use, and adoption” after “transfer”;

and

(ii) by inserting “in a timely and efficient manner,” after “disabilities”; and

(B) in subparagraph (D), by inserting “and dissemination of research findings to individuals with disabilities and other interested entities” after “technology”;

(4) in paragraph (5), by striking “and” after the semicolon;

(5) in paragraph (6), by striking the period and inserting “; and”;

(6) by adding at the end the following:

“(7) identify effective strategies for supporting the employment of individuals with disabilities in competitive integrated employment.”.

### **SEC. 432. AUTHORIZATION OF APPROPRIATIONS.**

Section 201(a) (29 U.S.C. 761(a)) is amended—

(1) in paragraph (1), by striking “1999 through 2003” and inserting “2013 through 2017”; and

(2) in paragraph (2), by striking “1999 through 2003” and inserting “2013 through 2017”.

### **SEC. 433. NATIONAL INSTITUTE ON DISABILITY AND REHABILITATION RESEARCH.**

Section 202 (29 U.S.C. 762) is amended—

- (1) in subsection (a)(1)(A)—
- (A) in clause (ii), by striking “and training; and” and inserting “, training, and technical assistance;”;
  - (B) by redesignating clause (iii) as clause (iv); and
  - (C) by inserting after clause (ii) the following:
    - “(iii) knowledge translation and dissemination; and”;
- (2) in subsection (b)—
- (A) in paragraph (3), by striking “in rehabilitation” and inserting “on disability and rehabilitation”;
  - (B) in paragraph (4)—
    - (i) in the matter preceding subparagraph (A), by inserting “education, health and health care,” after “independent living;”; and
    - (ii) by striking subparagraphs (A) through (D) and inserting the following:
      - “(A) public and private entities, including—
        - “(i) elementary schools and secondary schools (as defined in section 9101 of the Elementary and Secondary Education Act of 1965);
        - “(ii) institutions of higher education; and
        - “(iii) nongovernmental agencies and organizations;
      - “(B) rehabilitation practitioners;
      - “(C) employers and organizations representing employers with respect to employment-based educational materials or research;
      - “(D) individuals with disabilities (especially such individuals who are members of minority groups or of populations that are unserved or underserved by programs under this Act);
      - “(E) the individuals’ representatives for the individuals described in subparagraph (D); and
      - “(F) the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Appropriations of the Senate, the Committee on Education and the Workforce of the House of Representatives, the Committee on Appropriations of the House of Representatives, and the National Council on Disability;”.
  - (C) in paragraph (6)—
    - (i) by inserting “disability and” after “advances in”; and
    - (ii) by inserting “education, health and health care,” after “independent living;”;
  - (D) in paragraph (7), by striking “taking whatever action is necessary to keep the Congress fully and currently informed” and inserting “reporting to Congress on a continuing and yearly basis”;
  - (E) in paragraph (8), by striking “health, income,” and inserting “health and health care, income, education;”;
  - (F) in paragraph (10), by striking “and telecommuting; and” and inserting “, supported employment (including customized employment), and telecommuting;”;
  - (G) in paragraph (11), by striking the period and inserting “; and”; and
  - (H) by adding at the end the following:

“(12) ensuring that the research activities and findings, demonstration projects, reports, evaluations, studies, information described in this section, as well as information about any reports in progress, will be made publicly available in a timely manner, including through electronic means (such as the website of the Department of Education and other relevant government agency websites) in order to inform the public about the research and activities performed under this title.”;

(3) in subsection (d)(1), in the second sentence, by inserting before the period the following: “, and shall not be an employee of the Department of Education during the 90-day period before such appointment”;

(4) in subsection (f)(1), by striking the second sentence and inserting the following: “The scientific peer review shall be conducted by individuals who are not Department of Education employees, who are scientists or other experts in the disability and rehabilitation field (including the independent living field), including individuals with disabilities and the individuals’ representatives, and who have sufficient knowledge to review applications for the financial assistance. Such panel shall include a member of the covered school community (for any activity resulting in educational materials or a product to be used in a covered school), a member of the business community (for an activity resulting in a product to be used in an employment activity), a member of the assistive technology community (for an activity relating to assistive technology), and an accessible electronic and information technology vendor or manufacturer (for an activity relating to accessible electronic and information technology). The peer review panel shall include a director of a designated State unit for a panel that considers research related to the operation or administration of the vocational rehabilitation program.”;

(5) in subsection (h)—

(A) in paragraph (1)(A)—

(i) by inserting “disability and” after “priorities for”;

and

(ii) by inserting “dissemination,” after “training”;

and

(B) in paragraph (2)(A), by striking “, especially in the area of employment”;

(6) by redesignating subsections (i), (j), and (k), as subsections (j), (k), and (l), respectively;

(7) by inserting after subsection (h) the following:

“(i)(1) The Director shall determine if entities that received financial assistance under this title are complying with the applicable requirements of this Act and achieving measurable goals, described in section 204(d)(2), that are consistent with the requirements of the programs under which the entities received the financial assistance.

“(2) To assist the Director in carrying out the responsibilities described in paragraph (1), the Director shall require recipients of financial assistance under this title to submit relevant information to evaluate program outcomes with respect to the measurable goals described in section 204(d)(2) pursuant to section 75.118 of title 34, Code of Federal Regulations.”;

(8) in subsection (k), as redesignated by paragraph (6), by striking paragraph (3); and

(9) by striking subsection (1), as redesignated by paragraph (6), and inserting the following:

“(1) The Director shall make grants to institutions of higher education for the training of rehabilitation researchers, including individuals with disabilities and traditionally underserved populations of individuals with disabilities, as described in section 21, with particular attention to research areas that—

“(1) support the implementation and objectives of this Act; and

“(2) improve the effectiveness of services authorized under this Act.

“(m)(1) Not later than December 31 of each year, the Director shall prepare, and submit to the Secretary, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Education and the Workforce of the House of Representatives, a report on the activities funded under this title.

“(2) The report under paragraph (1) shall include—

“(A) a compilation and summary of the information provided by recipients of financial assistance for such activities under this title;

“(B) a summary of recipients of financial assistance received under this title and the progress of the recipients of financial assistance in achieving the measurable goals described in section 204(d)(2); and

“(C) a summary of practical implications of research outcomes and anticipated next steps.

“(n)(1) If the Director determines that an entity that receives financial assistance under this title fails to comply with the applicable requirements of this Act, or to make progress toward achieving the measurable goals described in section 204(d)(2), with respect to the covered activities involved, the Director shall enact monitoring and enforcement measures pursuant to section 75.253 of title 34, Code of Federal Regulations.

“(2) As part of the annual report required under subsection (m), the Secretary shall describe each action taken by the Secretary under paragraph (1) and the outcomes of such action.”.

**SEC. 434. INTERAGENCY COMMITTEE.**

Section 203 (29 U.S.C. 763) is amended—

(1) in subsection (a)(1)—

(A) by striking “and cooperation” and inserting “, cooperation, and collaboration”;

(B) by inserting “disability and” after “agencies conducting”;

(C) by inserting “the Chairman of the National Council on Disability, the Assistant Secretary for Disability Employment Policy, the Secretary of Defense, the Director of the Office on Disability of the Department of Health and Human Services,” after “Assistant Secretary for Special Education and Rehabilitative Services,”; and

(D) by striking “and the Director of the National Science Foundation.” and inserting “the Director of the National Science Foundation, the Secretary of Commerce, and the Administrator of the Small Business Administration.”;



(2) in subsection (b)—

(A) in paragraph (1), by striking “from targeted individuals” and inserting “individuals with disabilities and their representatives”; and

(B) in paragraph (2)—

(i) by striking subparagraphs (A) and (B) and inserting the following:

“(A) share information regarding the range of assistive technology research, rehabilitation research, and research that incorporates the principles of universal design, that is being carried out by members of the Committee and other Federal departments and organizations;

“(B) identify and make efforts to address, gaps in assistive technology research, rehabilitation research, and research that incorporates the principles of universal design, that are not being adequately addressed;”;

(ii) in subparagraph (D)—

(I) by striking “and research that incorporates the principles of universal design” and inserting “, rehabilitation research, and research that incorporates the principles of universal design”; and

(II) by striking “and” after the semicolon; and

(iii) in subparagraph (E), by striking “and research that incorporates the principles of universal design.” and inserting “, rehabilitation research, and research that incorporates the principles of universal design; and”;

(3) by striking subsection (d);

(4) by redesignating subsection (c) as subsection (d);

(5) by inserting after subsection (b) the following:

“(c)(1) Not later than 2 years after the date of enactment of the Workforce Investment Act of 2012, and periodically thereafter, the Committee shall host a disability and rehabilitation research summit, for the purposes of establishing a research agenda to ensure projects are relevant and applicable, bringing together policymakers, representatives from Federal agencies conducting disability and rehabilitation research, nongovernmental funders of rehabilitation research, and organizations representing individuals with disabilities, researchers, and providers.

“(2) Based on the proceedings of the summit described in paragraph (1), the Committee shall develop a comprehensive Government-wide strategic plan for disability and rehabilitation research. The strategic plan shall include measurable goals and objectives, action-oriented measures, timetables, budgets, and assignment of responsible individuals and agencies for carrying out research activities. At a minimum, the strategic plan shall include—

“(A) research priorities and recommendations;

“(B) the development of a searchable Government-wide inventory of disability and rehabilitation research for trend and data analysis across Federal agencies;

“(C) a set of guiding principles and policies and procedures for conducting and administering disability and rehabilitation research across Federal agencies; and

“(D) a summary of underemphasized and of duplicative areas of research.

“(3) Not later than 90 days after the conclusion of the summit described in paragraph (1), the strategic plan described in paragraph (2) shall be submitted to the President and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives.

“(4) The annual report prepared by the Committee under subsection (d) shall include an annual accounting of the progress made in implementing the strategic plan described in paragraph (2), including achievement of measurable goals and objectives, timetables, budgets, and the assignment of responsible individuals and agencies.

“(5) The Committee shall have the authority to facilitate collaborative projects among Federal agencies by receiving the transfer of funds from such agencies.”;

(6) in subsection (d), as redesignated by paragraph (4), by striking paragraph (1) and inserting the following:

“(1) describes the progress of the Committee in fulfilling the duties described in subsections (b) and (c), and including specifically for subsection (c)—

“(A) a report of the progress made in implementing the strategic plan;

“(B) a description of the achievement of measurable goals, objectives, and timetables;

“(C) detailed budgetary information; and

“(D) the assignment of responsible individuals and agencies.”; and

(7) in subsection (e)—

(A) in paragraph (1), by striking “and” after the semicolon; and

(B) in paragraph (2), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(3) the term ‘rehabilitation research’ means research on issues and topics related to attaining maximum self sufficiency and function by individuals with disabilities, including research on assistive technology and universal design, employment, education, health and function, and community integration and participation.”.

#### **SEC. 435. RESEARCH AND OTHER COVERED ACTIVITIES.**

Section 204 (20 U.S.C. 764) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting “have practical real life applications and” before “maximize”; and

(ii) by striking “employment, independent living,” and inserting “employment, education, independent living, health and health care.”;

(B) in paragraph (2)—

(i) in subparagraph (A), by inserting “and from which the research findings can be transferred to practice” after “State agencies”; and

(ii) in subparagraph (B)—

(I) by striking clause (ii) and inserting the following:

“(ii) studies and analysis of policies and the interaction of how particular factors (industrial, vocational, educational, employment, social, recreational, psychiatric, psychological, economic, and health and health care), including for traditionally underserved populations as described in section 21, affect the rehabilitation of individuals with disabilities.”;

(II) in clause (iii), by striking “are homebound” and inserting “have significant challenges attempting to engage with community life outside of their homes”;

(III) in clause (iv), by inserting “, including the principles of universal design and the interoperability of products and services” after “disabilities”;

(IV) in clause (v), by inserting “, and to promote employment opportunities in competitive integrated employment” after “employment”;

(V) in clause (vi), by striking “and” after the semicolon;

(VI) in clause (vii), by striking “and assistive technology.” and inserting “, assistive technology, and communications technology; and”; and

(VII) by adding at the end the following:

“(viii) studies, analyses, and other activities affecting employment outcomes as defined in section 7(11), including self-employment and telecommuting, of individuals with disabilities.”; and

(C) by adding at the end the following:

“(3) In carrying out this section, the Director shall emphasize covered activities that include plans for—

“(A) dissemination of high quality materials, scientifically valid research results, or findings, conclusions, and recommendations resulting from covered activities, including through electronic means (such as the website of the Department of Education), so that such information is available in a timely manner to the general public; or

“(B) the commercialization of marketable products, research results, or findings, resulting from the covered activities.”;

(2) in subsection (b)—

(A) in paragraph (1), by striking “(18)” both places the term appears and inserting “(17)”;

(B) in paragraph (2)—

(i) in subparagraph (A), by striking clauses (i) and (ii) and inserting the following:

“(i) be operated in collaboration with institutions of higher education or providers of rehabilitation services, developers or providers of assistive technology devices, assistive technology services, or information technology devices or services, or providers of other appropriate services; and

“(ii) serve as centers of national excellence and national or regional resources for individuals with disabilities, as well as providers, educators, and researchers.”;

(ii) in subparagraph (B)—

(I) in clause (i), by striking “alleviate or stabilize” and all that follows through the semicolon

and inserting “maximize health and function (including alleviating or stabilizing conditions, or preventing secondary conditions), and promote maximum social and economic independence of individuals with disabilities, including promoting the ability of the individuals to prepare for, secure, retain, regain, or advance in employment;”;

(II) in clause (iii), by striking “and” after the semicolon; and

(III) by striking clause (iv) and inserting the following:

“(iv) serving as an informational and technical assistance resource to individuals with disabilities, as well as to providers, educators, and researchers, through conferences, workshops, public education programs, in-service training programs, and similar activities and providing knowledge translation to promote the use of research findings through training, technical assistance, and dissemination, including identifying potential new areas of research; and

“(v) developing practical applications for the findings of the research of the Centers.”; and

(iii) in subparagraph (C)—

(I) in clause (i), by inserting “, including research on assistive technology devices, assistive technology services, and accessible electronic and information technology devices” after “research”;

(II) in clause (ii), by striking “and social” and inserting “, social, and economic”;

(III) by striking clauses (iii) through (vi) and inserting the following:

“(iii) improving the evaluation process for determining the assistive technology needs of individuals with disabilities;

“(iv) research related to vocational rehabilitation, including the use of assistive technology devices and accessible electronic and information technology devices in employment;

“(v) continuation of research that promotes the emotional, social, educational, and functional growth of children who are individuals with disabilities, as well as their integration in school, employment, and community activities;

“(vi) continuation of research to develop and evaluate interventions, policies, and services that support families of children and adults who are individuals with disabilities;

“(vii) continuation of research that will improve services and policies that foster the independence and social integration of individuals with disabilities, and enable individuals with disabilities, including individuals with intellectual disabilities and other developmental disabilities, to live in their communities; and

“(viii) research, dissemination, and technical assistance on best practices in supported employment and other strategies to promote competitive integrated employment for persons with the most significant disabilities.”;

(IV) by striking subparagraph (D) and inserting the following:

“(D) Training of students preparing to be rehabilitation personnel or to provide rehabilitative, assistive, or supportive services (such as rehabilitation counseling, personal care services, direct care, job coaching, aides in school based setting, or advice or assistance in utilizing assistive technology devices, assistive technology services, and accessible electronic and information technology devices and services) shall be an important priority for each such Center.”;

(V) by striking subparagraph (I); and

(VI) by redesignating subparagraphs (J) through

(O) as subparagraphs (I) through (N), respectively;

(C) in paragraph (3)—

(i) in subparagraph (B)—

(I) in clause (ii)(II), by striking “employment” and inserting “educational, employment,”; and

(II) in clause (iii)(II), by striking “employment” and inserting “educational, employment,”;

(ii) in subparagraph (D)(ii), by adding at the end the following: “Each such Center conducting an activity relating to assistive technology or relating to accessible electronic and information technology shall include in the advisory committee a member of the assistive technology or accessible electronic and information technology community, respectively. Each such Center conducting an activity resulting in educational materials or a product to be used in a covered school, or resulting in a product to be used in an employment activity, shall include in the advisory committee a member of the covered school community, or a member of the business community, respectively.”; and

(iii) in subparagraph (G)(ii), by inserting “the success of any commercialized product researched or developed through the Center,” after “individuals with disabilities,”;

(D) in paragraph (4)(B)—

(i) in clause (i)—

(I) by striking “special” and inserting “unique”; and

(II) by inserting “social and functional needs, and” before “acute care”; and

(ii) in clause (iv), by inserting “education, health and health care,” after “employment,”;

(E) in paragraph (8)—

(i) by striking “Veteran’s Administration” and inserting “Department of Veterans Affairs, the Department of Defense, the Substance Abuse and Mental Health Services Administration, the Federal Communications Commission,”; and

(ii) by inserting “the Department of Commerce, the Small Business Administration, the Department of Labor,” after “Space Administration,”;

(F) by striking paragraphs (9) and (11);

(G) by redesignating paragraphs (10), (12), (13), (14), (15), (16), (17), and (18), as paragraphs (9), (10), (11), (12), (13), (14), (15), and (16), respectively;

(H) in paragraph (11), as redesignated by subparagraph (G)—

(i) in the matter preceding subparagraph (A), by striking “employment needs of individuals with disabilities,” and inserting “employment needs, opportunities, and outcomes (including those relating to self-employment, supported employment, and telecommuting) of individuals with disabilities, including older individuals with disabilities, students with disabilities who are transitioning from school to postsecondary life, including employment, and out of school youth with disabilities,”;

(ii) in subparagraph (B), by inserting “and employment related” after “the employment”;

(iii) in subparagraph (E), by striking “and” after the semicolon;

(iv) in subparagraph (F), by striking the period at the end and inserting “; and”; and

(v) by adding at the end the following:

“(G) develop models and alternatives to help transition sheltered workshops for individuals with disabilities to competitive integrated employment for such individuals, and develop recommendations for decreasing reliance on the special minimum wage certificate program under section 14(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 214(c)).”;

(I) in paragraph (14), as redesignated by subparagraph (G), by striking “and access to gainful employment.” and inserting “, full participation, equal opportunity, and economic self-sufficiency.”; and

(J) by adding at the end the following:

“(17) Research grants may be used to provide for research and training concerning the delivery of vocational rehabilitation services. Such projects and activities may include projects and activities designed to—

“(A) identify, develop, and evaluate evidence-based practices or policies that are effective in improving employment outcomes for individuals with disabilities;

“(B) conduct research related to improving the provision of services for underserved or special populations, such as strategies to enhance employment services and outcomes for middle-aged and older workers with disabilities or American Indians with disabilities;

“(C) conduct research on the delivery of vocational rehabilitation services to rural areas;

“(D) demonstrate innovative models of service delivery or testing methods of service delivery that have the potential to improve the effectiveness of programs authorized under this Act, including the use of assistive technology devices and accessible electronic and information technology devices in employment;

“(E) conduct research on ways to improve the performance of State vocational rehabilitation agencies;

“(F) disseminate and promote the implementation of evidence-based practices identified through these activities; and

“(G) conduct rigorous evaluations of programs and activities administered by the Rehabilitation Services Administration or supported under this Act.”; and

(3) by adding at the end the following:

“(d)(1) The Director shall award the grants, contracts, or other financial assistance under this title on a competitive basis.

“(2)(A) To be eligible to receive financial assistance under this section for a covered activity, an entity shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require.

“(B) The application shall include information describing—

“(i) measurable goals, as established through section 1115 of title 31, United States Code, and a timeline and specific plan for meeting the goals, that the applicant has set for addressing priorities related to—

“(I) commercialization of a marketable product (including a marketable curriculum or research) resulting from the covered activity;

“(II) in the case of a covered activity relating to technology, technology transfer;

“(III) in the case of research, dissemination of research results to, as applicable, Government entities, individuals with disabilities, covered schools, the business community, the assistive technology community, and the accessible electronic and information technology community; and

“(IV) other priorities as required by the Director; and

“(ii) how the applicant will quantifiably measure the goals to determine whether the goals have been accomplished.

“(3)(A) In the case of an application for financial assistance under this section to carry out a covered activity that results in the development of a marketable product, the application shall also include a commercialization and dissemination plan, as appropriate, containing commercialization and marketing strategies for the product involved, and strategies for disseminating information about the product. The financial assistance shall not be used to carry out the commercialization and marketing strategies.

“(B) In the case of any other application for financial assistance to carry out a covered activity under this section, the application shall also include a dissemination plan, containing strategies for disseminating educational materials, research results, or findings, conclusions, and recommendations, resulting from the covered activity.”.

**SEC. 436. REHABILITATION RESEARCH ADVISORY COUNCIL.**

Section 205 (29 U.S.C. 765) is amended—

(1) in subsection (a), by inserting “not less than” after “composed of”; and

(2) by striking subsection (c) and inserting the following:

“(c) **QUALIFICATIONS.**—Members of the Council shall include representatives of rehabilitation professionals, rehabilitation researchers, the directors of community rehabilitation programs, the business community (including a representative of the small business community) that has experience with the system of vocational rehabilitation services carried out under this Act and with hiring individuals with disabilities, assistive technology developers and manufacturers, information technology vendors and manufacturers,

entities carrying out programs under the Assistive Technology Act of 1998 (29 U.S.C. 3001 et seq.), covered school professionals, individuals with disabilities, and the individuals' representatives. At least one-half of the members shall be individuals with disabilities or the individuals' representatives.”.

**SEC. 437. DEFINITION OF COVERED SCHOOL.**

Title II (29 U.S.C. 760) is amended by adding at the end the following:

**“SEC. 206. DEFINITION OF COVERED SCHOOL.**

“In this title, the term ‘covered school’ means an elementary school or secondary school (as such terms are defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) or an institution of higher education.”.

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

**SEC. 441. TRAINING.**

Section 302 (29 U.S.C. 772) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (E)—

(I) by striking all after “deliver” and inserting “supported employment services and customized employment services to individuals with the most significant disabilities”; and

(II) by striking “and” after the semicolon;

(ii) in subparagraph (F), by striking “and” after the semicolon;

(iii) in subparagraph (G), by striking the period at the end and inserting “; and”; and

(iv) by adding at the end the following:

“(H) personnel trained in providing assistive technology services.”;

(2) in subsection (b)(1)(B)(i), by striking “or prosthetics and orthotics” and inserting “prosthetics and orthotics, rehabilitation teaching for the blind, or orientation and mobility instruction”;

(3) in subsection (g)—

(A) in paragraph (1), by adding after the period the following: “Any technical assistance provided to community rehabilitation programs shall be focused on the employment outcome of competitive integrated employment for individuals with disabilities.”; and

(B) in paragraph (3)—

(i) in subparagraph (A), by striking clause (iv) and inserting the following:

“(iv) for the 2 years following the date of enactment of the Workforce Investment Act of 2012, to provide training regarding the amendments made to this Act.”; and

(ii) in subparagraph (B), by striking “on the date of enactment of the Rehabilitation Act Amendments of



1998” and inserting “on the date of enactment of the Workforce Investment Act of 2012”; and  
 (4) in subsection (i), by striking “fiscal years 1999 through 2003” and inserting “fiscal years 2013 through 2017”.

**SEC. 442. DEMONSTRATION AND TRAINING PROGRAMS.**

Section 303 (29 U.S.C. 773) is amended—

(1) in subsection (b)—

(A) in paragraph (5)—

(i) in subparagraph (A)—

(I) by striking clause (i) and inserting the following:

“(i) special projects and demonstration programs focused on improving transition from education to competitive integrated employment for youth who are individuals with significant disabilities;” and

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

“(iii) increasing competitive integrated employment for individuals with significant disabilities.”; and

(B) by striking paragraph (6);

(2) in subsection (c)(2)—

(A) in subparagraph (E), by striking “and” after the semicolon;

(B) by redesignating subparagraph (F) as subparagraph (G); and—

(C) by inserting after subparagraph (E) the following:

“(F) to provide support and guidance in helping individuals with significant disabilities, including students with disabilities, transition to competitive integrated employment; and”; and

(3) by amending subsection (e) to read as follows:

“(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section (other than subsections (c) and (e)), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2013 through 2017.”.

**SEC. 443. MIGRANT AND SEASONAL FARMWORKERS.**

Section 304(b) (29 U.S.C. 774(b)) is amended by striking “fiscal years 1999 through 2003” and inserting “fiscal years 2013 through 2017”.

**SEC. 444. RECREATIONAL PROGRAMS.**

Section 305 (29 U.S.C. 776) is amended—

(1) in subsection (a)(1)(B), by striking “construction of facilities for aquatic rehabilitation therapy;” and

(2) in subsection (b), by striking “fiscal years 1999 through 2003” and inserting “fiscal years 2013 through 2017”.

## **Subtitle E—National Council on Disability**

**SEC. 451. REPORT.**

Section 401 (29 U.S.C. 781) is amended by striking subsection (c).

**SEC. 452. AUTHORIZATION OF APPROPRIATIONS.**

Section 405 (29 U.S.C. 785) is amended by striking “fiscal years 1999 through 2003” and inserting “fiscal years 2013 through 2017”.

## Subtitle F—Rights and Advocacy

### SEC. 456. BOARD AND COUNCIL.

(a) ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD.—Section 502(j) (29 U.S.C. 792(j)) is amended by striking “1999 through 2003” and inserting “2013 through 2017”.

(b) PROGRAM OR ACTIVITY.—Section 504(b)(2)(B) (29 U.S.C. 794(b)(2)(B)) is amended by striking “vocational education” and inserting “career and technical education”.

(c) INTERAGENCY DISABILITY COORDINATING COUNCIL.—Section 507(a) (29 U.S.C. 794c(a)) is amended by inserting “the Chairperson of the National Council on Disability,” before “and such other”.

### SEC. 457. PROTECTION AND ADVOCACY OF INDIVIDUAL RIGHTS.

Section 509 (29 U.S.C. 794e) is amended—

(1) in subsection (c)(1)(A), by inserting “a grant or contract for” before “training”;

(2) in subsection (f)—

(A) in paragraph (2)—

(i) by striking “general” and all that follows through “records” and inserting “general authorities (including rights and remedies), including the authority to access records”; and

(ii) by inserting “of title I” after “subtitle C”; and

(B) in paragraph (3), by striking “authority” and inserting “authority (including the right)”;

(3) in subsection (g)(2), by striking “was paid” and all that follows and inserting “was paid, except that program income generated from the amount paid to an eligible system for a fiscal year shall remain available to such system in accordance with section 19 of this Act.”;

(4) in subsection (l), by striking “1999 through 2003” and inserting “2013 through 2017”;

(5) by redesignating subsections (l) and (m) as subsections (m) and (n), respectively; and

(6) by inserting after subsection (k) the following:

“(l) SYSTEM AUTHORITY.—For purposes of serving persons eligible for services under this section, an eligible system shall have the same general authorities, including access to records, as the system is afforded under subtitle C of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.), as determined by the Commissioner of the Administration on Developmental Disabilities.”.

### SEC. 458. STANDARDS FOR ACCESSIBLE MEDICAL DIAGNOSTIC EQUIPMENT.

Section 510 (29 U.S.C. 794f) is amended—

(1) by redesignating subsection (c) as subsection (d);

(2) by inserting after subsection (b) the following:

“(c) REGULATIONS.—Not later than 6 months after the date of the issuance of the standards under subsection (a), each appropriate Federal agency authorized to promulgate regulations under section 504 or the Americans with Disabilities Act of 1990 shall prescribe regulations in an accessible format, to the extent necessary to carry out the provisions of this section, section 504, and the Americans

with Disabilities Act of 1990, as applicable, that include accessibility standards that are consistent with the standards issued under subsection (a).”; and

(3) in subsection (d), as redesignated by paragraph (1), by adding at the end the following: “Not later than 6 months after the date of the issuance of such amended standards, each Federal agency covered by subsection (c) shall prescribe revised regulations, in an accessible format, that are consistent with the amended standards.”.

## **Subtitle G—Employment Opportunities for Individuals With Disabilities**

### **SEC. 461. PROJECTS WITH INDUSTRY.**

Section 611 (29 U.S.C. 795) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking “in the competitive” and inserting “in competitive integrated employment in the”; and  
(ii) by inserting “locally” after “career advancement”;

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A)—

(I) by inserting “local and national” after “jointly financed”; and

(II) by inserting “in competitive integrated employment” after “career opportunities”;

(ii) in subparagraph (A)—

(I) by striking clause (ii) and inserting the following:

“(ii) identify job and career availability within the community in consultations with local workforce investment boards, consistent with the existing and emerging in-demand industry sectors and occupations as defined in section 101 of the Workforce Investment Act of 2012, and the employment needs of employers in those industry sectors and occupations.”;

(II) in clause (iii), by striking “and” after the semicolon;

(III) in clause (iv), by inserting “and” after the semicolon; and

(IV) by adding at the end the following:

“(v) coordinate such training and job placement activities with the local workforce investment boards described in clause (ii) as appropriate, and with the Job Corps center industry councils established under section 154 of the Workforce Investment Act of 2012.”; and

(iii) in subparagraph (C)—

(I) in clause (i), by striking “and” after the semicolon;

(II) by redesignating clause (ii) as clause (iii); and

(III) by inserting after clause (i) the following:

“(ii) internship programs for individuals with disabilities who seek employment; and”;

(2) in subsection (e)(2), by striking “in States, portions of States, Indian tribes, or tribal organizations” and inserting “nationally or in States, in portions of States, across multiple States, or in Indian tribes or tribal organizations”; and

(3) by adding at the end the following:

“(i) PROHIBITED USE OF FUNDS.—Grant funds awarded under this section shall not be used to support services in sheltered workshops or segregated settings.”.

**SEC. 462. AUTHORIZATION OF APPROPRIATIONS.**

Section 612 (29 U.S.C. 795a) is amended by striking “fiscal years 1999 through 2003” and inserting “fiscal years 2013 through 2017”.

**SEC. 463. SUPPORTED EMPLOYMENT SERVICES.**

Part B of title VI (29 U.S.C. 795g) is amended to read as follows:

**“PART B—SUPPORTED EMPLOYMENT  
SERVICES**

**“SEC. 621. PURPOSE.**

“It is the purpose of this part to authorize allotments, in addition to grants for vocational rehabilitation services under title I, to assist States in developing collaborative programs with appropriate entities to provide supported employment services for individuals with the most significant disabilities, including youth with the most significant disabilities, to enable such individuals to achieve an employment outcome of supported employment in competitive integrated employment.

**“SEC. 622. ALLOTMENTS.**

“(a) IN GENERAL.—

“(1) STATES.—The Secretary shall allot the sums appropriated for each fiscal year to carry out this part among the States on the basis of relative population of each State, except that—

“(A) no State shall receive less than \$250,000, or  $\frac{1}{3}$  of 1 percent of the sums appropriated for the fiscal year for which the allotment is made, whichever amount is greater; and

“(B) if the sums appropriated to carry out this part for the fiscal year exceed the sums appropriated to carry out this part for fiscal year 1992 by \$1,000,000 or more, no State shall receive less than \$300,000, or  $\frac{1}{3}$  of 1 percent of the sums appropriated for the fiscal year for which the allotment is made, whichever amount is greater.

“(2) CERTAIN TERRITORIES.—

“(A) IN GENERAL.—For the purposes of this subsection, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands shall not be considered to be States.

“(B) ALLOTMENT.—Each jurisdiction described in subparagraph (A) shall be allotted not less than  $\frac{1}{8}$  of 1 percent of the amounts appropriated for the fiscal year for which the allotment is made.

“(b) REALLOTMENT.—Whenever the Commissioner determines that any amount of an allotment to a State for any fiscal year will

not be expended by such State for carrying out the provisions of this part, the Commissioner shall make such amount available for carrying out the provisions of this part to one or more of the States that the Commissioner determines will be able to use additional amounts during such year for carrying out such provisions. Any amount made available to a State for any fiscal year pursuant to the preceding sentence shall, for the purposes of this section, be regarded as an increase in the allotment of the State (as determined under the preceding provisions of this section) for such year.

“(c) **LIMITATIONS ON ADMINISTRATIVE COSTS.**—A State that receives an allotment under this part shall not use more than 5 percent of the funds made available through the allotment to pay for administrative costs.

“(d) **SERVICES FOR YOUTH WITH THE MOST SIGNIFICANT DISABILITIES.**—A State that receives an allotment under this part shall expend half of the allotment for the provision of supported employment services, including extended services, to youth with the most significant disabilities in order to assist those youth to achieve an employment outcome in supported employment.

**“SEC. 623. AVAILABILITY OF SERVICES.**

“(a) **SUPPORTED EMPLOYMENT SERVICES.**—Funds provided under this part may be used to provide supported employment services to individuals who are eligible under this part.

“(b) **EXTENDED SERVICES.**—Except as provided in paragraph (c), funds provided under this part, or title I, may not be used to provide extended services to individuals who are eligible under this part or title I.

“(c) **EXTENDED SERVICES FOR YOUTH WITH THE MOST SIGNIFICANT DISABILITIES.**—Funds allotted under this part, or title I, and used for the provision of services under this part to youth with the most significant disabilities pursuant to section 622(d) of this part, may be used to provide extended services to youth with the most significant disabilities for a period not to exceed four years.

**“SEC. 624. ELIGIBILITY.**

“An individual, including a youth with a disability, shall be eligible under this part to receive supported employment services authorized under this part if—

“(1) the individual, including a youth with a disability, is eligible for vocational rehabilitation services under title I;

“(2) the individual, including a youth, is determined to be an individual with a most significant disability; and

“(3) a comprehensive assessment of rehabilitation needs of the individual or youth described in section 7(2)(B), including an evaluation of rehabilitation, career, and job needs, identifies supported employment as the appropriate employment outcome for the individual or youth.

**“SEC. 625. STATE PLAN.**

“(a) **STATE PLAN SUPPLEMENTS.**—To be eligible for an allotment under this part, a State shall submit to the Commissioner, as part of the State plan under section 101, a State plan supplement for providing supported employment services authorized under this Act to individuals, including youth with the most significant disabilities, who are eligible under this Act to receive the services. Each

State shall make such annual revisions in the plan supplement as may be necessary.

“(b) CONTENTS.—Each such plan supplement shall—

“(1) indicate each designated State agency as the agency to administer the program assisted under this part;

“(2) summarize the results of the comprehensive, statewide assessment conducted under section 101(a)(15)(A)(i), with respect to the rehabilitation needs of individuals, including youth, with significant disabilities and the need for supported employment services, including needs related to coordination;

“(3) describe the quality, scope, and extent of supported employment services authorized under this Act to be provided to individuals, including youth with the most significant disabilities, who are eligible under this Act to receive the services and specify the goals and plans of the State with respect to the distribution of funds received under section 622;

“(4) demonstrate evidence of the efforts of the designated State agency to identify and make arrangements (including entering into cooperative agreements) with other State agencies and other appropriate entities to assist in the provision of supported employment services;

“(5) demonstrate evidence of the efforts of the designated State agency to identify and make arrangements (including entering into cooperative agreements) with other public or non-profit agencies or organizations within the State, employers, natural supports, and other entities with respect to the provision of extended services;

“(6) a description of the activities to be conducted under this part, using the funds specified in section 622(d) of this title, for providing supported employment services to youth with the most significant disabilities, including—

“(A) the provision of extended services for a period not to exceed four years; and

“(B) how the State will use the funds specified in section 622(d) to leverage other public and private funds to increase resources for extended services and expand supported employment opportunities for youth with the most significant disabilities;

“(7) provide assurances that—

“(A) funds made available under this part will only be used to provide supported employment services authorized under this Act to individuals, including youth, who are eligible under this part to receive the services;

“(B) the comprehensive assessments of individuals with significant disabilities, including youth with the most significant disabilities, conducted under section 102(b)(1) and funded under title I will include consideration of supported employment as an appropriate employment outcome;

“(C) an individualized plan for employment, as required by section 102, will be developed and updated using funds under title I in order to—

“(i) specify the supported employment services to be provided, including as appropriate for youth with the most significant disabilities, transition services and

pre-employment transition services provided in accordance with sections 101(a)(25) and 114;

“(ii) specify the expected extended services needed, including the extended services that may be provided to youth with the most significant disabilities under this part, in accordance with an approved individualized plan for employment, for a period not to exceed four years; and

“(iii) identify, as appropriate, the source of extended services, which may include natural supports, or to the extent that it is not possible to identify the source of extended services at the time the individualized plan for employment is developed;

“(D) the State will use funds provided under this part only to supplement, and not supplant, the funds provided under title I, in providing supported employment services specified in the individualized plan for employment;

“(E) services provided under an individualized plan for employment will be coordinated with services provided under other individualized plans established under other Federal or State programs;

“(F) to the extent jobs skills training is provided, the training will be provided onsite;

“(G) supported employment services will include placement in an integrated setting based on the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of individuals with the most significant disabilities;

“(H) the State agencies designated under paragraph (1) will expend not more than 5 percent of the allotment of the State under this part for administrative costs of carrying out this part; and

“(I) with respect to supported employment services provided to youth with the most significant disabilities with the funds described in section 622(d), the designated State agency will provide, directly or indirectly through public or private entities, non-Federal contributions towards the grant award in an amount that is not less than 10 percent of such costs; and

“(8) contain such other information and be submitted in such manner as the Commissioner may require.

**“SEC. 626. RESTRICTION.**

“Each State agency designated under section 625(b)(1) shall collect the information required by section 101(a)(10) separately for eligible—

“(1)(A) individuals receiving supported employment services under this part; and

“(B) individuals receiving supported employment services under title I; and

“(2)(A) youth receiving supported employment services under this part; and

“(B) youth receiving supported employment services under title I.

**“SEC. 627. SAVINGS PROVISION.**

“(a) SUPPORTED EMPLOYMENT SERVICES.—Nothing in this Act shall be construed to prohibit a State from providing supported employment services in accordance with the State plan submitted under section 101 by using funds made available through a State allotment under section 110.

“(b) POST-EMPLOYMENT SERVICES.—Nothing in this part shall be construed to prohibit a State from providing discrete post-employment services in accordance with the State plan submitted under section 101 by using funds made available through a State allotment under section 110 to an individual who is eligible under this subpart.

**“SEC. 628. AUTHORIZATION OF APPROPRIATIONS.**

“There is authorized to be appropriated to carry out this part, including for technical assistance, such sums as may be necessary for each of the fiscal years 2013 through 2017.”.

## **Subtitle H—Independent Living Services and Centers for Independent Living**

### **CHAPTER 1—GENERAL PROVISIONS**

**SEC. 471. PURPOSE.**

Section 701 (29 U.S.C. 796) is amended, in paragraph (3), by inserting before the period the following: “, with the goal of improving the independence of and equal opportunity for individuals with disabilities”.

**SEC. 472. INDEPENDENT LIVING ADMINISTRATION.**

Title VII (29 U.S.C. 796 et seq.) is amended by inserting after section 701 the following:

**“SEC. 701A. INDEPENDENT LIVING ADMINISTRATION.**

“(a) ESTABLISHMENT.—In order to promote the philosophy and purpose of section 701, there is established within the Department of Education an Independent Living Administration, independent of the Rehabilitation Services Administration.

“(b) DIRECTOR.—The Independent Living Administration shall be headed by a Director (referred to in this title as the ‘ILA Director’) appointed by the Secretary. The ILA Director shall not have been an employee of the Department of Education during the 90-day period before such appointment, and shall have substantial knowledge of independent living services. The Independent Living Administration shall be the principal agency, and the ILA Director shall be the principal officer, of the Department for carrying out this title. The ILA Director shall have the same reporting relationship as is outlined in section 202(a)(2), and shall be a different individual than the Commissioner.

“(c) GENERAL COUNSEL.—The Office of the General Counsel of the Department of Education shall designate 1 or more individuals, with substantial background in and knowledge of independent living services and centers for independent living under this title, to provide advice, support, and technical assistance to the ILA Director.



“(d) INPUT.—The ILA Director shall have the authority to seek such input and advice, including convening meetings, as the ILA Director determines to be appropriate with respect to the policies and conduct of the Independent Living Administration.

“(e) STAFF.—The Secretary shall ensure that—

“(1) the Independent Living Administration has sufficient staff to provide oversight of, conduct auditing of, and provide technical assistance to, the centers for independent living and Statewide Independent Living Councils funded under this Act; and

“(2) such staff includes qualified individuals who have significant experience with centers for independent living or Statewide Independent Living Councils described in section 705.”.

**SEC. 473. DEFINITIONS.**

Section 702 (29 U.S.C. 796a) is amended—

(1) in paragraph (1)—

(A) in the matter before subparagraph (A), by inserting “for individuals with significant disabilities (regardless of age or income)” before “that—”;

(B) in subparagraph (A), by striking “and” at the end;

(C) in subparagraph (B), by striking the period and inserting “, including, at a minimum, independent living core services as defined in section 7(17); and”; and

(D) by adding at the end the following:

“(C) has sufficient staff to provide the services described in subparagraph (B).”; and

(2) in paragraph (2), by striking the period and inserting the following: “, both in terms of—

“(A) the management, staffing, decisionmaking, and operation of the center; and

“(B) the center’s establishment of policies, direction, and provision of services.”.

**SEC. 474. STATE PLAN.**

Section 704 (29 U.S.C. 796c) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting after “State plan” the following: “developed and signed in accordance with paragraph (2).”; and

(ii) by striking “Commissioner” each place it appears and inserting “ILA Director”;

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking “developed and signed by”; and

(ii) by striking subparagraphs (A) and (B) and inserting the following:

“(A) developed by the chairperson of the Statewide Independent Living Council, the director of the designated State entity described in subsection (c), and the directors of the centers for independent living in the State, after receiving public input from individuals with disabilities throughout the State; and

“(B) signed by—

“(i) the chairperson of the Statewide Independent Living Council, acting on behalf of and at the direction of the Council;

“(ii) the director of the designated State entity described in subsection (c); and

“(iii) not less than 51 percent of the directors of the centers for independent living in the State.”;

(C) in paragraph (3)—

(i) in subparagraph (A), by striking “State independent living services” and inserting “independent living services in the State”;

(ii) in subparagraph (B), by striking “and” at the end; and

(iii) by striking subparagraph (C) and inserting the following:

“(C) working relationships and collaboration between—

“(i) centers for independent living; and

“(ii)(I) entities carrying out programs that provide independent living services, including those serving older individuals;

“(II) other community-based organizations that provide or coordinate the provision of housing, transportation, employment, information and referral assistance, services, and supports for individuals with significant disabilities; and

“(III) entities carrying out the vocational rehabilitation program established under title I, and other programs providing services for individuals with disabilities; and

“(D) cooperative agreements and partnerships to provide a seamless model for provision of services to individuals with disabilities and to avoid duplication of services.”;

(D) in paragraph (4), by striking “Commissioner” each place it appears and inserting “ILA Director”; and

(E) by adding at the end the following:

“(5) STATEWIDE BASIS.—The State plan shall provide for the provision of independent living services on a statewide basis, to the greatest extent possible, including through the establishment of additional centers for independent living or focused outreach to serve underserved populations.”;

(2) in subsection (b), by striking the period and inserting the following: “, as well as a plan for funding the administrative costs of the Council.”;

(3) in subsection (c)—

(A) in the subsection heading, by striking “UNIT” and inserting “ENTITY”;

(B) in the matter preceding paragraph (1), by striking “the designated State unit of such State” and inserting “a State entity of such State (referred to in this title as the ‘designated State entity’), which may be the designated State unit, an entity within the designated State agency, or an entity within a different State agency.”;

(C) in paragraphs (3) and (4), by striking “Commissioner” each place it appears and inserting “ILA Director”;

(D) in paragraph (3), by striking “and” at the end; and

- (E) in paragraph (4), by striking the period and inserting “; and”;
- (4) in subsection (i), by striking paragraphs (1) and (2) and inserting the following:
- “(1) the Statewide Independent Living Council;
- “(2) centers for independent living;
- “(3) the designated State entity; and
- “(4) other State agencies or entities represented on the Council, other councils that address the needs and issues of specific disability populations, and other public and private entities determined to be appropriate by the Council.”;
- (5) in subsection (m)—
- (A) in paragraph (4), by striking “Commissioner” each place it appears and inserting “ILA Director”; and
- (B) in paragraph (5), by striking “Commissioner” each place it appears and inserting “ILA Director”; and
- (6) by adding at the end the following:
- “(o) PROMOTING FULL ACCESS TO COMMUNITY LIFE.—
- “(1) IN GENERAL.—The plan shall describe how the State will provide independent living services that promote full access to community life for individuals with significant disabilities.
- “(2) SERVICES.—The services shall include—
- “(A) facilitating transitions of individuals with significant disabilities from nursing homes and other institutions, to home- and community-based residences, with the requisite supports and services;
- “(B) providing assistance to individuals with significant disabilities that are at risk of entering institutions so that the individuals may remain in the community; and
- “(C) facilitating transitions of youth (including students) who are individuals with significant disabilities, who were eligible for individualized education programs under section 614(d) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)), and who have completed their secondary education or otherwise left school, to postsecondary life, including employment.”.

**SEC. 475. STATEWIDE INDEPENDENT LIVING COUNCIL.**

Section 705 (29 U.S.C. 796d) is amended—

- (1) in subsection (b)—
- (A) by striking paragraph (2) and inserting the following:
- “(2) COMPOSITION.—The Council shall include—
- “(A) among its voting members, at least 1 director of a center for independent living chosen by the directors of centers for independent living within the State;
- “(B) among its voting members, for a State in which 1 or more centers are funded under section 721(c)(4), at least 1 representative of the directors of the centers; and
- “(C) as ex officio, nonvoting members, a representative of the designated State entity, and representatives from State agencies that provide services for individuals with disabilities.”;
- (B) in paragraph (3)—
- (i) by redesignating subparagraphs (C) through (F) as subparagraphs (D) through (G), respectively;

(ii) in subparagraph (B), by striking “parents and guardians of”; and

(iii) by inserting after paragraph (B) the following:

“(C) parents and guardians of individuals with disabilities;”; and

(C) in paragraph (5)(B), by striking “paragraph (3)” and inserting “paragraph (1)”;

(2) by striking subsection (c) and inserting the following:

“(c) FUNCTIONS.—

“(1) DUTIES.—The Council shall—

“(A) in conjunction with the directors of the centers for independent living in the State, and the designated State entity, jointly develop and sign the State plan as provided in section 704(a)(2);

“(B) monitor, review, and evaluate the implementation of the State plan;

“(C) have at least 4 regularly scheduled meetings per year, and ensure that such meetings of the Council are open to the public and sufficient advance notice of such meetings is provided;

“(D) submit to the ILA Director such periodic reports as the ILA Director may reasonably request, and keep such records, and afford such access to such records, as the ILA Director finds necessary to verify the information in such reports; and

“(E) as appropriate, coordinate activities with the State Rehabilitation Council established under section 105, if the State has such a Council, or the commission described in section 101(a)(21)(A), if the State has such a commission, and councils that address the needs of specific disability populations and issues under other Federal law.

“(2) AUTHORITIES.—The Council may, consistent with the State plan described in section 704, unless prohibited by State law—

“(A) facilitate the improvement and coordination of services provided to individuals with disabilities by centers for independent living, the designated State unit, other government agencies, and community organizations;

“(B) conduct resource development activities to obtain funding from public and private resources to support the activities described in this subsection or to support the provision of independent living services by centers for independent living; and

“(C) perform such other functions, consistent with the purpose of this chapter and comparable to other functions described in this subsection, as the Council determines to be appropriate.

“(3) LIMITATION.—The Council shall not provide independent living services directly to individuals with significant disabilities or manage such services.”;

(3) in subsection (e)—

(A) in paragraph (1), in the first sentence, by striking “prepare” and all that follows through “a plan” and inserting “prepare, in conjunction with the designated State entity, a plan”; and

- (B) in paragraph (3), by striking “agency” and inserting “entity”; and
- (4) in subsection (f)—
- (A) by striking “such resources” and inserting “available resources”; and
- (B) by striking “(including” and all that follows through “compensation” and inserting “(such as personal assistance services), and to pay reasonable compensation”.

**SEC. 476. RESPONSIBILITIES OF THE ILA DIRECTOR.**

Section 706 (29 U.S.C. 796d–1) is amended—

- (1) by striking the title of the section and inserting the following:

**“SEC. 706. RESPONSIBILITIES OF THE ILA DIRECTOR.”;**

- (2) in subsection (a)—
- (A) in paragraph (1), by striking “Commissioner” each place it appears and inserting “ILA Director”; and
- (B) in paragraph (2)—
- (i) in subparagraph (A), by striking “Commissioner” each place it appears and inserting “ILA Director”; and
- (ii) in subparagraph (B)—
- (I) in clause (i)—
- (aa) by striking “Secretary” and inserting “Secretary or the Commissioner”; and
- (bb) by striking “to the Commissioner; and” and inserting “to the ILA Director.”;
- (II) by redesignating clause (ii) as clause (iii); and
- (III) by inserting after clause (i) the following:
- “(ii) to the State agency shall be deemed to be references to the designated State entity; and”;
- (3) by striking subsection (b) and inserting the following:
- “(b) INDICATORS.—Not later than 1 year after the date of enactment of the Workforce Investment Act of 2012, the ILA Director shall develop and publish in the Federal Register indicators of minimum compliance for centers for independent living (consistent with the standards set forth in section 725), and indicators of minimum compliance for Statewide Independent Living Councils.”;

- (4) in subsection (c)—

(A) by striking paragraph (1) and inserting the following:

“(1) REVIEWS.—

“(A) TYPES OF REVIEWS.—The ILA Director shall annually conduct—

“(i) onsite compliance reviews of at least 15 percent of the centers for independent living that receive funds under section 722 and shall periodically conduct such a review of each such center;

“(ii) onsite compliance reviews of at least one-third of the designated State units that receive funding under section 723, and, to the extent necessary to determine the compliance of such a State unit with subsections (f) and (g) of section 723, centers that receive funding under section 723 in such State; and

“(iii) onsite compliance reviews for at least 10 percent of the Statewide Independent Living Councils established in each State under section 705.

“(B) SELECTIONS.—The ILA Director shall select the centers, State units, and Councils described in this paragraph for review on a random basis.”; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking “Commissioner” and inserting “ILA Director”;

(ii) in subparagraph (A), by striking “such a review” and inserting “a review described in paragraph (1)”;

and

(iii) in subparagraphs (A) and (B), by striking “Department” each place it appears and inserting “Independent Living Administration”; and

(5) by striking subsection (d).

## CHAPTER 2—INDEPENDENT LIVING SERVICES

### SEC. 477. ADMINISTRATION.

(a) ALLOTMENTS.—Section 711 (29 U.S.C. 796e) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(A)—

(i) by striking “Except” and inserting “After the reservation required by section 711A is made, and except”;

(ii) by inserting “the remainder of the” before “sums appropriated”; and

(B) in paragraph (2)(B), by striking “amounts made available for purposes of this part” and inserting “remainder described in paragraph (1)(A)”;

(2) in subsections (a), (b), and (c), by striking “Commissioner” each place it appears and inserting “ILA Director”; and

(3) by adding at the end the following:

“(d) ADMINISTRATION.—Funds allotted or made available to a State under this section shall be administered by the designated State entity, in accordance with the approved State plan, except for States covered by section 723.”.

(b) TRAINING AND TECHNICAL ASSISTANCE.—Part B of title VII is amended by inserting after section 711 (29 U.S.C. 796e) the following:

#### “SEC. 711A. TRAINING AND TECHNICAL ASSISTANCE.

“(a) IN GENERAL.—From the funds appropriated to carry out this part for any fiscal year, beginning with fiscal year 2012, the ILA Director shall first reserve not less than 1.8 percent and not more than 2 percent of the funds to provide training and technical assistance to Statewide Independent Living Councils for such fiscal year.

“(b) ALLOCATION.—From the funds reserved under subsection (a), the ILA Director shall make grants to, and enter into contracts and other arrangements with, entities that have experience in the operation of Statewide Independent Living Councils to provide such training and technical assistance with respect to developing, conducting, administering, and evaluating Statewide Independent Living Councils.

“(c) FUNDING PRIORITIES.—The ILA Director shall conduct a survey of Statewide Independent Living Councils regarding training and technical assistance needs in order to determine funding priorities for such grants, contracts, or other arrangements.

“(d) REVIEW.—To be eligible to receive a grant or enter into a contract or other arrangement under this section, such an entity shall submit an application to the ILA Director at such time, in such manner, and containing a proposal to provide such training and technical assistance, and containing such additional information as the ILA Director may require. The ILA Director shall provide for peer review of grant applications by panels that include persons who are not government employees and who have experience in the operation of Statewide Independent Living Councils.”.

(c) PAYMENTS.—Section 712(a) (29 U.S.C. 796e–1(a)) is amended by striking “Commissioner” and inserting “ILA Director.”

(d) AUTHORIZED USES OF FUNDS.—Section 713 (29 U.S.C. 796e–2) is amended—

(1) by striking the matter preceding paragraph (1) and inserting the following:

“(a) IN GENERAL.—The State may use funds received under this part (but not more than 30 percent of the funds paid to the State under section 712) to provide the resources described in section 705(e), relating to the Statewide Independent Living Council, may retain funds under section 704(c)(5), and shall distribute the remainder of the funds received under this part in a manner consistent with the approved State plan under section 704 for the activities described in subsection (b).

“(b) ACTIVITIES.—The State may use the remainder of the funds described in subsection (a)—”; and

(2) in paragraph (1), by inserting “, particularly those in unserved areas of the State” after “disabilities”.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 714 (29 U.S.C. 796e–3) is amended by striking “1999 through 2003” and inserting “2013 through 2017”.

### CHAPTER 3—CENTERS FOR INDEPENDENT LIVING

#### SEC. 481. PROGRAM AUTHORIZATION.

Section 721 (29 U.S.C. 796f) is amended—

(1) in subsection (a)—

(A) by striking “1999” and inserting “2012”;

(B) by striking “Commissioner shall allot” and inserting “ILA Director shall make available”; and

(C) by inserting “, centers for independent living,” after “States”;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking “For” and all that follows through “Commissioner” and inserting “From the funds appropriated to carry out this part for any fiscal year, beginning with fiscal year 2012, the ILA Director”;

(ii) by inserting “not less than 1.8 percent and not more than 2 percent of the funds” after “reserve”; and

(iii) by striking “eligible agencies” and all that follows and inserting “centers for independent living and eligible agencies for such fiscal year.”;

- (B) in paragraph (2)—
- (i) by striking “Commissioner” and inserting “ILA Director”; and
  - (ii) by inserting “fiscal management of,” before “planning,”;
- (C) in paragraphs (3), (4), and (5), by striking “Commissioner” each place it appears and inserting “ILA Director”; and
- (D) in paragraph (3), by striking “Statewide Independent Living Councils and”;
- (3) by striking subsection (c) and inserting the following:
- “(c) ALLOTMENTS TO STATES.—
- “(1) DEFINITIONS.—In this subsection:
- “(A) ADDITIONAL APPROPRIATION.—The term ‘additional appropriation’ means the amount (if any) by which the appropriation for a fiscal year exceeds the total of—
- “(i) the amount reserved under subsection (b) for that fiscal year; and
  - “(ii) the appropriation for fiscal year 2008.
- “(B) APPROPRIATION.—The term ‘appropriation’ means the amount appropriated to carry out this part.
- “(C) BASE APPROPRIATION.—The term ‘base appropriation’ means the portion of the appropriation for a fiscal year that is equal to the lesser of—
- “(i) an amount equal to 100 percent of the appropriation, minus the amount reserved under subsection (b) for that fiscal year; or
  - “(ii) the appropriation for fiscal year 2008.
- “(2) ALLOTMENTS TO STATES FROM BASE APPROPRIATION.—After the reservation required by subsection (b) has been made, the ILA Director shall allot to each State whose State plan has been approved under section 706 an amount that bears the same ratio to the base appropriation as the amount the State received under this subsection for fiscal year 2008 bears to the total amount that all States received under this subsection for fiscal year 2008.
- “(3) ALLOTMENTS TO STATES OF ADDITIONAL APPROPRIATION.—From the portion of any additional appropriation for each fiscal year that remains after the application of paragraph (4), the ILA Director shall allot to each State whose State plan has been approved under section 706 an amount equal to the sum of—
- “(A) an amount that bears the same ratio to 50 percent of the portion as the population of the State bears to the population of all States; and
  - “(B)  $\frac{1}{56}$  of 50 percent of that portion.
- “(4) GRANTS FOR CENTERS FOR AMERICAN INDIANS.—
- “(A) GRANTS.—The ILA Director may reserve not more than 5 percent of the additional appropriation for any fiscal year. The ILA Director shall use the reserved funds to make individual grants to support new or existing centers for independent living run by, or in conjunction with, the governing bodies of American Indian tribes located on Federal or State reservations (including consortia of such governing bodies). A governing body that receives such a



grant shall use the grant funds for such a center that serves American Indians who are individuals with disabilities residing on or near such a reservation.

“(B) APPLICATIONS.—

“(i) IN GENERAL.—To be eligible to receive a grant under this paragraph for an independent living center, a governing body, or a governing body in conjunction with a center for independent living, shall submit an application to the ILA Director at such time, in such manner and containing such information as the ILA Director may require, and obtain approval for the application.

“(ii) CONTENTS.—At a minimum, the application shall contain an assurance that the center—

“(I) will meet the definition of a center for independent living under section 702;

“(II) will provide independent living core services (as defined in section 7(17)) to American Indians described in subparagraph (A) and, in appropriate cases, may provide to such American Indians services traditionally used by Indian tribes;

“(III) will have sufficient staff to provide the services described in subclause (II); and

“(IV) will comply with the standards and provide and comply with the assurances for centers for independent living under section 725.

“(C) CARRYOVER AUTHORITY.—Notwithstanding any other provision of law, any funds provided through a grant made under subparagraph (A) to an individual grant recipient for a fiscal year that are not obligated or expended by the recipient prior to the beginning of the succeeding fiscal year shall remain available for obligation and expenditure by such recipient during that succeeding fiscal year and the subsequent fiscal year.

“(D) RESERVATION.—In this paragraph, the term ‘reservation’ has the meaning given the term in section 121(d).”;

(4) in subsection (d), by striking “Commissioner” each place it appears and inserting “ILA Director”; and

(5) by adding at the end the following:

“(e) CARRYOVER AUTHORITY.—Notwithstanding any other provision of law—

“(1) any funds appropriated for a fiscal year to carry out a grant program under section 722 or 723, that are not obligated and expended by the recipients prior to the beginning of the succeeding fiscal year shall remain available for obligation and expenditure by such recipients during that succeeding fiscal year and the subsequent fiscal year; and

“(2) any amounts of program income received by recipients under a grant program under section 722 or 723 in a fiscal year, that are not obligated and expended by the recipients prior to the beginning of the succeeding fiscal year, shall remain available for obligation and expenditure by such recipients during that succeeding fiscal year and the subsequent fiscal year.”.

**SEC. 482. CENTERS.**

(a) CENTERS IN STATES IN WHICH FEDERAL FUNDING EXCEEDS STATE FUNDING.—Section 722 (29 U.S.C. 796f-1) is amended—

(1) in subsections (a), (b), and (c), by striking “Commissioner” each place it appears and inserting “ILA Director”;

(2) in subsection (c)—

(A) by striking “grants” and inserting “grants for a fiscal year”; and

(B) by striking “by September 30, 1997” and inserting “for the preceding fiscal year”;

(3) in subsection (d)—

(A) in paragraph (1)—

(i) by striking “Commissioner” and inserting “ILA Director”; and

(ii) by striking “region, consistent” and all that follows and inserting “region. The ILA Director’s determination of the most qualified applicant shall be consistent with the provisions in the State plan setting forth the design of the State for establishing a statewide network of centers for independent living.”; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking “Commissioner” and inserting “ILA Director”; and

(ii) by striking subparagraph (A) and inserting the following:

“(A) shall consider comments regarding the application—

“(i) by individuals with disabilities and other interested parties within the new region proposed to be served;

“(ii) if any, by the Statewide Independent Living Council in the State in which the applicant is located.”; and

(iii) in subparagraph (C), by inserting “, and consistent with the other objectives of this title” before the period; and

(4) in subsections (e) and (g) by striking “Commissioner” each place it appears and inserting “ILA Director.”.

(b) CENTERS IN STATES IN WHICH STATE FUNDING EXCEEDS FEDERAL FUNDING.—Section 723 (29 U.S.C. 796f-2) is amended—

(1) in subsections (a), (b), (g), (h), and (i), by striking “Commissioner” each place it appears and inserting “ILA Director”;

(2) in subsection (a), in the header of paragraph (3), by striking “COMMISSIONER” and inserting “ILA DIRECTOR”; and

(3) in subsection (c)—

(A) by striking “grants” and inserting “grants for a fiscal year”; and

(B) by striking “by September 30, 1997” and inserting “for the preceding fiscal year”.

(c) CENTERS OPERATED BY STATE AGENCIES.—Section 724 (29 U.S.C. 796f-3) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking “1993” and inserting “2012”;

(B) by striking “Rehabilitation Act Amendments of 1998” and inserting “Workforce Investment Act of 2012”; and

(C) by striking “1994” and inserting “2012”; and  
 (2) by striking “Commissioner” each place it appears and inserting “ILA Director”.

**SEC. 483. STANDARDS AND ASSURANCES.**

Section 725 (29 U.S.C. 796f-4) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(D), by striking “to society” and inserting “, both within the community and throughout the United States,”; and

(B) in paragraph (5)—

(i) by inserting “(as defined in section 7(17))” after “core services”; and

(ii) by inserting before the period the following: “to eligible individuals, to promote full access to community life”; and

(2) in subsection (c), by striking “Commissioner” each place it appears and inserting “ILA Director”.

**SEC. 484. AUTHORIZATION OF APPROPRIATIONS.**

Section 727 (29 U.S.C. 796f-6) is amended by striking “fiscal years 1999 through 2003” and inserting “fiscal years 2013 through 2017”.

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

**SEC. 486. INDEPENDENT LIVING SERVICES FOR OLDER INDIVIDUALS WHO ARE BLIND.**

Chapter 2 of title VII of the Rehabilitation Act of 1973 (29 U.S.C. 796j et seq.) is amended—

(1) by redesignating sections 752 and 753 as sections 753 and 754, respectively; and

(2) by inserting after section 751 the following:

**“SEC. 752. TRAINING AND TECHNICAL ASSISTANCE.**

“(a) GRANTS; CONTRACTS; OTHER ARRANGEMENTS.—For any fiscal year for which the funds appropriated to carry out this chapter exceed the funds appropriated to carry out this chapter for fiscal year 2008, the Commissioner shall first reserve from such excess, to provide training and technical assistance to designated State agencies, or other providers of independent living services for older individuals who are blind, that are funded under this chapter for such fiscal year, not less than 1.8 percent, and not more than 2 percent, of the funds appropriated to carry out this chapter for the fiscal year involved.

“(b) ALLOCATION.—From the funds reserved under subsection (a), the Commissioner shall make grants to, and enter into contracts and other arrangements with, entities that demonstrate expertise in the provision of services to older individuals who are blind, to provide training and technical assistance with respect to planning, developing, conducting, administering, and evaluating independent living programs for older individuals who are blind.

“(c) FUNDING PRIORITIES.—The Commissioner shall conduct a survey of designated State agencies that receive grants under section 753 regarding training and technical assistance needs in order to determine funding priorities for grants, contracts, and other arrangements under this section.

“(d) APPLICATION.—To be eligible to receive a grant or enter into a contract or other arrangement under this section, an entity shall submit an application to the Commissioner at such time, in such manner, containing a proposal to provide such training and technical assistance, and containing such additional information as the Commissioner may require.

“(e) PROHIBITION ON COMBINED FUNDS.—No funds reserved by the Commissioner under this section may be combined with funds appropriated under any other Act or portion of this Act if the purpose of combining funds is to make a single discretionary grant or a single discretionary payment, unless such reserved funds are separately identified in the agreement for such grant or payment and are used for the purposes of this chapter.”.

**SEC. 487. PROGRAM OF GRANTS.**

Section 753 of the Rehabilitation Act of 1973 (29 U.S.C. 796k), as redesignated by section 586, is amended—

- (1) by striking subsection (h);
- (2) by redesignating subsections (i) and (j) as subsections (h) and (i), respectively;
- (3) in subsection (b), by striking “section 753” and inserting “section 754”;
- (4) in subsection (c)—
  - (A) in paragraph (1), by striking “section 753” and inserting “section 754”; and
  - (B) in paragraph (2)—
    - (i) by striking “subsection (j)” and inserting “subsection (i)”; and
    - (ii) by striking “subsection (i)” and inserting “subsection (h)”;
- (5) in subsection (g), by inserting “, or contracts with,” after “grants to”;
- (6) in subsection (h), as redesignated by paragraph (2)—
  - (A) in paragraph (1), by striking “subsection (j)(4)” and inserting “subsection (i)(4)”;
  - (B) in paragraph (2)—
    - (i) in subparagraph (A)(vi), by adding “and” after the semicolon;
    - (ii) in subparagraph (B)(ii)(III), by striking “; and” and inserting a period; and
    - (iii) by striking subparagraph (C); and
- (7) in subsection (i), as redesignated by paragraph (2)—
  - (A) by striking paragraph (2) and inserting the following:
 

“(2) MINIMUM ALLOTMENT.—

“(A) STATES.—In the case of any of the several States, the District of Columbia, or the Commonwealth of Puerto Rico, the amount referred to in paragraph (1)(A) for a fiscal year is the greater of—

    - “(i) \$350,000;
    - “(ii) an amount equal to the amount the State, the District of Columbia, or the Commonwealth of Puerto Rico received to carry out this chapter for fiscal year 2008; or
    - “(iii) an amount equal to  $\frac{1}{3}$  of 1 percent of the amount appropriated under section 754, and not re-

served under section 752, for the fiscal year and available for allotments under subsection (a).

“(B) CERTAIN TERRITORIES.—In the case of Guam, American Samoa, the United States Virgin Islands, or the Commonwealth of the Northern Mariana Islands, the amount referred to in paragraph (1)(A) for a fiscal year is \$60,000.”;

(B) in paragraph (3)(A), by striking “section 753” and inserting “section 754, and not reserved under section 752,”; and

(C) in paragraph (4)(B)(i), by striking “subsection (i)” and inserting “subsection (h)”.

**SEC. 488. INDEPENDENT LIVING SERVICES FOR OLDER INDIVIDUALS WHO ARE BLIND AUTHORIZATION OF APPROPRIATIONS.**

Section 754 of the Rehabilitation Act of 1973 (29 U.S.C. 796l), as redesignated by section 586, is amended by striking “fiscal years 1999 through 2003” and inserting “fiscal years 2013 through 2017”.

## **Subtitle I—Increasing Employment Opportunities for Individuals With Disabilities**

**SEC. 491. DISABILITY EMPLOYMENT.**

The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) is amended by adding at the end the following:

### **“TITLE VIII—INCREASING EMPLOYMENT OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES**

**“SEC. 801. PUBLIC EDUCATION CAMPAIGNS ABOUT HIRING INDIVIDUALS WITH DISABILITIES.**

“(a) IN GENERAL.—Not later than 120 days after the date of enactment of the Workforce Investment Act of 2012, the Secretary of Labor, acting through the Assistant Secretary and in coordination with the Commissioner of the Rehabilitation Services Administration, the Commissioner of Social Security, the Commissioner of the Internal Revenue Service, and the heads of other relevant Federal agencies and divisions of Federal agencies, shall develop and carry out public education campaigns that educate employers (including small businesses), employees (including individuals with disabilities), and members of the general public (including young adults) on the benefits of hiring individuals with disabilities. The public education campaign for employers (including small businesses) shall include information on—

“(1) the work opportunity credit under section 51 of the Internal Revenue Code of 1986; and

“(2) tax incentives available to businesses to help cover the cost of improving accessibility, including—

“(A) the disabled access credit under section 44 of the Internal Revenue Code of 1986; and

“(B) the tax deduction available under section 190 of the Internal Revenue Code of 1986, for expenses for architectural barrier removal.

“(b) EDUCATIONAL MATERIALS.—The public education campaigns described in subsection (a) shall include, as necessary, different educational materials in order to adequately target and educate, small businesses, employers generally, employees, and members of the general public, including educational materials on work incentives that may assist individuals with disabilities in leaving programs of public benefits, entering the workforce, advancing their economic status, and contributing to and participating more fully in their communities.”.

**SEC. 492. TABLE OF CONTENTS.**

The table of contents in section 1(b) is amended—

(1) by striking the item relating to section 109 and inserting the following:

“Sec. 109. Training and services for employers.”;

(2) by inserting after the item relating to section 112 the following:

“Sec. 113. Additional technical assistance.

“Sec. 114. Pre-employment transition services.”;

(3) by inserting after the item relating to section 205 the following:

“Sec. 206. Definition of covered school.”;

(4) by inserting after the item relating to section 509 the following:

“Sec. 510. Establishment of standards for accessible medical diagnostic equipment.”;

(5) by striking the items relating to part B of title VI and inserting the following:

“PART B—SUPPORTED EMPLOYMENT SERVICES

“Sec. 620. Authorization of appropriations.”;

(6) in the items relating to title VII—

(A)(i) by inserting after the item relating to section 701 the following:

“Sec. 701A. Independent Living Administration.”;

and

(ii) by striking the item relating to section 706 and inserting the following:

“Sec. 706. Responsibilities of the ILA Director.”;

(B) by inserting after the item relating to section 711 the following:

“Sec. 711A. Training and technical assistance.”;

and

(C) by striking the items relating to sections 752 and 753 and inserting the following:

“Sec. 752. Training and technical assistance.

“Sec. 753. Program of grants.

“Sec. 754. Authorization of appropriations.”;

and

(7) by adding at the end the following:

“TITLE VIII—INCREASING EMPLOYMENT OPPORTUNITIES FOR  
INDIVIDUALS WITH DISABILITIES

“Sec. 801. Public education campaigns about hiring individuals with disabilities.”.

