Public Law 101-554
101st Congress

An Act

To establish an employment training program for displaced homemakers, and for other purposes.

Nov. 15, 1990
[H.R. 3069]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Displaced Homemakers Self-Sufficiency Assistance Act. Inter-governmental relations. Grant programs. 29 USC 2301 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Displaced Homemakers Self-Sufficiency Assistance Act".

SEC. 2. FINDINGS; STATEMENT OF PURPOSE.

29 USC 2301.

(a) FINDINGS.—The Congress finds that—

(1) the Nation has a vested interest in building a quality and productive workforce that will enable the United States to compete effectively in the global marketplace;

(2) two in every three new entrants to the workforce during the 1990's will be women, and such women need appropriate basic and occupational skills to fill jobs requiring much higher skill levels than the jobs of today;

(3) there are approximately 15,600,000 displaced homemakers in the United States, the majority of whom are women not in the labor force, who live in poverty and who require educational, vocational, training and other services to obtain financial independence and economic security; and

(4) Federal, State, and local programs addressing the training and employment needs of displaced homemakers have been fragmented and insufficient to serve displaced homemakers effectively.

(b) PURPOSE.—It is the purpose of this Act to provide assistance to States to provide coordination and referral services, support service assistance, and program and technical assistance to displaced homemakers and displaced homemaker service providers. Such assistance will enable public and private entities to better meet the needs of displaced homemakers and will expand the employment and self-sufficiency options of displaced homemakers.

SEC. 3. DEFINITIONS.

29 USC 2302.

As used in this Act:

(1) The term "adult population" includes individuals aged 22 through 64.

(2) The term "community-based organization" has the same meaning given that term in section 4 of the Job Training Partnership Act.

(3) The term "displaced homemaker" means an individual who has been providing unpaid services to family members in the home and who—

(A) has been dependent either—

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(i) on public assistance and whose youngest child is within 2 years of losing eligibility under part A of title IV of the Social Security Act, or

(ii) on the income of another family member but is no longer supported by that income, and

(B) is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

(4) The term "eligible service provider" means—

(A) a community-based organization;

(B) a local educational agency (as such term is defined in section 4 of the Job Training Partnership Act);

(C) a postsecondary school (as such term is defined in such section);

(D) an institution of higher education (as such term is defined in such section);

(E) an area vocational education school (as such term is defined in such section); or

(F) other entities designated by the Governor that have the demonstrated ability to meet the needs of displaced homemakers.

(5) The term "eligible statewide public agency or statewide nonprofit organization" means agencies and organizations with demonstrated experience administering programs that serve displaced homemakers.

(6) The term "Secretary" means the Secretary of Labor.

(7) The term "State" includes any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands.

(8) The term "supportive services assistance" means assistance which is necessary to enable an individual eligible for services under this Act to participate in programs funded under this Act. Such services may include transportation, health care, special services and materials for the handicapped, child care, adult dependent care, meals, temporary shelter, financial counseling and other reasonable expenses required for participation in the program and may be provided in-kind or through cash assistance.

29 USC 2303.

SEC. 4. PROGRAM AUTHORIZATION.

(a) GRANTS BY THE SECRETARY.—Except as provided in subsections (b) and (c), for any fiscal year for which the appropriation for this Act is less than $25,000,000, the Secretary shall make the funds available as grants to eligible State agencies and statewide nonprofit organizations on a competitive award basis.

(b) STATE GRANT PROGRAM.—Except as provided in subsection (c), for any fiscal year for which the appropriation for this Act equals or exceeds $25,000,000, and for any fiscal year thereafter the Secretary shall use the available funds to make grants to States from allocations under section 7.

(c) RESERVATION.—The Secretary shall reserve such amounts as are necessary, not to exceed 5 percent of the funds appropriated pursuant to this Act, for training and technical assistance under section 14(b), and for administration and evaluation of the programs funded under this Act.

SEC. 5. COMPETITIVE GRANTS. 29 USC 2304.

(a) IN GENERAL.—Each eligible statewide public agency or statewide nonprofit organization desiring to receive a competitive grant under section 4(a) of this Act shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require. Each such application shall contain assurances that the State Job Training Coordinating Council and the Governor have had an opportunity to review and comment on the application. Each applicant shall include the comments received by the applicant pursuant to such review.

(b) PRIORITY.—In awarding grants under section 4(a) of this Act, the Secretary shall give priority to applications from statewide public agencies and statewide nonprofit organizations which—

(1) demonstrate that employment and training related services will be provided to displaced homemakers who are economically disadvantaged;

(2) provide access to a comprehensive referral system so that participants will be directed to appropriate services based on their assessed needs;

(3) demonstrate that employment and training related funds and services to be provided will be coordinated with other Federal and non-Federal programs providing education, training, or other human services;

(4) demonstrate the ability to provide appropriate transition for participants into other related programs such as adult basic education, remedial education, vocational education, and the Job Training Partnership Act; and

(5) demonstrate experience in providing services to displaced homemakers.

(c) AWARDS.—The Secretary shall not award more than 1 competitive grant per State. The competition for such grants shall be conducted annually, except that when a grantee has performed satisfactorily under the terms of an existing grant agreement and the immediately preceding grant agreement, the Secretary may waive the requirement for such competition upon receipt from the grantee of a satisfactory program plan for the succeeding grant period.

SEC. 6. USE OF COMPETITIVE GRANT FUNDS. 29 USC 2305.

(a) IN GENERAL.—Funds awarded under section 4(a) of this Act may be used for any purpose described in section 10 and for statewide model and demonstration projects that provide special services for rural displaced homemakers, minority displaced homemakers, women age 40 and older, and for nontraditional training or self-employment training.

(b) ADMINISTRATIVE COST.—Each eligible service provider receiving assistance under this Act may use no more than 20 percent of the funds awarded to such service provider for administrative costs.

SEC. 7. ALLOCATION. 29 USC 2306.

(a) ALLOCATION AMONG STATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), financial assistance to States under section 4(b) of this Act shall be allotted based on the ratio of the adult population of the State to the total adult population of the United States.

(2) MINIMUM STATE ALLOCATION.—No State shall receive an allotment for any fiscal year described in section 4(b) that is less than 0.5 percent of the total funds appropriated for such fiscal year.

(3) TIMELY ALLOCATION.—(A) All allotments and allocations under this Act shall be based on the latest available data and estimates satisfactory to the Secretary.

Federal Register, publication.

(B) Whenever the Secretary allots and allocates funds required to be allotted or allocated by formula or otherwise under this Act, the Secretary shall publish in a timely fashion in the Federal Register the proposed amount to be distributed to each recipient.

(C) All funds required to be distributed by formula under this Act shall be allotted within 45 days after the enactment of the appropriations therefor.

(D) All funds required to be distributed through competitive grants under section 5 of this Act shall be allotted within 30 days after the completion of the competition and the approval of grants.

(b) MAINTENANCE OF EFFORT.—

(1) IN GENERAL.—Except as provided in paragraph (2), a State is entitled to receive its full allocation of funds under section 4(b) of this Act for any fiscal year if the Secretary finds that the aggregate expenditures of public funds within the State with respect to the provision of services for displaced homemakers for the preceding fiscal year was not less than 90 percent of such aggregate expenditures of public funds for the fiscal year preceding the first fiscal year for which an allocation of funds is made under section 4(b).

(2) REDUCTIONS.—The Secretary shall reduce the amount of the allocation of funds under section 4(b) of this Act in any fiscal year in the exact proportion to which the State fails to meet the requirements of paragraph (1) by falling below 90 percent of the aggregate expenditures of public funds.

(3) WAIVER.—The Secretary may waive, for any fiscal year, the requirements of this subsection if the Secretary determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State.

29 USC 2307.

SEC. 8. STATE PLAN.

(a) PLAN REQUIRED.—In order to receive funds under section 4(b) of this Act, the Governor of each State shall develop and submit to the Secretary for review and approval an annual State plan, describing the programs, assessment, and counseling activities, coordination and referral activities, and services for displaced homemakers to be assisted with funds provided. Such plan shall be submitted at such time and in such form as the Secretary shall require by regulation.

Regulations.

(b) CONTENTS OF PLAN.—Each State plan submitted under subsection (a) shall—

(1) contain assurances that funds provided under this Act will be used to supplement and not supplant Federal, State, and local public funds expended to provide services for displaced homemakers;

(2) contain assurances that displaced homemakers with the greatest financial need will be given priority for services under this Act;

(3) contain assurances that displaced homemakers 40 years of age or older and minority displaced homemakers will be given special consideration for services under this Act;

(4) provide a description of the State's administration of the program funded under this Act;

(5) demonstrate that funds and services, including supportive services, under this Act will be coordinated with other existing Federal and non-Federal programs providing education, training, or other human services; and

(6) contain assurances that the State Job Training Coordinating Council and any significant State organization representing displaced homemakers have had the opportunity to review and comment on the State plan, and include such comments when it is submitted for approval.

SEC. 9. STATE ADMINISTRATION. 29 USC 2308.

(a) DESIGNATION OF ADMINISTRATIVE ENTITY.—The Governor of each State receiving an allotment under section 4(b) shall designate either—

(1) the existing State displaced homemaker unit, or

(2) the State unit administering displaced homemaker/single parent programs as authorized by the Carl Perkins Vocational and Applied Technology Education Act,

as the administrative entity for programs funded under this Act.

(b) STATE ADMINISTRATIVE ENTITY.—Each State administrative entity for displaced homemaker services in a State receiving financial assistance under section 4(b) of this Act shall—

(1) make appropriate services available to displaced homemakers through the use of eligible service providers;

(2) develop an annual plan for the use of all funds available under this Act for displaced homemaker programs, manage and coordinate the distribution of these funds, and monitor the use of funds distributed to eligible service providers;

(3) set forth the criteria to be used in approving applications from eligible service providers;

(4) provide appropriate pre-service and in-service training, technical assistance, and advice to individuals providing services to displaced homemakers; and

(5) gather, analyze, and disseminate data on the adequacy and effectiveness of the State in meeting the training and employment needs of displaced homemakers.

SEC. 10. USE OF FUNDS. 29 USC 2309.

(a) IN GENERAL.—Funds allocated to States pursuant to section 4(b) shall be used to provide services to displaced homemakers, including (but not limited to) the following: referral services, supportive service assistance, career counseling, assessment, testing and evaluation, pre-employment services, basic skills, literacy and bilingual training, recruitment and outreach, job development and placement, follow-up services and life skills development.

(b) SUPPLEMENT NOT SUPPLANT.—Funds provided under this Act shall be used to supplement and not to supplant Federal, State, and local public funds expended to provide services to displaced homemakers.

(c) SUPPORTIVE SERVICES LIMITATIONS.—

(1) HEALTH CARE, MEALS, AND SHELTER.—Not more than 5 percent of the funds made available to any eligible service provider for any fiscal year may be used to provide health care, meals, and temporary shelter.

(2) DUPLICATION.—Funds used under this Act to provide supportive services shall not be used to duplicate services provided by any other public or private source that are available to participants without cost.

(d) ADMINISTRATIVE COST.—Each eligible service provider receiving assistance under this Act may use no more than 20 percent of the funds awarded to such service provider for administrative costs.

29 USC 2310.

SEC. 11. WITHIN STATE ALLOCATION.

(a) IN GENERAL.—Subject to subsection (e), from amounts allotted to each State pursuant to section 4(b), the designated administrative entity of each State shall make grants to eligible service providers to provide education, training related, and supportive services to displaced homemakers.

(b) AWARDS.—The administrative entity of each State receiving assistance under this Act shall award grants to eligible service providers only on a competitive basis. The competition for such grants shall be conducted annually, except that when a grantee has performed satisfactorily under the terms of an existing grant agreement and the immediately preceding grant agreement, the administrative entity may waive the requirement for such competition upon receipt from the grantee of a satisfactory program plan for the succeeding grant period.

(c) ASSURANCES.—Each service provider receiving a grant shall provide assurances that the services offered under this Act are of sufficient size, scope, and quality to reasonably meet the education and training related needs of the displaced homemakers being served.

(d) RESERVATIONS.—The Governor of each State shall reserve no more than 5 percent of funds allotted under section 4(b) for the costs of State administration pursuant to section 9.

29 USC 2311.

SEC. 12. ELIGIBLE SERVICE PROVIDERS.

(a) IN GENERAL.—The designated administrative entity of each State receiving assistance shall select eligible service providers that demonstrate the ability to effectively deliver training, education, and supportive services to displaced homemakers.

(b) PRIORITY.—Each State receiving financial assistance under this Act shall give priority in awarding grants to eligible service providers which have experience in providing services to displaced homemakers.

(c) COMMUNITY-BASED ORGANIZATIONS.—Community-based organizations shall be given the opportunity to compete on an equitable basis with other eligible service providers for grants under this Act.

Statistics.
29 USC 2312.

SEC. 13. NATIONAL ACTIVITIES.

(a) INFORMATION.—From amounts available under section 4(c), the Secretary shall implement a uniform data collection system to collect information from the States. The information to be collected shall include—

(1) the number of displaced homemakers served,

(2) the race, age, and sex of displaced homemakers,

(3) the number of dependents of displaced homemakers,

(4) the amount of income of displaced homemakers,

(5) the range of services identified during the assessment process as necessary for displaced homemakers, and

(6) the services received by displaced homemakers and appropriate outcomes, including type of training and education received, and type of job and wage-at-placement for displaced homemakers placed.

SEC. 14. ADMINISTRATIVE PROVISIONS. 29 USC 2313.

(a) IN GENERAL.—The Secretary shall take appropriate action to establish administrative procedures for the selection, administration, monitoring, and evaluation of displaced homemaker programs authorized under this Act.

(b) SPECIAL RULE.—The Secretary may provide, where appropriate, through grants or contracts, training and technical assistance to statewide public agencies or statewide nonprofit organizations serving displaced homemakers.

(c) REPORT.—The Secretary shall biennially report to the Congress on the funds and services provided to displaced homemakers and the results of any evaluations under this Act.

SEC. 15. AUTHORIZATION OF APPROPRIATIONS. 29 USC 2314.

There are authorized to be appropriated to carry out this Act $35,000,000 for fiscal year 1991 and such sums as may be necessary for each succeeding fiscal year. Funds appropriated pursuant to this section are authorized to remain available for two fiscal years succeeding the fiscal year for which appropriated.

Approved November 15, 1990.

LEGISLATIVE HISTORY—H.R. 3069:

CONGRESSIONAL RECORD, Vol. 136 (1990):
Oct. 15, considered and passed House.
Oct. 19, considered and passed Senate, amended.
Oct. 24, House concurred in Senate amendments.

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