

112<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4227

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

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 20, 2012

Mr. TIERNEY (for himself, Mr. HINOJOSA, and Mr. GEORGE MILLER of California) introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

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

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

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

4       (a) **SHORT TITLE.**—This Act may be cited as the  
5       “Workforce Investment Act of 2012”.

1 (b) TABLE OF CONTENTS.—The table of contents for  
 2 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.

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 author-  
ization of appropriations.

Subtitle I—Increasing Employment Opportunities for Individuals With  
Disabilities

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

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

2 The purposes of this Act include the following:

3 (1) To increase economic growth by improving  
4 the education and skills of American workers.

5 (2) To ensure middle class prosperity through  
6 strong investment in talent and workforce develop-  
7 ment.

8 (3) To prepare the unemployed, the under-  
9 employed, and those most disadvantaged with skills  
10 to match up with employer needs.

11 (4) To provide individuals streamlined access to  
12 in-demand skills training and employment services  
13 by aligning education, training and workforce invest-  
14 ment programs.

15 (5) To strengthen engagement with employers  
16 in in-demand industries and all sectors to meet the  
17 needs of employers.

1           (6) To improve the competitiveness and dyna-  
 2           mism of the Nation’s future workforce by investing  
 3           in college and career-ready pathways for young  
 4           adults.

5           (7) To ensure accountability and efficiency  
 6           through system performance measures that  
 7           incentivize continuous improvement in services for  
 8           workers and employers.

9           (8) To encourage private sector partnerships  
 10          connecting employers, labor unions, community col-  
 11          leges, workforce boards and related stakeholders to  
 12          develop workforce skills that meet employer needs,  
 13          including career pathways, recognized postsecondary  
 14          credentials, and regional planning.

15                   **TITLE I—WORKFORCE**  
 16                   **INVESTMENT SYSTEMS**  
 17                   **Subtitle A—Definitions**

18 **SEC. 101. DEFINITIONS.**

19           Section 101 is amended—

20                   (1) by striking paragraph (24) and by redesi-  
 21           gnating—

22                           (A) paragraphs (52) and (53) as para-  
 23                           graphs (60) and (61), respectively;

24                           (B) paragraphs (40) through (51) as para-  
 25                           graphs (47) through (58), respectively;

1 (C) paragraphs (25) through (39) as para-  
2 graphs (31) through (45), respectively;

3 (D) paragraphs (18) through (23) as para-  
4 graphs (25) through (30), respectively;

5 (E) paragraph (17) as paragraph (22);

6 (F) paragraphs (12) through (16) as para-  
7 graphs (16) through (20), respectively;

8 (G) paragraphs (8) through (11), as para-  
9 graphs (11) through (14), respectively; and

10 (H) paragraphs (5) through (7) as para-  
11 graphs (6) through (8), respectively;

12 (2) by inserting after paragraph (4) the fol-  
13 lowing:

14 “(5) CAREER PATHWAY.—

15 “(A) IN GENERAL.—The term ‘career  
16 pathway’ means a sequence of education, train-  
17 ing, and other supportive services, clearly ar-  
18 ticulated from one level of instruction to the  
19 next, that are designed to prepare individuals to  
20 meet a set of career-related objectives as ref-  
21 erenced in subparagraph (C).

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

1 “(i) aligned with the skill needs of in-  
2 dustries in the State or regional economy  
3 involved;

4 “(ii) designed to increase an individ-  
5 ual’s educational and skill attainment, and  
6 improve the individual’s employment out-  
7 comes and ability to meet career-related  
8 objectives, by—

9 “(I) preparing individuals for the  
10 full range of secondary or postsec-  
11 ondary education options, including  
12 apprenticeships registered under the  
13 Act of August 16, 1937 (commonly  
14 known as the ‘National Apprentice-  
15 ship Act’; 50 Stat. 664, chapter 663;  
16 29 U.S.C. 50 et seq.) (referred to in-  
17 dividually in this Act as an ‘appren-  
18 ticeship’, except in section 273);

19 “(II) including supportive serv-  
20 ices and counseling to support individ-  
21 uals in achieving their education and  
22 career goals;

23 “(III) including, as appropriate  
24 for an individual, education offered  
25 concurrently with and in the context



1 of workforce preparation activities and  
2 training for a specific occupation or  
3 occupational cluster; and

4 “(IV) when participants are  
5 adults, organizing courses to meet  
6 adult participants’ needs including  
7 flexible scheduling, multiple entry and  
8 exit points (that may correspond with  
9 work and stackable credentials), giv-  
10 ing credit for learning toward creden-  
11 tials and adopting other strategies  
12 that accelerate the educational and  
13 career advancement of the participant  
14 to the extent practicable; and

15 “(iii) at a minimum, provided through  
16 the alignment of core programs authorized  
17 under this Act with postsecondary edu-  
18 cation and training programs, consistent  
19 with descriptions included in the State and  
20 local plans.

21 “(C) OBJECTIVES.—The objectives re-  
22 ferred to in subparagraph (A) include—

23 “(i) enabling an individual to attain a  
24 secondary school diploma or its recognized

1 equivalent, and at least 1 recognized post-  
2 secondary credential; and

3 “(ii) helping a worker enter or ad-  
4 vance within a specific occupation or occu-  
5 pational cluster.”;

6 (3) by inserting after paragraph (8) (as so re-  
7 designated), the following:

8 “(9) CORE PROGRAM.—The term ‘core pro-  
9 grams’ means—

10 “(A) chapter 4 and 5 of subtitle B of title  
11 I (relating to youth workforce investment activi-  
12 ties and adult and dislocated worker employ-  
13 ment and training activities);

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

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

19 “(D) title I of the Rehabilitation Act of  
20 1973 (29 U.S.C. 701 et seq.), other than sec-  
21 tion 112 or part C of that title (29 U.S.C. 732,  
22 741) (relating to vocational rehabilitation serv-  
23 ices).

24 “(10) COSTS OF INFRASTRUCTURE.—The term  
25 ‘costs of infrastructure’, used with respect to a one-

1 stop center, means the nonpersonnel costs that are  
2 necessary for the operation of the one-stop center,  
3 including the rental costs of the facilities, the costs  
4 of utilities and maintenance, equipment (including  
5 assessment-related products and adaptive technology  
6 for individuals with disabilities), and technology to  
7 facilitate access to the one-stop center.”;

8 (4) by inserting after paragraph (14) (as so re-  
9 designated), the following:

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

16 “(A) family size;

17 “(B) the cost of living in the worker’s com-  
18 munity; and

19 “(C) other factors that may vary by re-  
20 gion.”;

21 (5) by inserting after paragraph (20) (as so re-  
22 designated), the following:

23 “(21) IN-DEMAND INDUSTRY SECTOR OR OCCU-  
24 PATION.—

1                   “(A) IN GENERAL.—The term ‘in-demand  
2 industry sector or occupation’ means—  
3                   “(i) an industry sector that—  
4                   “(I) has a substantial current or  
5 forecasted impact on the regional  
6 economy overall, including attracting,  
7 expanding or retaining businesses or  
8 jobs (including, at a minimum, jobs  
9 that lead to economic self-sufficiency  
10 and opportunities for advancement) in  
11 the region;  
12                   “(II) contributes to the growth of  
13 other supporting businesses, or the  
14 growth of other industry sectors with-  
15 in the region;  
16                   “(III) provides workers with jobs  
17 that have competitive, family-sus-  
18 taining wages and benefits; and  
19                   “(IV) includes occupations that  
20 provide opportunities for career ad-  
21 vancement; or  
22                   “(ii) an occupation that—  
23                   “(I) has a significant presence in  
24 an industry sector;

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

3                   “(III) pays competitive, family-  
4 sustaining wages and benefits that en-  
5 able workers to achieve economic self-  
6 sufficiency, or can reasonably be ex-  
7 pected to lead to a position with such  
8 wages and benefits;

9                   “(IV) provides opportunities for  
10 career advancement; and

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

13                   “(B) DETERMINATION.—The determina-  
14 tion of whether an industry sector or occupation  
15 is an in-demand industry sector or occupation  
16 under this paragraph shall be made using na-  
17 tional, State, or regional labor market informa-  
18 tion.”;

19                   (6) by inserting after paragraph (22) (as so re-  
20 designated), the following:

21                   “(23) INDIVIDUAL WITH EMPLOYMENT BAR-  
22 RIERS.—The term ‘individual with employment bar-  
23 riers’ means an individual with any characteristic  
24 that substantially limits an individual’s ability to ob-  
25 tain employment, including indicators of poor work

1 history, lack of work experience or access to employ-  
2 ment in nontraditional occupations, long-term unem-  
3 ployment, lack of educational or occupational skills  
4 attainment, dislocation from high-wage and high-  
5 benefit employment, low levels of literacy or English  
6 proficiency, disability status, homelessness, ex-of-  
7 fender status, or welfare dependency.

8 “(24) INDUSTRY OR SECTOR PARTNERSHIP.—

9 The term ‘industry or sector partnership’ means a  
10 workforce collaborative that—

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

16 “(i) representatives of multiple busi-  
17 nesses or other employers in the industry  
18 cluster, including small and medium-sized  
19 employers when practicable;

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

1           “(iii) 1 or more representatives of an  
2 institution of higher education with, or an-  
3 other provider of, education or training  
4 programs that support the industry clus-  
5 ter, including career and technical edu-  
6 cation providers; and

7           “(iv) the State workforce agency pro-  
8 viding labor market information and em-  
9 ployment services under the Wagner-  
10 Peyser Act; and

11       “(B) may include representatives of—

12           “(i) State or local government;

13           “(ii) State or local economic develop-  
14 ment agencies;

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

17           “(iv) any local board that has estab-  
18 lished through its local plan a concentra-  
19 tion of an industry cluster within its area;

20           “(v) business or trade associations;

21           “(vi) nonprofit organizations, commu-  
22 nity-based organizations, or intermediaries;

23           “(vii) philanthropic organizations; and

24           “(viii) other organizations, as deter-  
25 mined to be necessary by the members

1           comprising the industry or sector partner-  
2           ship.”.

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

9           (8) by inserting after paragraph (44) (as so re-  
10          designated), the following:

11          “(45) **RECOGNIZED POSTSECONDARY CREDEN-**  
12          **TIAL.**—The term ‘recognized postsecondary creden-  
13          **tial’** means a credential awarded by a training pro-  
14          vider or educational institution based on completion  
15          of all requirements for a program of study, including  
16          coursework or tests or other performance evalua-  
17          tions. The term includes an industry-recognized cer-  
18          tificate, a certificate of completion of an apprentice-  
19          ship, or an associate or baccalaureate degree.”; and

20          (9) by inserting after paragraph (57) (as so re-  
21          designated), the following:

22          “(58) **WORKPLACE LEARNING ADVISOR.**—The  
23          term ‘workplace learning advisor’ means an indi-  
24          vidual employed by an organization who has the  
25          knowledge and skill necessary to advise other em-



1 ployees of that organization about the education,  
2 skill development, job training, career counseling  
3 services, and credentials, including services provided  
4 through the workforce investment system, required  
5 to progress toward career goals of such employees in  
6 order to meet employer requirements related to job  
7 openings and career advancements that support eco-  
8 nomic self-sufficiency.”.

9 **Subtitle B—Statewide and Local**  
10 **Workforce Investment Systems**

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

13 (a) SIZE AND FUNCTIONS OF THE STATE BOARDS.—

14 Section 111 is amended—

15 (1) in subsection (b)—

16 (A) in paragraph (1)(C)—

17 (i) by amending clause (i)(I), by strik-  
18 ing “including” and inserting “shall in-  
19 clude”; and

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

22 “(vi)(I) lead State officials with pri-  
23 mary responsibility for the program and  
24 activities that are described in section  
25 121(b)(2)(B)(1) (i) through (iv); and

1                   “(II) the State agency officials re-  
2                   sponsible for economic development;” and

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

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

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

10                   “(B) may include representatives of com-  
11                   munity-based organizations that have dem-  
12                   onstrated experience and expertise in address-  
13                   ing the employment needs of individuals with  
14                   barriers to employment, including organizations  
15                   that provide or support competitive, integrated  
16                   employment for individuals with disabilities;  
17                   and

18                   “(C) may include representatives of organi-  
19                   zations that have demonstrated experience and  
20                   expertise in addressing the employment, train-  
21                   ing, or education needs of eligible youth, includ-  
22                   ing representatives of organizations that serve  
23                   out-of-school youth.”.

24                   (2) in subsection (d)—

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

3 (B) in paragraph (9), by striking the pe-  
4 riod and inserting a semicolon; and

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

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

14 “(11) promotion in the development of sector  
15 initiatives such as industry or sector partnerships re-  
16 lating to in-demand industry sectors and occupa-  
17 tions;

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

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

1           “(14) staff training and education across pro-  
2           grams supported under workforce investment sys-  
3           tems in local areas.”.

4           (b) REQUIRED CONTENT OF STATE PLANS.—Section  
5 112 is amended—

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

11          (2) in subsection (b)—

12           (A) in paragraph (4)—

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

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

17           “(E) the State’s strategic vision and goals  
18          for preparing an educated and skilled workforce  
19          (including preparing youth and individuals with  
20          barriers to employment) and for meeting the  
21          skilled workforce needs of employers, including  
22          goals relating to performance accountability  
23          measures based on primary indicators of per-  
24          formance described in section 136(b)(2), in

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

3 “(F) a strategy not inconsistent with the  
4 program requirements of the core programs for  
5 aligning the core programs, as well as other re-  
6 sources available to the State, to achieve the  
7 strategic vision and goals described in subpara-  
8 graph (E), including how the State will meet  
9 performance accountability measures based on  
10 the system-wide indicators described in section  
11 136(b)(2)(A) in order to support program  
12 alignment.”;

13 (B) in paragraph (8)(A)—

14 (i) in clauses (ix) and (x), respectively,  
15 by striking “; and” and inserting a semi-  
16 colon; and

17 (ii) by adding at the end the fol-  
18 lowing:

19 “(xi) apprenticeship programs reg-  
20 istered under the National Apprenticeship  
21 Act (50 Stat. 664, chapter 663; 29 U.S.C.  
22 50 et seq.);

23 “(xii) State labor certification activi-  
24 ties for employment-based immigration

1 programs authorized under the Immigra-  
2 tion and Nationality Act; and

3 “(xiii) employment, training, and lit-  
4 eracy services carried out by public librar-  
5 ies.”;

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

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

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

16 (F) by adding at the end the following:

17 “(19) a process for providing guidance to local  
18 areas and conducting oversight to ensure implemen-  
19 tation of priority of service for adult employment  
20 and training activities; in accordance with section  
21 134(d)(4)(E);

22 “(20) a description of how the State will de-  
23 velop and implement career pathways and career  
24 and technical education by aligning workforce invest-  
25 ment programs for the purpose of providing individ-

1 uals, including low-skill adults and youth, with the  
2 employment, training, education, and supportive  
3 services the individuals need to attain the necessary  
4 credentials to secure and advance in employment;

5 “(21) an objective assessment of the needs of  
6 individuals in the State or outlying area for adult  
7 education and literacy activities, including individ-  
8 uals with employment barriers;

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

12 “(A) low-income students;

13 “(B) individuals with disabilities;

14 “(C) single parents and displaced home-  
15 makers; and

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

19 “(23) a description of how the adult education  
20 and literacy activities that will be carried out with  
21 any funds received under this subtitle will be inte-  
22 grated with other adult education, career develop-  
23 ment, and employment and training activities in the  
24 State or outlying area served by the eligible agen-  
25 cy.”; and

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

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

5           The Workforce Investment Act of 1998 is further  
6 amended—

7           (1) by striking section 501; and

8           (2) by inserting after section 112 the following:

9 **“SEC. 113. STATE UNIFIED PLAN.**

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

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

19          “(c) STATE UNIFIED PLAN.—

20                 “(1) IN GENERAL.—A State shall develop and  
21 submit to the appropriate Secretaries a State unified  
22 plan for the core programs and may develop and  
23 submit one or more of the program and activities de-  
24 scribed in paragraph (2) in lieu of submitting two or



1 more plans, for the programs and activities and the  
2 core programs.

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

5 “(A) Career and technical education pro-  
6 grams at the secondary and postsecondary level  
7 authorized under the Carl D. Perkins Career  
8 and Technical Education Act of 2006 (20  
9 U.S.C. 2301 et seq.).

10 “(B) Programs authorized under part A of  
11 title IV of the Social Security Act (42 U.S.C.  
12 601 et seq.).

13 “(C) Programs authorized under section  
14 6(d)(4) of the Food and Nutrition Act of 2008  
15 (7 U.S.C. 2015(d)(4)).

16 “(D) Work programs authorized under sec-  
17 tion 6(o) of the Food and Nutrition Act of  
18 2008 (7 U.S.C. 2015(o)).

19 “(E) Activities authorized under chapter 2  
20 of title II of the Trade Act of 1974 (19 U.S.C.  
21 2271 et seq.).

22 “(F) Activities authorized under chapter  
23 41 of title 38, United States Code.

1           “(G) Programs authorized under State un-  
2           employment compensation laws (in accordance  
3           with applicable Federal law).

4           “(H) Programs authorized under title V of  
5           the Older Americans Act of 1965 (42 U.S.C.  
6           3056 et seq.).

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

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

13          “(K) Programs authorized under section  
14          212 of the Second Chance Act of 2007 (42  
15          U.S.C. 17532).

16          “(d) REQUIREMENTS.—

17           “(1) IN GENERAL.—The portion of a unified  
18           plan covering the core programs shall be subject to  
19           the requirements of section 112 and to the addi-  
20           tional requirements contained in the authorizing  
21           statute of the core program, if any. The portion of  
22           such plan covering a program or activity described  
23           in subsection (b)(2) shall be subject to the require-  
24           ments, if any, applicable to a plan or application for  
25           assistance for that program or activity.

1           “(2) ADDITIONAL SUBMISSION NOT RE-  
2           QUIRED.—A State that submits a State unified plan  
3           covering an activity or program described in sub-  
4           section (b) that is approved under subsection (d)  
5           shall not be required to submit any other plan or ap-  
6           plication in order to receive Federal funds to carry  
7           out the activity or program.

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

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

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

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

20                   “(1) JURISDICTION.—The appropriate Sec-  
21                   retary shall have the authority to approve the por-  
22                   tion of the State unified plan relating to the activity  
23                   or program over which the appropriate Secretary ex-  
24                   ercises administrative authority. On the approval of  
25                   the appropriate Secretary, the portion of the plan re-

1 relating to the activity or program shall be imple-  
2 mented by the State pursuant to the applicable por-  
3 tion of the State unified plan.

4 “(2) APPROVAL OF CORE PROGRAMS.—No por-  
5 tion of the plan relating to a core program shall be  
6 implemented until the appropriate Secretary ap-  
7 proves the corresponding portions of the plan for all  
8 core programs. Other core programs may continue  
9 in operation while new plan provisions are revised or  
10 are awaiting approval.

11 “(3) TIMING OF APPROVAL.—

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

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

1 be approved by the appropriate Secretary at the  
2 end of the 90-day period beginning on the day  
3 the plan is submitted.

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

14 “(4) LOCAL JURISDICTION.—The appropriate  
15 local board shall approve the portion of the State  
16 unified plan relating to the activity or program over  
17 which the appropriate local board exercises adminis-  
18 trative authority. On the approval of the appropriate  
19 local board, the portion of the plan relating to the  
20 activity or program shall be implemented by the  
21 State pursuant to the applicable portion of the State  
22 unified plan.”.

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

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

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

6 “(A) As part of”;

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

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

10 “(B) **PLANNING FOR COOPERATIVE INITIA-**  
11 **TIVES AND ARRANGEMENTS.**—In the regions  
12 comprised of 2 or more local areas, the State  
13 shall, in consultation with local boards, require  
14 regional planning, and service delivery, by local  
15 boards in those regions. For the purpose of ad-  
16 ministrative efficiency, the State shall require  
17 the local boards in a planning region to partici-  
18 pate in a regional planning process for coopera-  
19 tive initiatives and arrangements that result  
20 in—

21 “(i) the establishment and implemen-  
22 tation of regional service strategies and ac-  
23 tivities, including service delivery coopera-  
24 tive arrangements and regional approaches  
25 to address the employment and training  
26 needs of the region, including strategies

1 that meet the need of individuals with bar-  
2 riers to employment;

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

6 “(iii) the collection and analysis of re-  
7 gional labor market data (in conjunction  
8 with the State); and

9 “(iv) the establishment of administra-  
10 tive and infrastructural cost sharing, as  
11 appropriate.

12 “(C) REGIONAL PLANS.—The State, after  
13 consultation with the local boards and chief  
14 elected officials for the planning region, shall  
15 require the local boards and officials to collabo-  
16 rate in order to prepare, submit, and obtain ap-  
17 proval of a single regional plan. Such plan shall  
18 include a description of the cooperative initia-  
19 tives and arrangements developed pursuant to  
20 clause (iii) and incorporate local plans for each  
21 of the local areas in the planning region, which  
22 shall contain strategies that are consistent and  
23 aligned with each other.”.

24 (b) COMPOSITION OF THE BOARD AND INCLUSION OF  
25 PUBLIC LIBRARIES.—Section 117(b)(2)(A)(iv) is amend-

1 ed by striking “individuals with disabilities and” and in-  
2 serting “public libraries, individuals with disabilities,  
3 and”.

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

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

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

12 “(B) may include representatives of com-  
13 munity-based organizations that have dem-  
14 onstrated experience and expertise in address-  
15 ing the employment needs of individuals with  
16 barriers to employment, including organizations  
17 that provide or support competitive, integrated  
18 employment for individuals with disabilities;  
19 and

20 “(C) may include representatives of organi-  
21 zations that have demonstrated experience and  
22 expertise in addressing the employment, train-  
23 ing, or education needs of eligible youth, includ-  
24 ing representatives of organizations that serve  
25 out-of-school youth.”.



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

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

6 (2) by amending paragraph (1) to read as fol-  
7 lows:

8 “(1) LOCAL PLAN.—The local board, in part-  
9 nership with the chief elected official for the local  
10 area involved, shall develop and submit a local plan  
11 to the Governor that meets the requirements in sec-  
12 tion 118. If the local area is part of a planning re-  
13 gion that includes other local areas, the local board  
14 shall collaborate with the other local boards and  
15 chief elected officials from such other local areas in  
16 the development and submission of the local plan as  
17 described in section 116(c)(1)(A).”; and

18 (3) in paragraph (3)(B)(i)—

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

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

24 (C) in subclause (III)(ii), by adding at the  
25 end the following: “which staff, including staff

1 of a one-stop center, report to and are respon-  
2 sible to the local board and not the chief elected  
3 official”;

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

8 (5) in paragraph (8)—

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

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

13 (C) by adding at the end the following:  
14 “and to link youth, dislocated workers and oth-  
15 ers to opportunities for employment, intern-  
16 ships, registered apprenticeships, or work-based  
17 learning”; and

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

20 “(9) CAREER PATHWAYS DEVELOPMENT.—The  
21 local board, in consultation with the State board and  
22 with representatives of secondary, postsecondary, ca-  
23 reer and technical education, and adult education  
24 programs, shall lead efforts in the local area to de-  
25 velop and implement career pathways within the

1 local area by aligning the employment, training, edu-  
2 cation, and supportive services that are needed by  
3 adults and youth, particularly individuals with bar-  
4 riers to employment.

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

11 “(A) utilize analyses of the economic con-  
12 ditions in the region, the needed knowledge and  
13 skills for the region, the workforce in the re-  
14 gion, and workforce development activities (in-  
15 cluding education and training) in the region  
16 described in section 118(b)(1), and regularly  
17 update such information;

18 “(B) assist the Governor in developing the  
19 statewide labor market information system de-  
20 scribed in section 15(e) of the Wagner-Peyser  
21 Act (29 U.S.C. 49l–2(e)), specifically in the col-  
22 lection, analysis, and utilization of labor market  
23 information for the region; and

24 “(C) assemble and utilize such other re-  
25 search, data collection, and analysis related to

1 the workforce needs of the regional economy as  
2 the board, after receiving input from a wide  
3 array of stakeholders, determines to be nec-  
4 essary to carry out its functions.

5 “(11) PROVEN AND PROMISING PRACTICES.—

6 The local board shall lead efforts in the local area  
7 to—

8 “(A) identify and promote proven and  
9 promising strategies and initiatives for meeting  
10 the needs of employers, and workers and job  
11 seekers (including individuals with barriers to  
12 employment) in the local workforce investment  
13 system, including providing physical and pro-  
14 grammatic accessibility, in accordance with sec-  
15 tion 288 and applicable provisions of the Ameri-  
16 cans with Disabilities Act of 1990 (42 U.S.C.  
17 12101 et seq.) and section 504 of the Rehabili-  
18 tation Act of 1973 (29 U.S.C. 794), to the one-  
19 stop delivery system; and

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

1           “(12) TECHNOLOGY.—The local board shall de-  
2           velop strategies for using technology to maximize the  
3           accessibility and effectiveness of the local workforce  
4           investment system for employers, and workers and  
5           job seekers, by—

6                   “(A) facilitating connections among the re-  
7                   porting systems of the one-stop partner pro-  
8                   grams to support a comprehensive workforce in-  
9                   vestment system in the local area;

10                   “(B) facilitating access to services provided  
11                   throughout the one-stop delivery system in-  
12                   volved, including facilitating the access in re-  
13                   mote areas;

14                   “(C) identifying strategies for better meet-  
15                   ing the needs of individuals with barriers to em-  
16                   ployment, including strategies that augment  
17                   traditional service delivery and technologies that  
18                   increase access to services and programs of the  
19                   one-stop delivery system for individuals with  
20                   disabilities and other barriers to employment;  
21                   and

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

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

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

10          “(15) LITERACY.—The local board shall ensure  
11          that one-stop operators in the local area develop and  
12          implement policies to ensure that the literacy and  
13          English language skills of an adult or eligible youth  
14          are not barriers to accessing services, including  
15          training services, that are available to assist individ-  
16          uals obtain and maintain employment.

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

22          (e) CONTENTS OF THE LOCAL PLAN.—Section  
23          118(b) is amended—

24                 (1) in paragraph (1), by striking “an identifica-  
25                 tion of—” and inserting “based on a labor market

1 study and input solicited from local businesses, an  
2 identification of—”

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

6 “(7) a description of how the local board will  
7 coordinate workforce investment activities carried  
8 out in the local area with apprenticeship programs  
9 registered under the National Apprenticeship Act  
10 (50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.);”;  
11 and

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

13 “(12) a description of the procedure or process  
14 for implementing a priority of service for adult em-  
15 ployment and training activities in accordance with  
16 section 134(d)(4)(E); and

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

21 **SEC. 114. ADDITIONAL ONE-STOP PROGRAMS AND ACTIVI-**

22 **TIES.**

23 Section 121 is amended—

24 (1) in subsection (b)—

25 (A) in paragraph (1)(B)—

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

3 (ii) in clause (xii), by striking the pe-  
4 riod and inserting a semicolon; and

5 (iii) by adding at the end the fol-  
6 lowing:

7 “(xiii) programs authorized under sec-  
8 tion 212 of the Second Chance Act of 2007  
9 (42 U.S.C. 17532); and

10 “(xiv) programs authorized under part  
11 A of title IV of the Social Security Act (42  
12 U.S.C. 601 et seq.), subject to subpara-  
13 graph (C).

14 “(A) DETERMINATION BY THE GOV-  
15 ERNOR.—

16 “(i) IN GENERAL.—An entity that  
17 carries out a program referred to in sub-  
18 paragraph (B)(xiv) shall be included in the  
19 one-stop partners for the local area, as a  
20 required partner, for purposes of this Act  
21 and the other core program provisions that  
22 are not part of this Act, unless the Gov-  
23 ernor provides the notification described in  
24 clause (ii).



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

4                                 “(I) is made in writing of a de-  
5                                 termination by the Governor not to in-  
6                                 clude such entity in the one-stop part-  
7                                 ners described in clause (i); and

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

11                                 (B) in paragraph (2)(B), by striking clause  
12                                 (i) and redesignating clauses (ii) through (v) as  
13                                 clauses (i) through (iv), respectively; and  
14                                 (2) in subsection (e)—

15   (A) by striking “If a one-stop” and insert-  
16   ing:

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

18   (B) by adding at the end the following:

19   “(2) COLLOCATION OF WAGNER-PEYSER SERV-  
20   ICES.—Consistent with section 3(d) of the Wagner-  
21   Peyser Act (29 U.S.C. 49b(d)), and in order to im-  
22   prove service delivery, avoid duplication of services,  
23   and enhance coordination of services, the employ-  
24   ment service offices in each State and the one-stop

1 centers established under this title shall be collo-  
2 cated to the extent practicable.

3 “(3) USE OF COMMON ONE-STOP DELIVERY  
4 SYSTEM IDENTIFIER.—Each one-stop delivery sys-  
5 tem shall include in the identification of products,  
6 programs, activities, services, facilities, and related  
7 property and materials, a common one-stop delivery  
8 identifier. The identifier shall be developed by the  
9 Secretary of Labor, in consultation with heads of  
10 other appropriate departments and agencies, and  
11 representatives of State boards and local boards and  
12 of other stakeholders in the one-stop delivery system,  
13 not later than the beginning of the second full pro-  
14 gram year after the date of enactment of this Act.  
15 Such common identifier may consist of a logo,  
16 phrase, or other identifier that informs users of the  
17 one-stop delivery system that such product, pro-  
18 grams, activities, services, facilities, property, or ma-  
19 terials are being provided through such system.  
20 Nothing in this paragraph shall be construed to pro-  
21 hibit one-stop partners, States, or local areas from  
22 having additional identifiers.”.

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

24 Section 122 is amended—

25 (1) in subsection (a)—

1 (A) in paragraph (2)—

2 (i) in subparagraph (A)(ii), by strik-  
3 ing “or certificate” and inserting “recog-  
4 nized postsecondary credential”; and

5 (ii) in subparagraph (C), by inserting  
6 “, which may include joint labor-manage-  
7 ment organizations, sector partnerships,  
8 and eligible providers of adult education  
9 and literacy activities under title II if such  
10 activities are provided in combination with  
11 occupational skills training” before the pe-  
12 riod; and

13 (B) by adding at the end the following:

14 “(3) INCLUSION ON LIST OF ELIGIBLE PRO-  
15 VIDERS.—A private provider described in subpara-  
16 graph (C) of paragraph (2) shall comply with the  
17 criteria, information requirements, and procedures  
18 established under this section to be included on the  
19 list of eligible training services described in para-  
20 graph (3). A public provider described in subpara-  
21 graph (A) and a provider described in subparagraph  
22 (B) of paragraph (2) shall be included and main-  
23 tained on the list of eligible providers of training  
24 services described in subsection (d) for so long as  
25 they comply with the requirements of this section

1 and for so long as a provider described in subpara-  
2 graph (B) remains registered as described in such  
3 subparagraph.”;

4 (2) in subsection (d)(1)(A) is amended by add-  
5 ing at the end the following:

6 “(iii) information on the performance  
7 of the provider with respect to the per-  
8 formance accountability measures de-  
9 scribed in section 136 for such participants  
10 (taking into consideration the characteris-  
11 ties of the population served and relevant  
12 economic conditions), and information  
13 specifying the percentage of such partici-  
14 pants who entered unsubsidized employ-  
15 ment in an occupation related to the pro-  
16 gram, to the extent practicable; and

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

22 (3) in subsection (e), by inserting after the first  
23 sentence the following: “The list of providers shall  
24 also be based on the identified labor market needs  
25 of employers in the local area based on input solie-

1 ited from local business and identified in the local  
2 plan pursuant to section 118(b)(1).”; and

3 (4) in subsection (h)—

4 (A) in the subsection heading, by striking  
5 “OR CUSTOMIZED TRAINING” and inserting  
6 “INCUMBENT WORKER TRAINING, CUSTOMIZED  
7 TRAINING, AND OTHER TRAINING EXCEP-  
8 TIONS”; and

9 (B) in paragraph (1), by striking “or cus-  
10 tomized training” and inserting “incumbent  
11 worker training, customized training, intern-  
12 ships, and paid or unpaid work experience op-  
13 portunities, or transitional employment”.

14 **SEC. 116. YOUTH ACTIVITIES.**

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

17 (1) by amending subsection (a) to read as fol-  
18 lows:

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

25 (2) in subsection (b)—

1 (A) in paragraph (1), by striking subpara-  
2 graph (A) and redesignating subparagraphs (B)  
3 and (C) as subparagraphs (A) and (B), respec-  
4 tively; and

5 (B) in paragraph (2) by amending sub-  
6 paragraph (C) to read as follows:

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

10 “(i) is age 16 through 24; and

11 “(ii) received an income, or is a mem-  
12 ber of a family that received a total family  
13 income, that, in relation to family size,  
14 does not exceed 150 percent of the poverty  
15 line.”; and

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

18 “(2) AMOUNT.—The amount available for real-  
19 lotment for a program year is equal to the amount  
20 by which the unobligated balance from State allot-  
21 ments to the State at the end of the program year  
22 prior to the program year for which the determina-  
23 tion is made, exceeds 10 percent of the total amount  
24 of funds available to the State for that prior pro-  
25 gram year, consisting of the State allotment to the

1 State for such prior program year (including  
2 amounts from State allotments to the State, for all  
3 program years before that prior program year) that  
4 remained available.”.

5 (b) WITHIN STATE ALLOCATIONS.—Section  
6 128(c)(2) is amended to read as follows:

7 “(2) AMOUNT.—

8 “(A) IN GENERAL.—The amount available  
9 for allocation for a program year is equal to the  
10 amount by which the balance that is unobli-  
11 gated and unencumbered for training services  
12 at the end of the program year prior to the pro-  
13 gram year for which the determination is made,  
14 exceeds 10 percent of the total amount of funds  
15 available to the local area for that prior pro-  
16 gram year, consisting of the local allocation to  
17 the local area for such prior program year (in-  
18 cluding amounts from local allocations to the  
19 local area, for all program years before that  
20 prior program year) that remained available.

21 “(B) BALANCE OF FUNDS.—For purposes  
22 of this paragraph, the balance that is unobli-  
23 gated and unencumbered for training services is  
24 the amount that is the difference between—

1           “(i) the total amount of funds avail-  
2           able to the local area under this section for  
3           that prior program year consisting of the  
4           local allocation to the local area for such  
5           prior program year (including amounts  
6           from local allocations to the local area for  
7           all program years before that prior pro-  
8           gram year) that remained available; and

9           “(ii) the amount, from that total  
10          amount of available funds, that is obligated  
11          or encumbered (in accordance with gen-  
12          erally accepted accounting principles) for  
13          training services during such prior pro-  
14          gram year, except that for purposes of this  
15          paragraph the amount included as encum-  
16          bered for training services shall not exceed  
17          10 percent of the total amount of available  
18          funds described in clause (i).”.

19          (c) REQUIRED STATEWIDE YOUTH ACTIVITIES.—

20          Section 129(b)(2) is amended—

21                  (1) in subparagraph (C)—

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



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

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

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

12 (d) LOCAL ELEMENTS AND REQUIREMENTS.—Sec-  
13 tion 129(c) is amended—

14 (1) in paragraph (1)—

15 (A) in subparagraph (B), by striking  
16 “shall identify an” and inserting “shall identify  
17 career pathways that include education and em-  
18 ployment goals”; and

19 (B) in subparagraph (C)—

20 (i) in clause (i), by striking “, in ap-  
21 propriate cases”;

22 (ii) in clause (ii), by striking “strong  
23 linkages between academic and occupa-  
24 tional learning” and inserting “activities  
25 leading to the attainment of a secondary

1 school diploma or its recognized equivalent,  
2 or a recognized postsecondary credential”;  
3 and

4 (iii) in clause (iv)—

5 (I) by inserting “employers, in-  
6 cluding small employers, and in-de-  
7 mand occupations” after “effective  
8 connections to”; and

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

11 (2) in paragraph (2)—

12 (A) by striking subparagraph (C) and re-  
13 designating subparagraphs (D) through (J) as  
14 subparagraphs (C) through (I), respectively;

15 (B) in subparagraph (C) (as so redesign-  
16 nated)—

17 (i) by striking “work experiences as  
18 appropriate,” and inserting “work experi-  
19 ences that include academic, area career  
20 and technical education or occupational  
21 education to ensure youth are college and  
22 career ready,”; and

23 (ii) after “including internships,” by  
24 inserting “summer employment, pre-ap-

1           prenticeships programs, on-the-job train-  
2           ing,”;

3           (C) in subparagraph (E) (as so redesign-  
4           ated), by inserting “such as youth service and  
5           conservation corps,” after “include community  
6           service”;

7           (D) in subparagraph (F) (as so redesign-  
8           ated), by inserting “, financial literacy edu-  
9           cation, and entrepreneurial skills training” after  
10          “supportive services”; and

11          (E) in subparagraph (I) (as so redesign-  
12          ated), after “which”, by inserting “shall in-  
13          clude career counseling and career exploration  
14          services, as appropriate, and”;

15          (3) in paragraph (3)(C), by inserting “and fam-  
16          ily members, mentors,” after “parents”; and

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

19                 “(A) IN GENERAL.—For any program  
20                 year, not less than 60 percent of the funds de-  
21                 scribed in paragraph (1) shall be used to pro-  
22                 vide youth workforce investment activities for  
23                 out-of-school youth.”.

1 **SEC. 117. ADULT AND DISLOCATED WORKER TRAINING AC-**  
2 **TIVITIES.**

3 (a) DEFINITION OF DISADVANTAGED ADULT.—Sec-  
4 tion 132(b)(1)(v)(IV) is amended by striking “does not ex-  
5 ceed and all that follow” and inserting “150 percent of  
6 the poverty line.”.

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

9 “(2) AMOUNT.—The amount available for real-  
10 lotment for a program year is equal to the amount  
11 by which the unobligated balance from State allot-  
12 ments to the State at the end of the program year  
13 prior to the program year for which the determina-  
14 tion is made, exceeds 10 percent of the total amount  
15 of funds available to the State for that prior pro-  
16 gram year, consisting of the State allotment to the  
17 State for such prior program year (including  
18 amounts from State allotments to the State, for all  
19 program years before that prior program year) that  
20 remained available.”.

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

24 (d) WITHIN STATE REALLOCATION.—Section 133(c)  
25 2 is amended to read as follows:

26 “(2) AMOUNT.—

1           “(A) IN GENERAL.—The amount available  
2           for allocation for a program year is equal to the  
3           amount by which the balance that is unobli-  
4           gated and unencumbered for training services  
5           at the end of the program year prior to the pro-  
6           gram year for which the determination is made,  
7           exceeds 10 percent of the total amount of funds  
8           available to the local area for that prior pro-  
9           gram year, consisting of the local allocation to  
10          the local area for such prior program year (in-  
11          cluding amounts from local allocations to the  
12          local area, for all program years before that  
13          prior program year) that remained available.

14          “(B) BALANCE OF FUNDS.—For purposes  
15          of this paragraph, the balance that is unobli-  
16          gated and unencumbered for training services is  
17          the amount that is the difference between—

18                 “(i) the total amount of funds avail-  
19                 able to the local area under this section for  
20                 that prior program year consisting of the  
21                 local allocation to the local area for such  
22                 prior program year (including amounts  
23                 from local allocations to the local area for  
24                 all program years before that prior pro-  
25                 gram year) that remained available; and

1           “(ii) the amount, from that total  
2           amount of available funds, that is obligated  
3           or encumbered (in accordance with gen-  
4           erally accepted accounting principles) for  
5           training services during such prior pro-  
6           gram year, except that for purposes of this  
7           paragraph the amount included as encum-  
8           bered for raining services shall not exceed  
9           10 percent of the total amount of available  
10          funds described in clause (i).”.

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

13           (1) in subparagraph (A)—

14                (A) by redesignating clauses (i) and (ii) as  
15                subclauses (I) and (II), respectively;

16                (B) by striking “A State shall use” and in-  
17                serting:

18                   “(i) IN GENERAL.—A State shall  
19                   use”; and

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

21                   “(ii) USE OF UNOBLIGATED FUNDS.—  
22                   Funds reserved by a Governor under sec-  
23                   tion 133(a)(2) to carry out this subpara-  
24                   graph that remain unobligated after the  
25                   first program year for which such funds

1           were allotted may be used by the Governor  
2           to carry out statewide activities authorized  
3           under subparagraph (B) or paragraph  
4           (3)(A), in addition to activities under this  
5           subparagraph.”; and

6           (2) in subparagraph (B)—

7                 (A) in clause (v), by striking “; and” and  
8           inserting a semicolon;

9                 (B) in clause (vi), by striking the period  
10           and inserting “; and”; and

11                (C) by adding at the end the following new  
12           clause:

13                         “(vii) developing, implementing, and  
14           using layoff aversion strategies in collabo-  
15           ration with appropriate economic develop-  
16           ment and private sector entities, for imple-  
17           mentation of strategies that may include  
18           early identification of firms at risk of lay-  
19           offs, use of feasibility studies to assess the  
20           needs of and options for at-risk firms and  
21           the delivery of employment, training, eco-  
22           nomic development, investment and finan-  
23           cial restructuring activities to address  
24           identified risk factors.”.

1 (f) SHARED SERVICES.—Section 134(d)(1)(B) is  
2 amended—

3 (1) by striking “A portion” and inserting the  
4 following:

5 “(i) IN GENERAL.—A portion”; and

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

7 “(ii) ADDITIONAL COSTS OF ONE-  
8 STOP.—Subject to the memorandum of un-  
9 derstanding described in section 121(e) for  
10 the one-stop delivery system involved, in  
11 addition to the funds provided for one-stop  
12 infrastructure described in section 137(d),  
13 a portion of funds made available under  
14 Federal law authorizing the programs de-  
15 scribed in section 121(b) and administered  
16 by one-stop partners, or the noncash re-  
17 sources available under such programs,  
18 shall be used to pay the additional costs  
19 relating to the operation of the one-stop  
20 delivery system that are not paid from the  
21 funds provided under section 137(d), as  
22 determined in accordance with clause (iv),  
23 to the extent not inconsistent with the  
24 Federal law involved. Such costs shall in-  
25 clude the costs of the provision of core



1 services described in section 134(d)(2) ap-  
2 plicable to each program and may include  
3 common costs that are not paid from the  
4 funds provided under section 137(d).

5 “(iii) SHARED SERVICES.—Costs of  
6 shared services may include costs of serv-  
7 ices that are authorized for and may be  
8 commonly provided through the one-stop  
9 partner programs to any individuals, such  
10 as initial intake, assessment of needs, ap-  
11 praisal of basic skills, identification of ap-  
12 propriate services to meet such needs, re-  
13 ferrals to other one-stop partners, and  
14 other similar services.

15 “(iv) DETERMINATION AND GUID-  
16 ANCE.—The method for determining the  
17 appropriate portion of funds and noncash  
18 resources to be provided by the one-stop  
19 partner for each program for a one-stop  
20 center shall be determined as part of the  
21 development of the memorandum or under-  
22 standing under subsection (c) for the one-  
23 stop center and shall be stated in the  
24 memorandum. The State board shall pro-  
25 vide guidance to facilitate the determina-

1                   tion, for purposes of the memorandum of  
2                   understanding, of an appropriate allocation  
3                   of the funds and noncash resources in local  
4                   areas.”.

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

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

9                   “(iii) RULE OF CONSTRUCTION.—  
10                   Nothing in this paragraph shall be con-  
11                   strued to require an individual to receive  
12                   core or intensive services under paragraphs  
13                   (2) or (3), respectively, prior to receiving  
14                   training services under this paragraph.”;

15           (2) in subparagraph (D)—

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

18                   (B) by adding at the end the following:

19                   “(x) education, training, and skill up-  
20                   grading for individuals to work and main-  
21                   tain proficiency as workplace learning advi-  
22                   sors in programs sponsored by employers  
23                   or joint labor-management partnerships.”;

24           (3) in subparagraph (E)—

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

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

8 (C) by striking “making determination re-  
9 lated to” and inserting “implementing”;

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

12 “(G) USE OF INDIVIDUAL TRAINING AC-  
13 COUNTS.—

14 “(i) IN GENERAL.—Except as pro-  
15 vided in clause (ii), training services pro-  
16 vided under this paragraph shall be pro-  
17 vided through the use of individual train-  
18 ing accounts in accordance with this para-  
19 graph, and shall be provided to eligible in-  
20 dividuals through the one-stop delivery sys-  
21 tem.

22 “(ii) TRAINING CONTRACTS.—Train-  
23 ing services authorized under this para-  
24 graph may be provided pursuant to a con-

1           tract for services in lieu of an individual  
2           training account if—

3                   “(I) the requirements of subpara-  
4                   graph (F) are met;

5                   “(II) such services are on-the-job  
6                   training, registered apprenticeships,  
7                   customized training, incumbent work-  
8                   er training, entrepreneurial skills train-  
9                   ing, or transitional employment;

10                  “(III) the local board determines  
11                  there are an insufficient number of el-  
12                  igible providers of training services in  
13                  the local area involved (such as in a  
14                  rural area) to accomplish the purposes  
15                  of a system of individual training ac-  
16                  counts;

17                  “(IV) the local board determines  
18                  that there is a training services pro-  
19                  gram of demonstrated effectiveness of-  
20                  fered in the local area by a commu-  
21                  nity-based organization or another  
22                  private organization to serve individ-  
23                  uals with barriers to employment; or

24                  “(V) the local board determines  
25                  that it would be most appropriate to

1           award a contract to an institution of  
2           higher education or other eligible pro-  
3           vider of training services, including  
4           area career and technical education  
5           centers in order to facilitate the train-  
6           ing of multiple individuals in in-de-  
7           mand industry sectors or occupations  
8           and that such contract does not limit  
9           customer choice.

10           “(iii) LINKAGE TO OCCUPATIONS IN  
11           DEMAND.—Training services provided  
12           under this paragraph shall be directly  
13           linked to an in-demand industry sector or  
14           occupation in the local area or region, or  
15           in another area to which an adult or dis-  
16           located worker receiving such services is  
17           willing to relocate, except that a local  
18           board may approve training services for oc-  
19           cupations determined by the local board to  
20           be in sectors of the economy that have a  
21           high potential for sustained demand or  
22           growth in the local area.

23           “(iv) RULE OF CONSTRUCTION.—  
24           Nothing in this paragraph shall be con-  
25           strued to preclude the combined use of in-

1           dividual training accounts and contracts in  
2           the provision of training services, including  
3           arrangements that allow individuals receiv-  
4           ing individual training accounts to obtain  
5           training services that are contracted for  
6           under clause (ii).”; and

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

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

10                   “(i) REIMBURSEMENT LEVEL.—For  
11           purposes of the provision of on-the-job  
12           training under this paragraph, the Gov-  
13           ernor or local board involved may increase  
14           the amount of the reimbursement de-  
15           scribed in section 101(31) to an amount of  
16           up to 75 percent of the wage rate of a par-  
17           ticipant for a program carried out under  
18           this chapter, if, respectively—

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

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

6           “(ii) FACTORS.—For purposes of  
7           clause (i), the Governor or local board, re-  
8           spectively, shall take into account factors  
9           consisting of—

10           “(I) the characteristics of the  
11           participants;

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

14           “(III) the likely employment op-  
15           portunities available to workers who  
16           complete an on-the-job training pro-  
17           gram; and

18           “(IV) such other factors as the  
19           Governor or local board, respectively,  
20           may determine to be appropriate,  
21           which may include the number of em-  
22           ployees participating in the training,  
23           wage and benefit levels of those em-  
24           ployees (at present and anticipated  
25           upon completion of the training), rela-

1                   tion of the training to the competitive-  
 2                   ness of a participant, and other em-  
 3                   ployer-provided training and advance-  
 4                   ment opportunities.”.

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

7           (1) in paragraph (1)—

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

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

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

13                   “(C) work support activities designed to  
 14                   assist low-wage workers in retaining and en-  
 15                   hancing employment, such as the provision of  
 16                   activities described in this section during non-  
 17                   traditional hours and the provision of child care  
 18                   while such activities are being provided.”; and

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

21                   “(4) INCUMBENT WORKER TRAINING PRO-  
 22                   GRAMS.—

23                           “(A) IN GENERAL.—

24                                   “(i) STANDARD RESERVATION OF  
 25                                   FUNDS.—Except as provided in clause (ii),



1 the local board may reserve and use not  
2 more than 15 percent of the funds allo-  
3 cated to the local area involved under sec-  
4 tion 133(b) to pay for the Federal share of  
5 the cost of providing training through a  
6 training program for incumbent workers,  
7 carried out in accordance with this para-  
8 graph.

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

20 “(iii) DETERMINATION OF ELIGI-  
21 BILITY.—For the purpose of determining  
22 the eligibility of an employer to receive  
23 funding under clause (i), the local board  
24 shall take into account factors consisting  
25 of—

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

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

6                   “(III) such other factors as the  
7 local board may determine to be ap-  
8 propriate, which may include the  
9 number of employees participating in  
10 the training, the wage and benefit lev-  
11 els of those employees (at present and  
12 anticipated upon completion of the  
13 training), and the existence of other  
14 training and advancement opportuni-  
15 ties provided by the employer.

16                   “(iv) STATEWIDE IMPACT.—The Gov-  
17 ernor or State board involved may make  
18 recommendations to the local board for  
19 providing incumbent worker training that  
20 has statewide impact.

21                   “(B) TRAINING ACTIVITIES.—The training  
22 program for incumbent workers carried out  
23 under this paragraph shall be carried out by the  
24 local board in conjunction with the employers or  
25 groups of employers of such workers, or a

1 labor-management partnership, including joint  
2 registered apprenticeship programs, for the pur-  
3 pose of assisting such workers in obtaining the  
4 skills necessary to retain employment or avert  
5 layoffs.

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

12 “(D) NON-FEDERAL SHARE.—

13 “(i) FACTORS.—Subject to clause (ii),  
14 the local board shall establish the non-Fed-  
15 eral share of such cost (taking into consid-  
16 eration such other factors as the number  
17 of employees participating in the training,  
18 the wage and benefit levels of the employ-  
19 ees (at the beginning and anticipated upon  
20 completion of the training), the relation-  
21 ship of the training to the competitiveness  
22 of the employer and employees, and the  
23 availability of other employer-provided  
24 training and advancement opportunities).

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

3                   “(I) 10 percent of the cost for  
4 employers with not more than 50 em-  
5 ployees;

6                   “(II) 25 percent of the cost, for  
7 employers with more than 50 employ-  
8 ees but not more than 100 employees;  
9 and

10                   “(III) 50 percent of the cost, for  
11 employers with more than 100 em-  
12 ployees.

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

20                   “(E) WORKER PROTECTIONS.—If an in-  
21 cumbent worker training program is proposed  
22 for an employer whose workers are covered by  
23 a collective bargaining agreement, the union  
24 representing those workers will be consulted re-

1           garding the incumbent worker training program  
2           and concur prior to the start of the program.

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

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

14                  “(B) are combined with comprehensive em-  
15                  ployment and supportive services;

16                  “(C) are designed to assist the individuals  
17                  described in subparagraph (A) to establish a  
18                  work history, demonstrate success in the work-  
19                  place, and develop the skills that lead to entry  
20                  into and retention in unsubsidized employment;  
21                  and

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

1 **SEC. 118. UNIFIED PERFORMANCE ACCOUNTABILITY SYS-**  
2 **TEM.**

3 Section 136 is amended to read as follows:

4 **“SEC. 136. UNIFIED PERFORMANCE ACCOUNTABILITY SYS-**  
5 **TEM.**

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

11 “(b) STATE UNIFIED PERFORMANCE ACCOUNT-  
12 ABILITY MEASURES.—

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

16 “(A)(i) the primary indicators of perform-  
17 ance described in paragraph (2)(A); and

18 “(ii) the additional indicators of perform-  
19 ance (if any) identified by the State under  
20 paragraph (2)(B); and

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

24 “(2) INDICATORS OF PERFORMANCE.—

25 “(A) PRIMARY INDICATORS OF PERFORM-  
26 ANCE.—

1           “(i) IN GENERAL.—The State primary  
2 indicators of performance for activities  
3 provided under the adult and dislocated  
4 worker programs authorized under chapter  
5 6 of subtitle B of title I, the program of  
6 adult education and literacy activities au-  
7 thorized under title II, the employment  
8 services program authorized under sections  
9 1 through 13 of the Wagner-Peyser Act  
10 (29 U.S.C. 49 et seq.) (except that sub-  
11 clauses (IV) and (V) shall not apply to  
12 such program), and the program author-  
13 ized under title I of the Rehabilitation Act  
14 of 1973 (29 U.S.C. 720 et seq.), other  
15 than section 112 or part C of that title (29  
16 U.S.C. 732, 741), shall consist of—

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

22                   “(II) the percentage and number  
23 of program participants who are in  
24 unsubsidized employment during the

1 fourth quarter after exit from the pro-  
2 gram;

3 “(III) the median earnings of  
4 program participants who are in un-  
5 subsidized employment during the sec-  
6 ond quarter after exit from the pro-  
7 gram compared to the median earn-  
8 ings of such participants prior to the  
9 training;

10 “(IV) the percentage of program  
11 participants who obtain a recognized  
12 postsecondary credential, including in  
13 a registered apprenticeship or on-the-  
14 job training program, or a secondary  
15 school diploma or its recognized equiv-  
16 alent (subject to clause (iii)), during  
17 participation in or within 1 year after  
18 exit from the program;

19 “(V) the percentage of program  
20 participants who, during a program  
21 year, are in an education or training  
22 program, including a registered ap-  
23 prenticeship or on-the-job training  
24 program, that leads to a recognized  
25 postsecondary credential or a sec-



1           ondary school diploma or its recog-  
2           nized equivalent, or employment and  
3           who are achieving measurable basic  
4           skill gains toward such a credential or  
5           employment; and

6                       “(VI) the indicators of effective-  
7           ness in serving employers established  
8           pursuant to clause (iv).

9                       “(ii) PRIMARY INDICATORS OF PER-  
10          FORMANCE FOR ELIGIBLE YOUTH.—The  
11          primary indicators of performance for the  
12          youth program authorized under chapter 4  
13          of this subtitle shall consist of—

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

20                      “(II) the percentage and number  
21          of program participants who are in  
22          education or training activities, or in  
23          unsubsidized employment, during the  
24          fourth quarter after exit from the pro-  
25          gram;

1           “(III) the median earnings of  
2           program participants who are in un-  
3           subsidized employment during the sec-  
4           ond quarter after exit from the pro-  
5           gram compared to the median earn-  
6           ings of such participants prior to the  
7           training;

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

16          “(V) the percentage of program  
17          participants who, during a program  
18          year, are in an education or training  
19          program that leads to a recognized  
20          postsecondary credential or a sec-  
21          ondary school diploma or its recog-  
22          nized equivalent, or employment and  
23          who are achieving measurable basic  
24          skill gains toward such a secondary  
25          credential or employment; and

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

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

19                  “(iv) INDICATOR FOR SERVICES TO  
20                  EMPLOYERS.—Prior to the commencement  
21                  of the second full program year after the  
22                  date of enactment of this Act, for purposes  
23                  of clauses (i)(VI) and (ii)(V), the Secretary  
24                  of Labor and the Secretary of Education  
25                  after consultation with the representatives

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

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

10 “(3) LEVELS OF PERFORMANCE.—

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

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

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

23 “(I) the youth program author-  
24 ized under chapter 4 of this subtitle;

1                   “(II) the adult program author-  
2                   ized under chapter 5 of this subtitle;

3                   “(III) the dislocated worker pro-  
4                   gram authorized under chapter 5 of  
5                   this subtitle;

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

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

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

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

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

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

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

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

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

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

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

1 the Secretaries pursuant to clause  
2 (viii), based on the difference among  
3 States in economic conditions (includ-  
4 ing differences in unemployment rates  
5 and job losses or gains in particular  
6 industries) and the characteristics of  
7 participants when the participants en-  
8 tered the program involved, including  
9 indicators of poor work history, lack  
10 of work experience, lack of educational  
11 or occupational skills attainment, dis-  
12 location from high-wage and high-ben-  
13 efit employment, low levels of literacy  
14 or English proficiency, disability sta-  
15 tus, homelessness, ex-offender status,  
16 and welfare dependency;

17 “(III) take into account the ex-  
18 tent to which the levels involved pro-  
19 mote continuous improvement in per-  
20 formance accountability on the per-  
21 formance accountability measures by  
22 such State and ensure optimal return  
23 on the investment of Federal funds;  
24 and



1                   “(IV) take into account the ex-  
2                   tent to which the levels involved will  
3                   assist the State in meeting the goals  
4                   described in clause (vi).

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

21                  “(vii) REVISIONS BASED ON ECO-  
22                  NOMIC CONDITIONS AND INDIVIDUALS  
23                  SERVED DURING THE PROGRAM YEAR.—  
24                  The Secretary of Labor and the Secretary  
25                  of Education shall, in accordance with the

1 objective statistical model developed pursu-  
2 ant to clause (viii), revise the State ad-  
3 justed levels of performance applicable for  
4 each of the programs described in clause  
5 (ii), for a program year and a State, to re-  
6 flect the economic conditions and charac-  
7 teristics of participants (as described in  
8 clause (v)(II)) in that program during such  
9 program year in a such State.

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

20 “(B) LEVELS OF PERFORMANCE FOR AD-  
21 DITIONAL INDICATORS.—The State may iden-  
22 tify, in the State plan, State levels of perform-  
23 ance for each of the additional indicators identi-  
24 fied under paragraph (2)(B). Such levels shall

1           be considered to be State adjusted levels of per-  
2           formance for purposes of this section.

3           “(c) LOCAL PERFORMANCE ACCOUNTABILITY MEAS-  
4           URES.—

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

10                   “(A)(i) the primary indicators of perform-  
11                   ance described in subsection (b)(2)(A) that are  
12                   applicable to such programs; and

13                   “(ii) additional indicators of performance,  
14                   if any, identified by the State for such pro-  
15                   grams under subsection (b)(2)(B); and

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

18           “(2) LOCAL LEVEL OF PERFORMANCE.—The  
19           local board, the chief elected official, and the Gov-  
20           ernor shall negotiate and reach agreement on local  
21           levels of performance based on the State adjusted  
22           levels of performance established under subsection  
23           (b)(3)(A).

24           “(3) ADJUSTMENT FACTORS.—In negotiating  
25           the local levels of performance, the local board, the

1 chief elected official, and the Governor shall make  
2 adjustments for the expected economic conditions  
3 and the expected characteristics of participants to be  
4 served in the local area, using the statistical adjust-  
5 ment model developed pursuant to subsection  
6 (b)(3)(A)(viii). In addition, the negotiated local lev-  
7 els of performance applicable to a program year  
8 shall be revised to reflect the economic conditions ex-  
9 perience and the characteristics of the populations  
10 served in the local area during such program year  
11 using the statistical adjustment model.

12 “(d) PERFORMANCE ACCOUNTABILITY REPORTS.—

13 “(1) IN GENERAL.—Not later than 6 months  
14 after the date of enactment of the Workforce Invest-  
15 ment Act of 2012, the Secretary of Labor and the  
16 Secretary of Education shall jointly develop a tem-  
17 plate for performance reports that shall be used by  
18 States, local boards, and eligible providers of train-  
19 ing services under section 122 to report on outcomes  
20 achieved by the core programs, and to report on  
21 quantifiable benchmarks established in the State  
22 plan as described in section 112 or the State unified  
23 plan described in section 113 that demonstrate an-  
24 nual improvement with respect to each of the sys-

1       tem-wide performance indicators established under  
2       subsection (j)(2) of this section.

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

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

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

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

1           “(D) the number of individuals with bar-  
2 riers to employment served by each type of  
3 service by each of the programs described in  
4 subsection (b)(3)(A)(ii), disaggregated by each  
5 subpopulation of such individuals;

6           “(E) the number of participants who are  
7 enrolled in more than 1 of the programs de-  
8 scribed in subsection (b)(3)(A)(ii); and

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

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

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

23           “(B) information specifying the levels of  
24 performance achieved with respect to the pri-  
25 mary indicators of performance described in

1 subsection (b)(2)(A) for each of the programs  
2 described in subclauses (I) through (III) of sub-  
3 section (b)(3)(A)(ii) with respect to individuals  
4 with barriers to employment, disaggregated by  
5 each subpopulation of such individuals;

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

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

16 “(E) the number of participants who are  
17 enrolled in any of the programs described in  
18 subclauses (I) through (III) of subsection  
19 (b)(3)(A)(ii) who are enrolled in more than 1  
20 program described in subsection (b)(3)(A)(ii);  
21 and

22 “(F) other information that facilitates  
23 comparisons of programs with programs in  
24 other local areas (or planning regions, as appro-  
25 priate).

1           “(4) CONTENTS OF ELIGIBLE TRAINING PRO-  
2           VIDERS PERFORMANCE REPORTS.—The performance  
3           report for an eligible provider of training services  
4           under section 122 shall include, subject to para-  
5           graph (5)(C), with respect to each program of train-  
6           ing services, including core, intensive, and training  
7           services, of such provider—

8                   “(A) information specifying the levels of  
9                   performance achieved with respect to the pri-  
10                  mary indicators of performance described in  
11                  subclauses (I) through (IV) of subsection  
12                  (b)(2)(A)(i) with respect to participants served  
13                  under the adult and dislocated worker programs  
14                  under chapter 5 of this subtitle; and

15                   “(B) the number of participants served  
16                   under each of the adult and dislocated worker  
17                   programs under chapter 5 of this subtitle and  
18                   the number of individuals with barriers to em-  
19                   ployment served under each of such programs,  
20                   disaggregated by each subpopulation of such in-  
21                   dividuals.

22           “(5) PUBLICATION.—

23                   “(A) STATE PERFORMANCE REPORTS.—  
24                   The Secretary of Labor and the Secretary of  
25                   Education shall annually make publically avail-



1           able, including by electronic means, the per-  
2           formance reports for States and local areas con-  
3           taining the information described in paragraph  
4           (2).

5           “(B) LOCAL AREA AND ELIGIBLE TRAIN-  
6           ING PROVIDER PERFORMANCE REPORTS.—The  
7           State shall make publically available, including  
8           by electronic means, the performance reports  
9           for the local areas containing the information  
10          described in paragraph (3) and the performance  
11          reports for eligible providers of training services  
12          containing the information described in para-  
13          graph (4).

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

21          “(e) EVALUATION OF STATE PROGRAMS.—

22                 “(1) IN GENERAL.—Using funds authorized  
23                 under a core program and made available to carry  
24                 out this section, the State, in coordination with local  
25                 boards in the State and the State agencies respon-

1 sible for the administration of the core programs,  
2 shall conduct ongoing evaluations of activities car-  
3 ried out in the State under such programs and in  
4 accordance with the State unified plan. The State,  
5 local boards, and State agencies shall conduct the  
6 evaluations in order to promote, establish, imple-  
7 ment, and utilize methods for continuously improv-  
8 ing core program activities in order to achieve high-  
9 level performance within, and high-level outcomes  
10 from, the workforce investment system. To the max-  
11 imum extent practicable, the State shall coordinate  
12 the valuations with the evaluations provided for the  
13 Secretary of Labor and Secretary of Education  
14 under section 172, section 343(b)(3)(E), section  
15 10(b) of the Wagner-Peyser Act (29 U.S.C. 49i(b)),  
16 and sections 12(a)(5), 14, and 107 of the Rehabili-  
17 tation Act of 1973 (29 U.S.C. 709(a)(5), 711, 727)  
18 (applied with respect to programs carried out under  
19 title I of that Act).

20 “(2) DESIGN.—The evaluations conducted  
21 under this subsection shall be designed in conjunc-  
22 tion with the State board, State agencies responsible  
23 for the administration of the core programs, and  
24 local boards and shall include analysis of customer  
25 feedback and outcome and process measures in the

1 statewide workforce investment system. The evalua-  
2 tions may include the use of control groups.

3 “(3) RESULTS.—The State shall periodically  
4 prepare, submit to the State board and local boards  
5 in the State, and make available to the public, in-  
6 cluding by electronic means, reports containing the  
7 results of evaluations conducted under this sub-  
8 section, to promote the efficiency and effectiveness  
9 of the workforce investment system.

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

12 “(1) STATES.—

13 “(A) TECHNICAL ASSISTANCE.—If a State  
14 fails to meet the State adjusted levels of per-  
15 formance relating to indicators described in  
16 subsection (b)(2)(A) for a program for any pro-  
17 gram year, the Secretary of Labor and the Sec-  
18 retary of Education shall, upon request, provide  
19 technical assistance, including assistance in the  
20 development of a performance improvement  
21 plan.

22 “(B) REDUCTION IN AMOUNT OF  
23 GRANT.—If such failure continues for a second  
24 consecutive year, or if a State fails to submit a  
25 report under subsection (d) for any program

1 year, the Secretary of Labor or the Secretary of  
2 Education, as appropriate, may reduce by not  
3 more than 5 percent, the amount of the allot-  
4 ment that would (in the absence of this para-  
5 graph) be payable to the State under such pro-  
6 gram for the immediately succeeding program  
7 year. Such penalty shall be based on the degree  
8 of failure to meet State adjusted levels of per-  
9 formance.

10 “(2) FUNDS RESULTING FROM REDUCED AL-  
11 LOTMENTS.—The Secretary of Labor or the Sec-  
12 retary of Education, as appropriate, shall use any  
13 amount retained, as a result of a reduction in an al-  
14 lotment to a State made under paragraph (1)(B), to  
15 provide technical assistance to the States the Secre-  
16 taries determine to be appropriate to improve the  
17 performance of their core programs.

18 “(g) SANCTIONS FOR LOCAL AREA FAILURE TO  
19 MEET LOCAL PERFORMANCE ACCOUNTABILITY MEAS-  
20 URES.—

21 “(1) TECHNICAL ASSISTANCE.—If a local area  
22 fails to meet local performance accountability meas-  
23 ures established under subsection (c) for the youth,  
24 adult, or dislocated worker program authorized  
25 under chapter 2 or 3 of subtitle B of title I for a

1 program described in subsection (d)(2)(A) for any  
2 program year, the Governor, or upon request by the  
3 Governor, the Secretary of Labor, shall provide tech-  
4 nical assistance, which may include assistance in the  
5 development of a performance improvement plan, or  
6 the development of a modified local plan or regional  
7 plan.

8 “(2) CORRECTIVE ACTIONS.—

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

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

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

21 “(iii) redesignate the local area in ac-  
22 cordance with section 116; or

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

25 “(B) APPEAL BY LOCAL AREA.—

1           “(i) APPEAL TO GOVERNOR.—The  
2           local board and chief elected official for a  
3           local area that is subject to a reorganiza-  
4           tion plan under subparagraph (A) may,  
5           not later than 30 days after receiving no-  
6           tice of the reorganization plan, appeal to  
7           the Governor to rescind or revise such  
8           plan. In such case, the Governor shall  
9           make a final decision not later than 30  
10          days after the receipt of the appeal.

11          “(ii) SUBSEQUENT ACTION.—The  
12          local board and chief elected official for a  
13          local area may, not later than 30 days  
14          after receiving a decision from the Gov-  
15          ernor pursuant to clause (i), appeal such  
16          decision to the Secretary of Labor. In such  
17          case, the Secretary shall make a final deci-  
18          sion not later than 30 days after the re-  
19          ceipt of the appeal.

20          “(C) EFFECTIVE DATE.—The decision  
21          made by the Governor under subparagraph  
22          (B)(i) shall become effective at the time the  
23          Governor issues the decision pursuant to such  
24          clause. Such decision shall remain effective un-

1           less the Secretary of Labor rescinds or revises  
2           such plan pursuant to subparagraph (B)(ii).

3           “(h) DEFINITIONS OF INDICATORS OF PERFORM-  
4 ANCE.—

5           “(1) IN GENERAL.—In order to ensure nation-  
6 wide comparability of performance data, the Sec-  
7 retary of Labor and the Secretary of Education,  
8 after consultation with representatives described in  
9 paragraph (2), shall issue definitions for the indica-  
10 tors described in this section.

11           “(2) REPRESENTATIVES.—The representatives  
12 referred to in paragraph (1) are representatives of  
13 States and political subdivisions, business and indus-  
14 try, employees, eligible providers of activities carried  
15 out through the core programs, educators, research-  
16 ers, participants, the lead State agency officials with  
17 responsibility for the programs carried out through  
18 the core programs, individuals with expertise in serv-  
19 ice individuals with barriers to employment, and  
20 other interested parties.

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

23           “(1) WAGE RECORDS.—In measuring the  
24 progress of the State across all core programs as  
25 identified in section 136(b)(2)(A) on State and local

1 performance accountability measures, a State shall  
2 utilize quarterly wage records, consistent with State  
3 law. The Secretary of Labor shall make arrange-  
4 ments, consistent with State law, to ensure that the  
5 wage records of any State are available to any other  
6 State to the extent that such wage records are re-  
7 quired by the State in carrying out the State plan  
8 of the State or completing the annual report de-  
9 scribed in subsection (d).

10 “(2) CONFIDENTIALITY.—In carrying out the  
11 requirements of this Act, the State shall comply with  
12 section 444 of the General Education Provisions Act  
13 (20 U.S.C. 1232g).

14 “(j) SYSTEM-WIDE IMPROVEMENTS.—

15 “(1) PURPOSE.—The purpose of this subsection  
16 is to establish system-wide improvements across all  
17 programs to enhance data collection, ensure account-  
18 ability and increase administrative efficiencies in em-  
19 ployment and training programs that will expand the  
20 capacity and improve the performance of the work-  
21 force system.

22 “(2) DEVELOPMENT AND IMPLEMENTATION.—

23 “(A) IN GENERAL.—The Secretary of  
24 Labor and the Secretary of Education, after  
25 consultation with the representatives described



1 in subsection (h)(2), shall develop system-wide  
2 performance measures across the one-stop part-  
3 ner programs described in section 121(b) to  
4 measure the collective effectiveness of the work-  
5 force investment system in aligning and coordi-  
6 nating the core programs and other one-stop  
7 partner programs, employers as a meaningful  
8 system partner to address businesses and other  
9 employer immediate and long-term skilled work-  
10 force needs in in-demand, high-growth, and  
11 other occupations important to a State, re-  
12 gional, or local economy, expanding access to  
13 education and training for participants (includ-  
14 ing participants with barriers to employment),  
15 and establishing or strengthening credential at-  
16 tainment and measurement strategies. Not later  
17 than the beginning of the third program year,  
18 the Secretary of Labor and the Secretary of  
19 Education after consultation with the represent-  
20 atives described in subsection (h)(2), shall de-  
21 velop system-wide performance accountability  
22 measures.

23 “(B) BENCHMARKS.—Not later than the  
24 beginning of the third program year, each State  
25 shall include in the State plan described in sec-

1           tion 112 or the State unified plan described in  
2           section 113 quantifiable benchmarks that dem-  
3           onstrate annual improvement with respect to  
4           each of the system-wide performance indicators  
5           established under this section.

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

9                   “(i) the indicators of performance de-  
10                  scribed in paragraph (3) (A) through (D);

11                   “(ii) any other indicators established  
12                  by the Secretary of Labor and the Sec-  
13                  retary of Education in consultation with  
14                  the representatives described in subsection  
15                  (h)(2); and

16                   “(iii) a State adjusted level of per-  
17                  formance for each indicator described in  
18                  paragraph (3).

19           “(3) INDICATORS OF PERFORMANCE.—The in-  
20           dicators of system-wide performance shall be meas-  
21           ured from baseline data collected in the first year  
22           after the date of enactment of this subsection and  
23           shall consist of the following:

24                   “(A) INDICATORS OF EFFECTIVENESS IN  
25                  ENGAGING EMPLOYERS AS A SYSTEM PART-

1           NER.—The State indicators of effectiveness in  
2           serving employers shall at a minimum consist  
3           of—

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

6                   “(ii) the total number of returning  
7                   employers in the State using one-stops and  
8                   one-stop partner program services, includ-  
9                   ing training;

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

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

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

20                   “(i) the number and percentage of  
21                   participants who received training or edu-  
22                   cation services under a one-stop partner  
23                   program;

24                   “(ii) the number and percentage of  
25                   participants and youth with barriers to em-

1           employment who received services from a one-  
2           stop partner program resulting in entry  
3           into an education and training program  
4           that leads to employment or a recognized  
5           postsecondary credential;

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

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

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

17          “(C) INDICATORS OF CREDENTIAL ATTAIN-  
18          MENT AND MEASUREMENT.—The State indica-  
19          tors of credential attainment and measurement  
20          shall at a minimum consist of the total number  
21          and percentage of recognized postsecondary cre-  
22          dentials earned during the program year by, or  
23          awarded to, participants of programs described  
24          in section 136(b)(3)(A)(i).

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

4           “(4) LEVELS OF PERFORMANCE.—

5           “(A) STATE ADJUSTED LEVELS OF PER-  
6 FORMANCE FOR SYSTEM-WIDE PERFORMANCE  
7 ACCOUNTABILITY INDICATORS.—

8           “(i) IN GENERAL.—For each State  
9 submitting a State plan under section 112  
10 or section 113, there shall be established,  
11 in accordance with this paragraph, levels of  
12 performance for each of the system-wide  
13 performance accountability indicators that  
14 shall measure aggregate performance for  
15 the programs referred to in section  
16 121(b)(1)(B), and which may include data  
17 from programs referred to in section  
18 121(b)(2)(B).

19           “(ii) IDENTIFICATION IN STATE  
20 PLAN.—Prior to the third program year  
21 after enactment of this Act, each State  
22 shall identify, in the State plan, expected  
23 levels of performance for each of the cor-  
24 responding system-wide performance ac-  
25 countability indicators under subsection

1 (j)(2) for each of the third and fourth pro-  
2 gram years covered by the State plan.

3 “(iii) AGREEMENT ON STATE AD-  
4 JUSTED LEVELS OF PERFORMANCE.—The  
5 State shall reach agreement with the Sec-  
6 retary of Labor and the Secretary of Edu-  
7 cation on levels of performance for each in-  
8 dicator under subsection (j)(2) for each of  
9 the third and fourth program years cov-  
10 ered by the State plan. In reaching the  
11 agreement, the State and Secretaries shall  
12 take into account the levels identified in  
13 the State plan under clause (ii), and may  
14 take into account the factors described in  
15 subsection (c)(3)(A)(v).

16 “(B) LEVELS OF PERFORMANCE FOR AD-  
17 DITIONAL INDICATORS.—The State may iden-  
18 tify, in the State plan, State levels of perform-  
19 ance for each of the additional indicators identi-  
20 fied under subsection (j)(2)(E). Such levels  
21 shall be considered the State adjusted levels of  
22 performance for purposes of this section.

23 “(C) FAILURE TO MEET SYSTEM-WIDE  
24 PERFORMANCE ACCOUNTABILITY MEASURES.—  
25 If a State fails to meet State adjusted levels of

1 performance relating to indicators described in  
2 paragraph (3) for any program year the Sec-  
3 retary of Labor and the Secretary of Education  
4 shall, upon request, provide technical assist-  
5 ance, including assistance in the development of  
6 a performance improvement plan.

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

15 **SEC. 119. AUTHORIZATION OF FUNDING FOR ONE-STOP IN-**  
16 **FRASTRUCTURE.**

17 Section 137 is amended by adding at the end the fol-  
18 lowing:

19 “(d) ONE-STOP INFRASTRUCTURE.—

20 “(1) AUTHORIZATION OF APPROPRIATIONS.—In  
21 addition to the funds authorized under subsections  
22 (a), (b), and (c), there is authorized to be appro-  
23 priated an additional amount equal to 3 percent of  
24 the total of amounts appropriated under such sub-  
25 sections, for costs of infrastructure including rental

1 costs and other expenses associated with establishing  
2 and maintaining one-stop centers in accordance with  
3 section 121.

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

7 “(A) Two-thirds of such sums shall be al-  
8 lotted on the basis of the relative number of in-  
9 dividuals in the civilian labor force in each  
10 State as compared to the total number of such  
11 individuals in all States.

12 “(B) One-third of such sums shall be allot-  
13 ted on the basis of the relative number of un-  
14 employed individuals in each State as compared  
15 to the total number of such individuals in all  
16 States.

17 For purposes of this paragraph, the number of indi-  
18 viduals in the civilian labor force and the number of  
19 unemployed individuals shall be based on data for  
20 the most recent calendar year available, as deter-  
21 mined by the Secretary.”.

## 22 **Subtitle C—Job Corps**

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

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



1           “(1) to maintain a national Job Corps program,  
2 carried out in partnership with States and commu-  
3 nities, to—

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

11           “(i) successful careers, in in-demand  
12 industry sectors or occupations or the  
13 Armed Forces, that will result in economic  
14 self-sufficiency and opportunities for ad-  
15 vancement; or

16           “(ii) enrollment in postsecondary edu-  
17 cation; and

18           “(B) support responsible citizenship;”.

19 **SEC. 132. DEFINITIONS.**

20       Section 142 is amended—

21           (1) in paragraph (2)—

22               (A) by striking “customer service”;

23               (B) by striking “intake” and inserting “as-  
24               assessment”; and

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

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

7 (3) in paragraph (5), by striking “has com-  
8 pleted the requirements” and all that follows and in-  
9 serting the following: “who, as a result of participa-  
10 tion in the Job Corps program, has received a sec-  
11 ondary school diploma or recognized equivalent or  
12 completed the requirements of a career and technical  
13 education and training program that prepares indi-  
14 viduals for employment leading to economic self-suf-  
15 ficiency or entrance into postsecondary education or  
16 training.”; and

17 (4) in paragraph (9), by striking “area served  
18 by a regional office of the Employment and Training  
19 Administration” and inserting “defined by the Sec-  
20 retary”.

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

22 Section 144 is amended by adding at the end the fol-  
23 lowing:

24 “(4) SPECIAL RULE FOR VETERANS.—Notwith-  
25 standing the requirement of paragraph (2), a vet-

1       eran of the Armed Forces shall be eligible to become  
2       an enrollee under this section if the individual—

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

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

11 **SEC. 134. RECRUITMENT, SCREENING, SELECTION, AND AS-**  
12 **SIGNMENT OF ENROLLEES.**

13       Section 145 is amended—

14               (1) in subsection (a)(2)—

15                       (A) in subparagraph (C)(i), by striking  
16                       “vocational” and inserting “career and tech-  
17                       nical education and training”; and

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

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

23               (2) in subsection (a)(3)—

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

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

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

4 “(D) child welfare agencies that are re-  
5 sponsible for children in foster care and chil-  
6 dren eligible for assistance under section 477 of  
7 the Social Security Act (42 U.S.C. 677).”;

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

11 (4) in subsection (c)—

12 (A) in paragraph (1) in the matter pre-  
13 ceding subparagraph (A), by striking “an as-  
14 signment” and inserting “a”;

15 (B) in paragraph (2), in the matter pre-  
16 ceding subparagraph (A), by striking “the Sec-  
17 retary shall, every 2 years, analyze, for the Job  
18 Corps center—” and inserting “every 2 years  
19 the Secretary, in consultation with operators of  
20 Job Corps centers, shall analyze relevant fac-  
21 tors relating to each Job Corps center, includ-  
22 ing—”;

23 (C) in subparagraph (B), by striking “;  
24 and” and inserting a semicolon;

25 (D) in subparagraph (C)—

1 (i) by inserting “the education, train-  
2 ing, and supportive” after “including”; and

3 (ii) by adding “and” after the semi-  
4 colon; and

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

6 “(D) the performance of the Job Corps  
7 center relating to the expected levels of per-  
8 formance for the indicators described in section  
9 159(c)(1), and whether any actions have been  
10 taken with respect to such center pursuant to  
11 paragraphs (2) and (3) of section 159(f).”; and  
12 (5) in subsection (d)—

13 (A) in paragraph (1)—

14 (i) in the matter preceding subpara-  
15 graph (A), by striking “is closest to the  
16 home of the enrollee, except that the” and  
17 inserting “offers the type of career and  
18 technical education and training selected  
19 by the individual and, among the centers  
20 that offer such education and training, is  
21 closest to the home of the individual. The”;  
22 and

23 (ii) by striking subparagraph (A) and  
24 redesignating subparagraphs (B) and (C)

1 as subparagraphs (A) and (B), respec-  
2 tively; and

3 (B) in paragraph (2), by striking “to the  
4 home of” and inserting “to the home of that of-  
5 fers the career and technical education and  
6 training desired by”.

7 **SEC. 135. ENROLLMENT.**

8 Section 146(b) is amended—

9 (1) in paragraph (1), by striking “or”; and

10 (2) by redesignating paragraph (2) as para-  
11 graph (4) and inserting after paragraph (1) the fol-  
12 lowing:

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

18 “(3) in the case of an individual who partici-  
19 pates in national service, as authorized by a Civilian  
20 Conservation Center program, who would be granted  
21 an enrollment extension in the Job Corps for the  
22 amount of time equal to the period of national serv-  
23 ice; or”.

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

25 Section 147 is amended—

1 (1) in subsection (a)—

2 (A) in paragraph (1)—

3 (i) in subparagraph (A), by striking  
4 “vocational” both places it appears and in-  
5 serting “career and technical”; and

6 (ii) in subparagraph (B), by inserting  
7 “, or other entity with the necessary capac-  
8 ity,” after “local entity”; and

9 (B) in paragraph (2)—

10 (i) in subparagraph (A), by striking  
11 “subsections (c) and (d) of section 303 of  
12 the Federal Property and Administrative  
13 Services Act of 1949 (41 U.S.C. 253)” and  
14 inserting “subsections (a) and (b) of sec-  
15 tion 3304 of title 41, United States  
16 Code,”; and

17 (ii) in subparagraph (B)(i)—

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

21 (II) in subclause (III), by strik-  
22 ing “is familiar with the surrounding  
23 communities,” and inserting “dem-  
24 onstrates relationships with the sur-  
25 rounding communities, employers,

1 labor organizations, workforce  
2 boards,”; and

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

5 “(IV) the performance of the en-  
6 tity, if any, relating to operating or  
7 providing activities described in this  
8 subtitle to a Job Corps center, includ-  
9 ing the entity’s demonstrated effec-  
10 tiveness in assisting individuals in  
11 achieving the primary indicators of  
12 performance for eligible youth de-  
13 scribed in section 136(b)(2)(A)(ii).”;  
14 and

15 (2) by amending subsection (c) to read as fol-  
16 lows:

17 “(c) CIVILIAN CONSERVATION CENTERS.—

18 “(1) IN GENERAL.—The Job Corps centers may  
19 include Civilian Conservation Centers, operated  
20 under an agreement between the Secretary of Labor  
21 and the Secretary of Agriculture, that are located  
22 primarily in rural areas. Such centers shall provide,  
23 in addition to academics, career and technical edu-  
24 cation and training, and workforce preparation skills  
25 training, programs of work experience to conserve,



1 develop, or manage public natural resources or pub-  
2 lic recreational areas or to develop community  
3 projects in the public interest.

4 “(2) ASSISTANCE DURING DISASTERS.—Enroll-  
5 ees in Civilian Conservation Centers may provide as-  
6 sistance in addressing national, State, and local dis-  
7 asters, consistent with current child labor laws and  
8 regulations. The Secretary of Agriculture shall en-  
9 sure that with respect to the provision of such as-  
10 sistance the enrollees are properly trained, equipped,  
11 supervised, and dispatched consistent with standards  
12 for the conservation and rehabilitation of wildlife es-  
13 tablished under the Fish and Wildlife Coordination  
14 Act (16 U.S.C. 661 et seq.).

15 “(3) NATIONAL LIAISON.—The Secretary of Ag-  
16 riculture shall designate a Job Corps National Liai-  
17 son to support the agreement under this section be-  
18 tween the Departments of Labor and Agriculture.”.

19 **SEC. 137. PROGRAM ACTIVITIES.**

20 Section 148 is amended—

21 (1) by amending subsection (a) to read as fol-  
22 lows:

23 “(a) ACTIVITIES PROVIDED BY JOB CORPS CEN-  
24 TERS.—

1           “(1) IN GENERAL.—Each Job Corps center  
2 shall provide enrollees with an intensive, organized,  
3 and supervised program of education, including  
4 English language acquisition programs, career and  
5 technical education and training, work experience,  
6 work-based learning, recreational activities, physical  
7 rehabilitation and development, and counseling,  
8 which may include information about financial lit-  
9 eracy. Each Job Corps center shall provide enrollees  
10 assigned to the center with access to core services  
11 described in section 134(c)(2) and the intensive serv-  
12 ices described in section 134(c)(3).

13           “(2) RELATIONSHIP TO OPPORTUNITIES.—

14           “(A) IN GENERAL.—The activities pro-  
15 vided under this subsection shall be targeted to  
16 helping enrollees, on completion of their enroll-  
17 ment—

18                   “(i) secure and maintain meaningful  
19 unsubsidized employment;

20                   “(ii) enroll in and complete secondary  
21 education or postsecondary education or  
22 training programs, including other suitable  
23 career and technical education and train-  
24 ing, and registered apprenticeship pro-  
25 grams; or

1                   “(iii) satisfy Armed Forces require-  
2                   ments.

3                   “(3) LINK TO EMPLOYMENT OPPORTUNITIES.—  
4                   The career and technical education and training pro-  
5                   vided shall be linked to the employment opportuni-  
6                   ties in the local area in which the enrollee intends  
7                   to seek employment after graduation.”;

8                   (2) in subsection (b)—

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

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

15                  (C) by striking “vocational educational”  
16                  and inserting “career and technical edu-  
17                  cational”; and

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

21                  (3) in subsection (c)—

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

24                  “(2) BENEFITS.—During the period of partici-  
25                  pation in an advanced career training program, an

1 enrollee shall be eligible for full Job Corps benefits,  
2 or a monthly stipend equal to the average value of  
3 the residential support, food, allowances, and other  
4 benefits provided to enrollees assigned to residential  
5 Job Corps centers.”; and

6 (B) in paragraph (3), by striking “Each  
7 year,” and inserting “The Secretary shall de-  
8 velop standards by which”; and

9 (4) by amending subsection (d) to read as fol-  
10 lows:

11 “(d) GRADUATE SERVICES.—In order to promote the  
12 retention of graduates in employment or postsecondary  
13 education, the Secretary shall arrange for the provision  
14 of job placement and support services to graduates for up  
15 to 12 months after the date of graduation. One-stop part-  
16 ners, may support the provision of these services, includ-  
17 ing services from the State vocational rehabilitation agen-  
18 cy to supplement job placement and job development ef-  
19 forts for Job Corps graduates who are individuals with  
20 disabilities.”.

21 **SEC. 138. SUPPORT.**

22 Section 150(b) is amended—

23 (1) in the subsection heading, by striking “RE-  
24 ADJUSTMENT ALLOWANCES” and inserting “TRAN-  
25 SITION ALLOWANCES AND SUPPORT”;

1 (2) in paragraph (1)—

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

5 (B) in the first sentence, by striking “read-  
6 justment” and inserting “transition”; and

7 (C) by striking the second and third sen-  
8 tences, and inserting the following: “The transi-  
9 tion allowance shall be incentive-based to reflect  
10 a graduate’s completion of academic, career and  
11 technical education or training, and attainment  
12 of recognized postsecondary credentials.”; and

13 (3) by amending paragraph (2) to read as fol-  
14 lows:

15 “(2) **TRANSITION SUPPORT FOR FORMER EN-**  
16 **ROLLEES.**—The Secretary may arrange for the pro-  
17 vision of 3 months of employment services for  
18 former enrollees.”.

19 **SEC. 139. COMMUNITY PARTICIPATION.**

20 Section 153 is amended—

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

23 “(a) **BUSINESS AND COMMUNITY PARTICIPATION.**—  
24 The director of each Job Corps center shall ensure the  
25 establishment and development of the business and com-

1 munity networks described in subsection (b) in order to  
2 enhance the effectiveness of such centers. At centers where  
3 a national training contractor provides career and tech-  
4 nical education training, and has direct and long-standing  
5 linkages to registered apprenticeship programs or affili-  
6 ated national employer groups, the national training con-  
7 tractor shall have the lead in maintaining networks with  
8 the programs described in clauses (ii) and (iii) of sub-  
9 sections (b)(1)(C).

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

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

14 “(A) local and distant employers, to the  
15 extent practicable, in coordination with other  
16 Federal and non-Federal programs that con-  
17 duct similar outreach to employers;

18 “(B) applicable one-stop centers and appli-  
19 cable local boards, for the purpose of pro-  
20 viding—

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

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

25 “(C)(i) youth programs;

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

4           “(iii) employers and contractors that sup-  
5           port national training contractor programs; and

6           “(iv) community-based organizations, non-  
7           profit organizations, and intermediaries pro-  
8           viding workforce development-related services;  
9           and

10          “(2) establishing and developing relationships  
11          with members of the community in which the Job  
12          Corps center is located, informing members of the  
13          community about the projects of the Job Corps cen-  
14          ter and changes in the rules, procedures, or activities  
15          of the center that may affect the community, and  
16          planning events of mutual interest to the community  
17          and the Job Corps center.”; and

18          (2) in subsection (c)—

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

21                  (B) by striking “establish and develop”  
22                  and inserting “ensure the establishment and de-  
23                  velopment of”.

24 **SEC. 140. INDUSTRY COUNCILS.**

25          Section 154 is amended—

1 (1) in subsection (a), by striking “after con-  
2 sultation with the Liaison”; and

3 (2) in subsection (b)—

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

7 (B) by adding after paragraph (2) the fol-  
8 lowing:

9 “(3) EMPLOYERS OUTSIDE OF LOCAL AREA.—

10 The industry council for a Job Corps center may in-  
11 clude, or otherwise provide for consultation with,  
12 employers from outside the local area who are likely  
13 to hire a significant number of enrollees from the  
14 Job Corps center.

15 “(4) SPECIAL RULE FOR SINGLE STATE LOCAL  
16 AREAS.—In the case of a single State local area des-  
17 ignated under section 116(b), the industry council  
18 shall include a representative of the State Board.”;

19 and

20 (C) in subsection (c), by striking “voca-  
21 tional” each place it appears and inserting “ca-  
22 reer and technical education and”.



1 **SEC. 141. EXPERIMENTAL, RESEARCH, AND DEMONSTRATION PROJECTS AND COLLEGE CORPS PROGRAM.**  
2  
3

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

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

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

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

16 (b) COLLEGE CORPS.—Section 156 is further amend-  
17 ed by adding at the end the following new subsection:

18 “(b) COLLEGE CORPS.—

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

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

6           “(3) ELIGIBLE OPERATORS.—The Secretary  
7 shall select College Corps center operators on a com-  
8 petitive basis from among nonprofit organizations  
9 with prior success operating high-performing, college  
10 and career-ready education residential programs for  
11 at-risk young people.

12           “(4) ADMINISTRATION PROJECTS.—

13           “(A) IN GENERAL.—The Secretary shall  
14 administer the College Corps sites in collabora-  
15 tion with the Secretary of Education with the  
16 development of an interagency agreement that  
17 identifies the duties and responsibilities of the  
18 Departments under these projects.

19           “(B) PARTNERSHIPS.—As part of the  
20 interagency agreement, the Secretary of Edu-  
21 cation will be responsible for partnering with a  
22 State or local education agency for the purposes  
23 of granting a high school diploma that adheres  
24 to college and career ready standards and ac-  
25 cessing State and local education dollars.

1           “(C) DEADLINE.—A grant, contract, or co-  
2           operative agreement to operate at least one cen-  
3           ter shall be awarded to an eligible operative  
4           within 1 year from enactment.

5           “(5) ELIGIBLE PARTICIPANTS.—Individuals eli-  
6           gible to participate in College Corps projects under  
7           this subsection shall be low-income youth who are in  
8           6th or 7th grade at the time they begin participation  
9           who meet at least two of the following criteria:

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

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

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

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

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

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

22 **SEC. 142. TECHNICAL AMENDMENT.**

23           Section 158(c)(1) is amended by striking “title II of  
24 the Federal Property and Administrative Services Act of

1 1949 (40 U.S.C. 481 et seq.)” and inserting “chapter 5  
2 of title 40, United States Code,”.

3 **SEC. 143. PERFORMANCE ACCOUNTABILITY AND MANAGE-**  
4 **MENT.**

5 Section 159 is amended—

6 (1) in the section heading, by striking “**MAN-**  
7 **AGEMENT INFORMATION**” and inserting “**PER-**  
8 **FORMANCE ACCOUNTABILITY AND MANAGE-**  
9 **MENT**”; and

10 (2) by striking subsections (c) through (f), re-  
11 designating subsection (g) as subsection (j), and in-  
12 serting after subsection (b) the following:

13 “(c) INFORMATION ON INDICATORS OF PERFORM-  
14 ANCE.—

15 “(1) LEVELS OF PERFORMANCE AND INDICA-  
16 TORS.—The Secretary shall annually establish ex-  
17 pected levels of performance for Job Corps centers  
18 and the Job Corps program relating to each of the  
19 primary indicators of performance for eligible youth  
20 activities described in section 136(b)(2)(A)(ii).

21 “(2) PERFORMANCE OF RECRUITERS.—The  
22 Secretary shall also establish performance indicators,  
23 and expected performance levels on the performance  
24 indicators, for recruitment service providers serving  
25 the Job Corps program. The performance indicators

1 shall relate to the number of enrollees recruited,  
2 compared to the established goals for such recruit-  
3 ment, and the number of enrollees who remain com-  
4 mitted to the program for 90 days after enrollment.

5 “(3) PERFORMANCE OF CAREER TRANSITION  
6 SERVICE PROVIDERS.—The Secretary also shall es-  
7 tablish performance indicators, and expected levels  
8 of performance for such indicators, for local and na-  
9 tional career transition service providers serving the  
10 Job Corps program. The performance indicators  
11 shall include the number of graduates and former  
12 enrollees—

13 “(A) who entered an unsubsidized employ-  
14 ment related to the training they received at  
15 Job Corps and their average wage; and

16 “(B) who entered other types of unsub-  
17 sidized employment, the military, postsecondary  
18 education, or advanced training programs, in-  
19 cluding registered apprenticeship programs, and  
20 their average wage, if applicable.

21 “(4) REPORT.—The Secretary shall collect, and  
22 annually submit to the Committee on Health, Edu-  
23 cation, Labor, and Pensions of the Senate and the  
24 Committee on Education and the Workforce of the  
25 House of Representatives, a report containing—

1           “(A) information on the performance of  
2 each Job Corps center, and the Job Corps pro-  
3 gram, on the performance indicators described  
4 in paragraph (1), as compared to the expected  
5 level of performance established under such  
6 paragraph for each performance accountability  
7 measure; and

8           “(B) information on the performance of  
9 the service providers described in paragraph (2)  
10 on the performance indicators established under  
11 such paragraph, as compared to the expected  
12 performance levels for the performance indica-  
13 tors.

14       “(d) ADDITIONAL INFORMATION.—

15           “(1) IN GENERAL.—The Secretary shall also  
16 collect, and submit in the report described in sub-  
17 section (c), information on the performance of each  
18 Job Corps center, and the Job Corps program, re-  
19 garding—

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

22           “(B) demographic information on the en-  
23 rollees served, including age, race, gender, and  
24 education and income level;

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

3           “(D) the number of graduates who entered  
4 unsubsidized employment related to the career  
5 and technical education and training received  
6 through the Job Corps program and the num-  
7 ber who entered unsubsidized employment not  
8 related to the education and training received;

9           “(E) the starting hourly wages of grad-  
10 uates and whether they receive other forms of  
11 compensation and benefits;

12           “(F) the number and percentage of former  
13 enrollees, including the number dismissed under  
14 the zero tolerance policy described in section  
15 152(b); and

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

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

24           “(e) METHODS.—The Secretary shall collect the in-  
25 formation described in subsections (c) and (d), using

1 methods described in section 136(i)(2) and consistent with  
2 State law, by entering into agreements with the States to  
3 access such data for Job Corps enrollees, former enrollees,  
4 and graduates.

5 “(f) PERFORMANCE ASSESSMENTS AND IMPROVE-  
6 MENTS.—

7 “(1) ASSESSMENTS.—The Secretary shall con-  
8 duct an annual assessment of the performance of  
9 each Job Corps center. Based on the assessment, the  
10 Secretary shall take measures to continuously im-  
11 prove the performance of the Job Corps program.

12 “(2) PERFORMANCE IMPROVEMENT.—With re-  
13 spect to a Job Corps center that fails to meet the  
14 expected levels of performance relating to the pri-  
15 mary indicators of performance specified in sub-  
16 section (c)(1), the Secretary shall develop and imple-  
17 ment a performance improvement plan. Such a plan  
18 shall require action to be taken during a one-year  
19 period, including—

20 “(A) providing technical assistance to the  
21 center;

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

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



1 “(D) replacing the operator of the center;

2 “(E) reducing the capacity of the center;

3 “(F) relocating the center; or

4 “(G) closing the center.

5 “(3) ADDITIONAL PERFORMANCE IMPROVE-  
6 MENT.—In addition to the performance improvement  
7 plans required under paragraph (2), the Secretary  
8 may develop and implement additional performance  
9 improvement plans. Such a plan shall require im-  
10 provements, including the actions described in such  
11 paragraph, for a Job Corps center that fails to meet  
12 criteria established by the Secretary other than the  
13 expected levels of performance described in such  
14 paragraph.

15 “(4) CIVILIAN CONSERVATION CENTERS.—With  
16 respect to a Civilian Conservation Center that fails  
17 to meet the expected levels of performance relating  
18 to the primary indicators of performance specified in  
19 subsection (c)(1), or fails to improve performance as  
20 described in paragraph (2), the Secretary, in con-  
21 sultation with the Secretary of Agriculture, may se-  
22 lect an entity to operate a Civilian Conservation  
23 Center on a competitive basis, in accordance with  
24 the requirements of section 147(a)(2)(B).

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

10           “(h) BUILDINGS AND FACILITIES.—The Secretary  
11 shall collect, and submit in the report described in sub-  
12 section (c), information regarding the state of Job Corps  
13 buildings and facilities. Such report shall include—

14                   “(1) a review of requested construction, reha-  
15 bilitation, and acquisition projects, by each Job  
16 Corps center; and

17                   “(2) a review of new facilities under construc-  
18 tion.

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

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

2 Section 161 is amended by striking “fiscal years  
3 1999 through 2003” and inserting “fiscal years 2012  
4 through 2016”.

5 **Subtitle D—National Programs**

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

7 Section 166 is amended—

8 (1) in subsection (a)(1)(B), by inserting “and  
9 to equip them with the entrepreneurial skills nec-  
10 essary for successful self-employment” after “work-  
11 force”;

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

17 (3) in subsection (d)—

18 (A) in paragraph (1)(B)—

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

21 (ii) by striking “unsubsidized”; and

22 (iii) by inserting “leading to self-suffi-  
23 ciency and the development of the aca-  
24 demic, occupational, and literacy skills of  
25 such individuals” before the period; and

26 (B) in paragraph (2)—

1 (i) in subparagraph (A)(i), by insert-  
2 ing “, including training on entrepreneurial  
3 skills” before the semicolon; and

4 (ii) in subparagraph (A)(ii), by insert-  
5 ing “Alaska Native” after “Indian”;

6 (4) in subsection (e)—

7 (A) in paragraph (3)—

8 (i) by striking “unsubsidized”; and

9 (ii) by inserting “leading to self-suffi-  
10 ciency” before the semicolon; and

11 (B) in paragraph (5)—

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

14 (ii) by inserting “, which shall include  
15 the primary indicators of performance de-  
16 scribed in section 136(b)(2)(A) and ex-  
17 pected levels of performance for such indi-  
18 cators, in accordance with subsection (h)”  
19 before the period;

20 (5) by redesignating subsections (h) through (j)  
21 as subsections (i) through (k), respectively, and in-  
22 sserting after subsection (g) the following new sub-  
23 section:

24 “(h) PERFORMANCE ACCOUNTABILITY MEASURES.—

1           “(1) ADDITIONAL PERFORMANCE INDICATORS  
2           AND STANDARDS.—

3           “(A) DEVELOPMENT OF INDICATORS AND  
4           STANDARDS.—The Secretary, in consultation  
5           with the Native American Employment and  
6           Training Council, shall develop a set of per-  
7           formance indicators and standards that is in  
8           addition to the primary indicators of perform-  
9           ance described in section 136(b)(2)(A) and that  
10          shall be applicable to programs under this sec-  
11          tion.

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

15                 “(i) the purpose of this section as de-  
16                 scribed in subsection (a)(1);

17                 “(ii) the needs of the groups served by  
18                 this section, including the differences in  
19                 needs among such groups in various geo-  
20                 graphic service areas; and

21                 “(iii) the economic circumstances of  
22                 the communities served, including dif-  
23                 ferences in circumstances among various  
24                 geographic service areas.

1           “(C) AGREEMENT ON ADJUSTED LEVELS  
2 OF PERFORMANCE.—The Secretary and the en-  
3 tity described in subsection (c) shall reach  
4 agreement on the levels of performance for each  
5 of the primary indicators of performance de-  
6 scribed in section 136(b)(2)(A), taking into ac-  
7 count economic conditions, characteristics of the  
8 individuals served, and other appropriate fac-  
9 tors and using, to the extent practicable, the  
10 statistical adjustment model under section  
11 136(b)(3)(A)(viii). The levels agreed to shall be  
12 the adjusted levels of performance and shall be  
13 incorporated in the program plan.”;

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

15           (A) in paragraph (2)(A)—

16               (i) by striking “performance meas-  
17 ures” and inserting “regulations relating  
18 to the performance accountability meas-  
19 ures”; and

20               (ii) by striking “such subsection, tak-  
21 ing into account the economic cir-  
22 cumstances of such entities” and inserting  
23 “this section”; and

1 (B) in paragraph (4)(A), by inserting “and  
2 to provide the advice described in subparagraph  
3 (C)” before the period; and  
4 (7) in subsection (k) (as so redesignated)—

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

13 (B) in paragraph (2), by striking “fiscal  
14 year 1999” and inserting “each of fiscal years  
15 2012 through 2016”.

16 **SEC. 152. MIGRANT AND SEASONAL FARMWORKER PRO-**  
17 **GRAMS.**

18 Section 167 is amended—

19 (1) in subsection (b)—

20 (A) by inserting “and deliver” after “ad-  
21 minister”; and

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

24 (2) in subsection (c)—

25 (A) in paragraph (2)—

1 (i) in subparagraph (A)—

2 (I) by striking “identify” and in-  
3 serting “describe the population to be  
4 served and identify”; and

5 (II) by inserting “, including up-  
6 graded employment in agriculture”  
7 before the semicolon;

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

10 (iii) in subparagraph (C)—

11 (I) by striking “indicators of per-  
12 formance” and inserting “perform-  
13 ance accountability measures”; and

14 (II) by inserting “, which shall  
15 include the expected levels of perform-  
16 ance for the primary indicators of per-  
17 formance described in section  
18 136(b)(2)(A)” before the semicolon;  
19 and

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

22 “(D) describe the availability and accessi-  
23 bility of local resources such as supportive serv-  
24 ices, services provided through one-stop delivery  
25 systems, and education and training services,



1 and how the resources can be made available to  
2 the population to be served; and

3 “(E) describe the plan for providing serv-  
4 ices under this section, including strategies and  
5 systems for outreach, career planning, assess-  
6 ment, and delivery through one-stop delivery  
7 systems.”;

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

12 “(3) AGREEMENT ON ADJUSTED LEVELS OF  
13 PERFORMANCE.—The Secretary and the entity de-  
14 scribed in subsection (b) shall reach agreement on  
15 the levels of performance for each of the primary in-  
16 dicators of performance described in section  
17 136(b)(2)(A), taking into account economic condi-  
18 tions, characteristics of the individuals served, and  
19 other appropriate factors, and using, to the extent  
20 practicable the statistical adjustment model under  
21 section 136(b)(3)(A)(viii). The levels agreed to shall  
22 be the adjusted levels of performance and shall be  
23 incorporated in the program plan.”; and

24 (C) in paragraph (5)(B) (as so redesign-  
25 nated)—

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

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

6 (iii) by striking “requirement” and in-  
7 serting “requirements”;

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

11 (v) by striking “grant or contract”  
12 the second place it appears and inserting  
13 “period of the grant, contract, or agree-  
14 ment”;

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

17 “(d) AUTHORIZED ACTIVITIES.—Funds made avail-  
18 able under this section and section 127 shall be used to  
19 carry out workforce investment activities (including youth  
20 workforce investment activities) and provide related assist-  
21 ance for eligible migrant and seasonal farmworkers, which  
22 may include—

23 “(1) outreach, employment, training, edu-  
24 cational assistance, literacy assistance, English lan-  
25 guage and literacy instruction, pesticide and worker

1 safety training, housing (including permanent hous-  
2 ing), supportive services, and school dropout preven-  
3 tion activities;

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

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

10 “(4) customized career and technical education  
11 in occupations that will lead to higher wages, en-  
12 hanced benefits, and long-term employment in agri-  
13 culture or another area; and

14 “(5) technical assistance to improve coordina-  
15 tion of services and implement best practices relat-  
16 ing to service delivery through one-stop delivery sys-  
17 tems.”;

18 (4) by amending subsection (f) to read as fol-  
19 lows:

20 “(f) REGULATIONS.—The Secretary shall establish  
21 regulations to carry out this section, including regulations  
22 relating to how economic and demographic barriers to em-  
23 ployment of eligible migrant and seasonal farmworkers  
24 should be considered and included in the negotiations lead-

1 ing to the adjusted levels of performance described in sub-  
2 section (c).”;

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

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

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

12 **SEC. 153. VETERANS WORKFORCE INVESTMENT PRO-**  
13 **GRAMS.**

14 Section 168 is amended—

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

18 (2) in subsection (b)(2)(A), by inserting “ac-  
19 countability” after “performance”; and

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

22 “(3) PERFORMANCE ACCOUNTABILITY MEAS-  
23 URES.—In carrying out the responsibilities relating  
24 to performance accountability measures described in  
25 paragraph (2)(A), the Assistant Secretary for Vet-

1        erans’ Employment and Training shall, for each  
2        grant or contract under this section providing edu-  
3        cation, training, or employment services to veterans,  
4        include among such measures the primary indicators  
5        of performance described in section 136(b)(2)(A)(i)  
6        and adjusted levels of performance for each such in-  
7        dicator that are agreed to by the Assistant Secretary  
8        and the recipient of the grant or contract.”.

9        **SEC. 154. REPEAL.**

10        Section 169 is repealed.

11        **SEC. 155. TECHNICAL ASSISTANCE.**

12        Section 170 is amended by adding at the end the fol-  
13        lowing new subsection:

14        “(c) **PROMISING AND PROVEN PRACTICES COORDI-**  
15        **NATION.**—Consistent with the identification and dissemi-  
16        nation of promising and proven practices under subtitle  
17        B of title I, the Secretary shall—

18                “(1) establish a system through which States  
19                and local areas share information regarding prom-  
20                ising and proven practices with regard to the oper-  
21                ation of workforce investment activities under this  
22                Act;

23                “(2) evaluate and disseminate information re-  
24                garding such promising and proven practices and  
25                identify knowledge gaps; and

1           “(3) commission research under section 170(c)  
2           to address knowledge gaps identified under para-  
3           graph (2).”.

4 **SEC. 156. INNOVATION PROJECTS.**

5           Section 171 is amended—

6           (1) in the section heading, by striking “**DEM-**  
7           **ONSTRATION, PILOT, MULTISERVICE, RE-**  
8           **SEARCH AND MULTISTATE PROJECTS**” and in-  
9           serting “**INNOVATION PROJECTS**”;

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

12           “(b) INNOVATION PROJECTS.—

13           “(1) IN GENERAL.—The Secretary shall,  
14           through grants or contracts, carry out demonstra-  
15           tion and pilot projects that are consistent with the  
16           priorities specified in the plan published under sub-  
17           section (a) and that are for the purposes of devel-  
18           oping and implementing techniques and approaches,  
19           and demonstrating the effectiveness of specialized  
20           methods, in addressing employment and training  
21           needs. Such projects shall—

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

24           “(B) be subject to measures of perform-  
25           ance that include the primary indicators of per-

1 formance described in section 136(b)(2)(A) as  
2 well as other appropriate indicators; and

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

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

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

14 “(B) projects that focus on opportunities  
15 for employment in industries and sectors of in-  
16 dustries that are experiencing, or are likely to  
17 experience, high rates of growth, including  
18 health care and advanced manufacturing sec-  
19 tors, and have jobs with wages and benefits  
20 leading to economic self-sufficiency;

21 “(C) projects that focus on local partner-  
22 ships of industry, labor, community colleges,  
23 area career and technical education centers  
24 community-based organizations, and economic  
25 development organizations, to promote opportu-

1 nities for dislocated workers and long-term un-  
2 employed to receive training and related serv-  
3 ices for employment and access to career lad-  
4 ders in high-demand sectors;

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

13 “(E) projects to develop and implement  
14 promising or proven approaches and tech-  
15 nologies, including the use of distance education  
16 and activities to increase the digital literacy of  
17 older individuals, in order to deliver employ-  
18 ment related, work-based training services and  
19 recognized postsecondary credentials;

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

22 “(i) be provided to job training and  
23 apprenticeship programs that have dem-  
24 onstrated expertise in serving low-income  
25 individuals and that offer instruction, as-



1           assessment, and professional coaching, for  
2           each low-income individual who is retained  
3           in such employment with such employer for  
4           a period of 1 year; and

5           “(ii) be provided taking into account  
6           the economic benefit received by the Fed-  
7           eral Government from the employment and  
8           retention of the individual, including the  
9           economic benefit from tax revenue and de-  
10          creased public subsidies;

11          “(G) projects utilizing a pay-for-perform-  
12          ance approach for providers of education, train-  
13          ing, and employment services to individuals  
14          with barriers to employment, including services  
15          targeted to addressing the specific challenges  
16          and conditions that have created barriers for  
17          participants in programs under this Act;

18          “(H) projects that provide comprehensive  
19          education and training services, and support  
20          services, in coordination with local boards, for  
21          populations in targeted high poverty areas  
22          where the greatest barriers to employment  
23          exist, including ex-offenders, out-of-school  
24          youth, and public assistance recipient popu-  
25          lations; and

1           “(I) projects that seek to replicate exem-  
2 plary youth programs that have demonstrated  
3 effectiveness in 2 or more noncontiguous local  
4 areas in preparing youth for success in the  
5 workforce.

6           “(3) CONDITIONS.—

7           “(A) COMPETITIVE AWARDS.—Grants or  
8 contracts awarded for carrying out demonstra-  
9 tion and pilot projects under this subsection  
10 shall be awarded on a competitive basis and in  
11 accordance with generally applicable Federal re-  
12 quirements.

13           “(B) TIME LIMITS.—The Secretary shall  
14 establish appropriate time limits for carrying  
15 out demonstration and pilot projects under this  
16 subsection.”; and

17           (3) in subsection (e)(7), by striking “(Public  
18 Law 109–58)” and inserting “(42 U.S.C. 15852)”.

19 **SEC. 157. WORKFORCE AND YOUTH INNOVATION AND BEST**  
20 **PRACTICES GRANTS.**

21           The Workforce Investment Act of 1998 is further  
22 amended by inserting after section 171 the following new  
23 sections:

1 **“SEC. 171A. WORKFORCE INNOVATION AND BEST PRAC-**  
2 **TICES GRANTS.**

3 “(a) PURPOSE.—It is the purpose of this section to—

4 “(1) promote the development of comprehensive  
5 workforce investment systems at the State, regional,  
6 and local levels that reflect the alignment of strate-  
7 gies and activities across the core programs and,  
8 where appropriate, across other workforce develop-  
9 ment, education, economic development, and human  
10 services programs, to provide effective, high quality,  
11 and client-centered services to job seekers and work-  
12 ers, youth, and employers;

13 “(2) promote innovation and to improve, rep-  
14 licate, and expand models and service delivery strat-  
15 egies of demonstrated effectiveness in meeting the  
16 education, training, and employment needs of job  
17 seekers and workers, and youth, including such indi-  
18 viduals with barriers to employment, and employers;  
19 and

20 “(3) establish and improve programs for youth  
21 that provide access to career pathways that include  
22 the attainment of a recognized postsecondary cre-  
23 dential or employment that leads to economic self-  
24 sufficiency.

25 “(b) PROGRAM AUTHORIZED.—From amounts ap-  
26 propriated to carry out this section, the Secretary of

1 Labor and the Secretary of Education, in accordance with  
2 section 176, shall—

3 “(1) for the first program year that begins  
4 after the date of enactment of the Workforce Invest-  
5 ment Act of 2012, award transition grants in ac-  
6 cordance with section 175; and

7 “(2) with funds not awarded for transition  
8 grants under paragraph (1) for the first program  
9 years that begins after the date of enactment of the  
10 Workforce Investment Act of 2012, and for subse-  
11 quent years, award workforce innovation and best  
12 practices grants to eligible entities in accordance  
13 with subsection (c).

14 “(c) WORKFORCE INNOVATION AND BEST PRAC-  
15 TICES GRANTS TO ELIGIBLE ENTITIES.—

16 “(1) IN GENERAL.—From funds described in  
17 subsection (b)(1), the Secretary of Labor and the  
18 Secretary of Education shall award workforce inno-  
19 vation and replication grants on a competitive basis  
20 to eligible entities in accordance with paragraph (2)  
21 to be used for the purposes set forth in subsection  
22 (a).

23 “(2) ELIGIBLE ENTITIES.—

24 “(A) IN GENERAL.—To be eligible to re-  
25 ceive a grant under this subsection, a State

1 partnership or regional entity shall meet the re-  
2 quirements of this paragraph, submit an appli-  
3 cation in accordance with subsection (e), and be  
4 in partnership with one or more of the fol-  
5 lowing:

6 “(i) A nonprofit organization with rel-  
7 evant expertise, including a community-  
8 based organization.

9 “(ii) An institution of higher edu-  
10 cation, including a community college.

11 “(iii) A joint labor-management part-  
12 nership.

13 “(B) STATE PARTNERSHIP.—For a State  
14 partnership to be eligible for funding under this  
15 subsection, a Governor of a State shall—

16 “(i) submit the application in partner-  
17 ship with the State board and with 1 or  
18 more regional entities in the State de-  
19 scribed in subparagraph (C); and

20 “(ii) demonstrate that the State has—

21 “(I) aligned the core programs;

22 “(II) made significant progress  
23 towards aligning the core programs  
24 with other workforce investment pro-  
25 grams; and

1                   “(III) achieved the alignments  
2                   described in subclauses (I) and (II)  
3                   consistent with the State plan.

4                   “(C) REGIONAL ENTITIES.—To be identi-  
5                   fied as a regional entity and to be eligible for  
6                   funding under this subsection, a local board for  
7                   a local area that is aligned with a region, or all  
8                   of the local boards for local areas that comprise  
9                   a planning region under section 116(c), shall  
10                  demonstrate that—

11                  “(i) the application has been devel-  
12                  oped in consultation with the State and is  
13                  not duplicative of other applications under  
14                  this subsection submitted by a State part-  
15                  nership; and

16                  “(ii) the local board, or all of the local  
17                  boards for the planning region, has—

18                          “(I) worked with the core pro-  
19                          grams to achieve alignment of such  
20                          programs in the region;

21                          “(II) made significant progress  
22                          towards aligning the core programs  
23                          with other workforce investment pro-  
24                          grams in the region; and

1                   “(III) achieved the alignments  
2                   described in subclauses (I) and (II)  
3                   consistent with the State plan.

4           “(d) TYPES OF GRANTS AUTHORIZED.—

5                   “(1) IN GENERAL.—From amounts appro-  
6                   priated to carry out this section, the Secretary of  
7                   Labor and the Secretary of Education shall award  
8                   eligible entities one or more of the following:

9                           “(A) PLANNING GRANT.—The Secretary of  
10                   Labor and the Secretary of Education may  
11                   award a planning grant under this section, not  
12                   to exceed a total of \$250,000 for a 1-year pe-  
13                   riod, to an eligible entity that—

14                                   “(i) is preparing to establish an inno-  
15                                   vative workforce investment project; and

16                                   “(ii) has not received a grant under  
17                                   this section.

18                           “(B) INNOVATION GRANT.—The Secre-  
19                   taries may award an innovation grant under  
20                   this section, not to exceed a total of \$3,000,000  
21                   for a 2-year period to an eligible entity that—

22                                   “(i) has already received a planning  
23                                   grant under this section; or

24                                   “(ii) has already established an inno-  
25                                   vative workforce investment project.

1           “(C) SUSTAINABILITY GRANT.—The Secre-  
2           taries may award a sustainability grant, not to  
3           exceed a total of \$2,000,000 for a 2-year period  
4           or \$5,000,000 for a 5-year period, to an eligible  
5           entity that—

6                   “(i) has established an innovative  
7                   workforce investment project that has dem-  
8                   onstrated measurable improvements as  
9                   measured by the performance measures set  
10                  forth in section 136; and

11                   “(ii) seeks to expand or replicate that  
12                  project on the State, local, or regional  
13                  level.

14           “(2) FEDERAL AND NON-FEDERAL SHARE.—  
15           The Federal share for the grants described in para-  
16           graph (1) shall be—

17                   “(A) for a planning grant described in  
18                   paragraph (1)(A), 100 percent;

19                   “(B) for an innovation grant described in  
20                   paragraph (1)(B)—

21                           “(i) 90 percent of the costs of the ac-  
22                           tivities carried out under the grant, in the  
23                           first year of the grant;

24                           “(ii) 80 percent of such costs in the  
25                           second year of the grant; and



1                   “(iii) 70 percent of such costs in the  
2                   third year of the grant; and

3                   “(C) for a sustainability grant described in  
4                   paragraph (1)(C)—

5                   “(i) for an eligible entity that receives  
6                   a 2-year grant—

7                   “(I) not more than 50 percent of  
8                   the costs of the activities carried out  
9                   under the grant, in the first year of  
10                  the grant; and

11                  “(II) not more than 30 percent  
12                  of such costs in the second year of the  
13                  grant; and

14                  “(ii) for an eligible entity that receives  
15                  a 5-year grant—

16                  “(I) not more than 70 percent of  
17                  the costs of the activities carried out  
18                  under the grant, in the first year of  
19                  the grant;

20                  “(II) not more than 60 percent  
21                  of such costs in the second year of the  
22                  grant;

23                  “(III) not more than 50 percent  
24                  of such costs in the third year of the  
25                  grant;

1                   “(IV) not more than 40 percent  
2                   of such costs in the fourth year of the  
3                   grant; and

4                   “(V) not more than 30 percent of  
5                   such costs in the fifth year of the  
6                   grant.

7                   “(3) NON-FEDERAL SHARE.—The non-Federal  
8                   share of an innovation or sustainability grant under  
9                   this section may be in cash or in-kind, and may  
10                  come from State, local, philanthropic, private, or  
11                  other resources.

12                  “(4) FINANCIAL HARDSHIP WAIVER.—The Sec-  
13                  retary of Labor and the Secretary of Education may  
14                  waive or reduce the matching share of an eligible en-  
15                  tity that has submitted an application under this  
16                  subsection if such entity demonstrates a need for  
17                  such waiver or reduction due to financial hardship  
18                  as defined by the Secretary of Labor and the Sec-  
19                  retary of Education.

20                  “(5) FISCAL AGENT.—Each eligible entity that  
21                  is a State consortia or partnership receiving a grant  
22                  under this subsection shall designate an entity in the  
23                  partnership as the fiscal agent for purposes of this  
24                  grant.

1           “(6) SUPPLEMENT NOT SUPPLANT.—Federal  
2 funds awarded under this section shall be used to  
3 supplement, not supplant non-Federal resources that  
4 would be used to support activities carried out as  
5 part of the innovative workforce investment project.

6           “(7) GRANT PERIOD.—

7           “(A) PLANNING GRANTS.—Grants awarded  
8 under paragraph (1)(A) shall be made for a pe-  
9 riod of not longer than 1 year.

10           “(B) INNOVATION GRANT.—Grants award-  
11 ed under paragraph (1)(B) shall be made for a  
12 period of no longer than 3 years.

13           “(C) SUSTAINABILITY GRANT.—Grants  
14 awarded under paragraph (1)(C) shall be made  
15 for a period of no longer than 5 years.

16           “(e) APPLICATION.—An eligible entity seeking a  
17 grant under this section shall submit an application to the  
18 Secretary of Labor and the Secretary of Education at such  
19 time, in such manner, and containing such information as  
20 the Secretary of Labor and the Secretary of Education  
21 may require. An application submitted under this para-  
22 graph may include the following:

23           “(1) A description of the eligible entity, evi-  
24 dence of the eligible entity’s capacity to carry out ac-  
25 tivities in support of the strategic objectives identi-

1       fied in the application under paragraph (4), and, if  
2       the eligible entity is a partnership, a description of  
3       the expected participation and responsibilities of  
4       each of the partners.

5           “(2) A description of the industry or targeted  
6       industry cluster that will be served through the  
7       project, including a description of how the skilled  
8       workforce needs of small- and medium-sized employ-  
9       ers connected with that industry or industries will be  
10      addressed.

11          “(3) A description of the target worker popu-  
12      lations to be served through the project, including a  
13      description of target worker populations with signifi-  
14      cant barriers to employment and a description of  
15      strategies that will be used to help overcome such  
16      barriers.

17          “(4) A description of the strategic objectives  
18      that the eligible entity seeks to achieve through the  
19      funded project for—

20           “(A) implementing career pathways strate-  
21      gies, which may include—

22           “(i) providing clear linkages between  
23      remedial, academic and occupational pro-  
24      grams within educational institutions, and  
25      articulation of credits across institutions;

1           “(ii) designing curricula in terms of  
2           competencies required for education and  
3           career advancement, and, where possible,  
4           tied to industry skill standards, certifi-  
5           cations or licensing requirements including  
6           those developed by industry or sector part-  
7           nerships;

8           “(iii) offering programs at times and  
9           places (including workplaces) convenient  
10          for working adults and structured in small  
11          modules or ‘chunks’, each leading to recog-  
12          nized credential;

13          “(iv) allowing flexibility to enter and  
14          exit education as participants’ cir-  
15          cumstances permit;

16          “(v) providing support services, in-  
17          cluding career assessment and counseling,  
18          case management, child care, transpor-  
19          tation, financial aid and job placement;

20          “(vi) creating ‘bridge programs’ for  
21          educationally disadvantaged youths and  
22          adults that teach basic skills such as office  
23          communication, math and problem solving  
24          in the context of training for advancement

1 to better jobs and postsecondary training;  
2 and

3 “(vii) aligning both public and private  
4 funding sources, such as the Carl D. Per-  
5 kins Career and Technical Education Act,  
6 Workforce Investment Act, Adult Edu-  
7 cation and Family Literacy Act, Tem-  
8 porary Assistance to Needy Families, State  
9 and Federal financial aid, and employer  
10 tuition reimbursement;

11 “(B) implementing industry or sector part-  
12 nerships, which may include—

13 “(i) recruiting key stakeholders in the  
14 targeted industry cluster, such as multiple  
15 businesses and employers, labor organiza-  
16 tions, local boards, and education and  
17 training providers, and regularly convening  
18 the stakeholders in a collaborative struc-  
19 ture that supports the sharing of informa-  
20 tion, ideas, and challenges common to the  
21 targeted industry cluster;

22 “(ii) identifying the training needs of  
23 multiple businesses, especially skill gaps  
24 critical to competitiveness and innovation  
25 in the targeted industry cluster;

1           “(iii) facilitating economies of scale by  
2 aggregating training and education needs  
3 of multiple employers;

4           “(iv) helping postsecondary edu-  
5 cational institutions, training institutions,  
6 apprenticeship programs, area career and  
7 technical education centers, and all other  
8 training programs authorized under this  
9 Act, align curricula, entrance requirements  
10 and programs to industry demand and na-  
11 tionally portable, recognized postsecondary  
12 credentials (or, if not available for the tar-  
13 geted industry, other credentials, as deter-  
14 mined appropriate by the Secretary), par-  
15 ticularly for higher skill, high-priority occu-  
16 pations validated by the industry;

17           “(v) ensuring that the State agency  
18 carrying out the State program under the  
19 Wagner-Peyser Act (29 U.S.C. 49 et seq.),  
20 including staff of the agency that provide  
21 services under such Act, shall inform re-  
22 cipients of unemployment insurance of the  
23 job and training opportunities that may re-  
24 sult from the implementation of this grant;

1           “(vi) informing and collaborating with  
2 organizations such as youth councils, busi-  
3 ness-education partnerships, apprenticeship  
4 programs, secondary schools, and postsec-  
5 ondary educational institutions, and with  
6 parents and career counselors, for the pur-  
7 pose of addressing the challenges of con-  
8 necting disadvantaged adults and dis-  
9 advantaged youth as defined in section in  
10 this Act to careers;

11           “(vii) helping companies identify, and  
12 work together to address, common organi-  
13 zational and human resource challenges,  
14 such as—

15                   “(I) recruiting new workers;

16                   “(II) implementing effective  
17 workplace practices;

18                   “(III) retraining dislocated and  
19 incumbent workers;

20                   “(IV) implementing a high-per-  
21 formance work organization;

22                   “(V) recruiting and retaining  
23 women in nontraditional occupation;

24                   “(VI) adopting new technologies;  
25 and



1                   “(VII) fostering experiential and  
2                   contextualized on-the-job learning;

3                   “(viii) developing and strengthening  
4                   career ladders within and across compa-  
5                   nies, in order to enable dislocated, incum-  
6                   bent and entry-level workers to improve  
7                   skills and advance to higher-wage jobs;

8                   “(ix) improving job quality through  
9                   improving wages, benefits, and working  
10                  conditions;

11                  “(x) helping partner companies, in-  
12                  dustry or sector partnerships to attract po-  
13                  tential employees from a diverse job seeker  
14                  base, including individuals with barriers to  
15                  employment (such as job seekers who are  
16                  low income, youth, older workers, and indi-  
17                  viduals who have completed a term of im-  
18                  prisonment), by identifying such barriers  
19                  through analysis of the existing labor mar-  
20                  ket and implementing strategies to help  
21                  such workers overcome such barriers; and

22                  “(xi) strengthening connections  
23                  among businesses in the targeted industry  
24                  cluster, leading to cooperation beyond  
25                  workforce issues that will improve competi-

1           tiveness and job quality, such as joint pur-  
2           chasing, market research, or centers for  
3           technology and innovation; and

4           “(C) implementing credential attainment  
5           and measurement strategies, which may in-  
6           clude—

7                   “(i) establishing a cross agency com-  
8                   mittee (such as the State workforce invest-  
9                   ment board, a legislative task force, a P-  
10                  20 Council, or some other agreed upon  
11                  group) that is specifically focused on low  
12                  and middle skill education and training  
13                  outcomes to measure credential attainment  
14                  through the State’s workforce investment  
15                  and training programs, by—

16                           “(I) tracking, counting, meas-  
17                           uring and public reporting credential  
18                           attainment rates for all programs pro-  
19                           viding education and training beyond  
20                           a high school diploma but less than a  
21                           4-year degree;

22                           “(II) measuring the result of  
23                           workforce training programs leading  
24                           to an recognized postsecondary cre-  
25                           dential, certificate of degree;

1           “(III) establishing statewide poli-  
2           cies, goals, and guidelines for the col-  
3           lection of credential outcome data for  
4           all employment and training programs  
5           and related programs and services  
6           within the State;

7           “(IV) engaging other related de-  
8           partments and agencies that may have  
9           data or are involved in activities re-  
10          lated to workforce development and  
11          job training;

12          “(V) establishing standards and  
13          data collection infrastructure to assess  
14          the number of industry-recognized  
15          middle skill credentials or certificates  
16          produced through Federal or State  
17          programs, and their relation to labor  
18          market needs;

19          “(VI) setting credential attain-  
20          ment goals in high demand industry  
21          sector then monitor and measure  
22          progress over time; and

23          “(VII) providing an annual as-  
24          sessment and report to the Governor  
25          and Legislature about the type of cre-

1           dential outcomes produced by pro-  
2           grams and provide recommendations  
3           to better align efforts across agencies  
4           to meet employer demand;

5           “(ii) ensuring the collection of creden-  
6           tial outcome data from a range of public  
7           workforce and education programs to en-  
8           sure State agencies and programs are in-  
9           creasing the number of workers with the  
10          skills and credentials needed to fill the pro-  
11          jected demand for middle and high skilled  
12          jobs;

13          “(iii) using the data in order to assess  
14          workforce system outcomes, establish cre-  
15          dential attainment goals, measure  
16          progress, and hold agencies accountable to  
17          increase the skills of the workforce; and

18          “(iv) developing a comprehensive  
19          workforce system report that provides indi-  
20          vidual agency outcomes and statewide rep-  
21          resentation of the credential attainment  
22          outcomes of the State’s workforce invest-  
23          ment system.

24          “(5) A description of a pay-for-performance ap-  
25          proach for providers of education, training, and em-

1 employment services to individuals with barriers to em-  
2 ployment, including services targeted to addressing  
3 the specific challenges and conditions that have cre-  
4 ated barriers for participants in programs under this  
5 Act.

6 “(f) AWARD BASIS.—

7 “(1) GEOGRAPHIC DISTRIBUTION.—The Sec-  
8 retary of Labor and the Secretary of Education shall  
9 award competitive grants under this section in a  
10 manner to ensure geographic diversity.

11 “(2) PRIORITIES.—In awarding grants under  
12 this section, the Secretaries shall give priority to eli-  
13 gible entities that—

14 “(A) provide evidence of past or current  
15 investments in workforce innovation projects  
16 that incorporate one or more of the priority  
17 strategies;

18 “(B) focus on addressing the skill needs of  
19 multiple employers, including small- and me-  
20 dium-sized businesses; or

21 “(C) target services to low-income individ-  
22 uals, low-skill individuals, long-term unem-  
23 ployed, and other populations with barriers to  
24 employment.

25 “(g) ACTIVITIES.—

1           “(1) IN GENERAL.—An eligible entity receiving  
2 a grant under this section shall carry out the activi-  
3 ties necessary to meet the strategic objectives, in-  
4 cluding planning activities if applicable, described in  
5 the entity’s application in a manner that—

6                   “(A) integrates services and funding  
7 sources in a way that enhances the effectiveness  
8 of the activities; and

9                   “(B) uses grant funds awarded under this  
10 section efficiently.

11           “(2) ADMINISTRATIVE COSTS.—An eligible enti-  
12 ty may retain a portion of a grant awarded under  
13 this section for a fiscal year to carry out the admin-  
14 istration of this section in an amount not to exceed  
15 5 percent of the grant amount.

16           “(h) EVALUATION AND PROGRESS REPORTS.—

17                   “(1) IN GENERAL.—Not later than 1 year after  
18 receiving a grant under this section, and annually  
19 thereafter during the grant period, an eligible entity  
20 shall report to the Secretary of Labor and the Sec-  
21 retary of Education, and to the Governor of the  
22 State that the eligible entity serves, on the spending  
23 and activities funded pursuant to a grant under this  
24 section, including an evaluation of the progress the  
25 eligible entity has made toward the strategic objec-

1 tives identified in the application and measure the  
2 progress using the performance accountability meas-  
3 ures identified in the application.

4 “(2) PUBLIC AVAILABILITY.—The Secretary  
5 shall transmit such reports to the Congress and  
6 make such reports available to the public.

7 “(i) ADMINISTRATION BY THE SECRETARIES.—

8 “(1) ADMINISTRATIVE COSTS.—The Secretaries  
9 may jointly retain a total of not more than 3 percent  
10 of the funds appropriated to carry out this section  
11 for each fiscal year to administer this section, in-  
12 cluding technical assistance and evaluation activities.

13 “(2) TECHNICAL ASSISTANCE AND OVER-  
14 SIGHT.—The Secretaries shall provide technical as-  
15 sistance and oversight to assist the eligible entities  
16 in applying for and administering grants awarded  
17 under this section, including technical assistance and  
18 through the collection and dissemination of informa-  
19 tion on best practices.

20 “(3) PERFORMANCE ACCOUNTABILITY MEAS-  
21 URES.—The Secretaries shall issue a range of per-  
22 formance measures, with quantifiable benchmarks,  
23 and methodologies that eligible entities may use to  
24 evaluate the effectiveness of each type of activity in  
25 making progress toward the strategic objectives de-

1 scribed in the application. Such measures shall con-  
2 sider the benefits of the innovative workforce devel-  
3 opment projects and its activities for workers, firms,  
4 industries, and communities.

5 “(4) DISSEMINATION.—The Secretaries shall—

6 “(A) coordinate the annual review of each  
7 eligible entity receiving a grant under this sec-  
8 tion and produce an overview report that, at a  
9 minimum, includes each funded project and  
10 best practices identified;

11 “(B) make resource materials, including all  
12 reports published and all data collected under  
13 this section, available on the Internet; and

14 “(C) conduct conferences and seminars  
15 to—

16 “(i) disseminate information on best  
17 practices developed by eligible entities re-  
18 ceiving a grant under this section; and

19 “(ii) provide information to interested  
20 stakeholders.

21 “(5) REPORT TO CONGRESS.—Not later than  
22 24 months after the date of enactment of the Work-  
23 force Investment Act of 2012 and on an annual  
24 basis thereafter, the Secretaries shall transmit a re-  
25 port to Congress on the grant program established



1 by this section. The report shall include a descrip-  
2 tion of—

3 “(A) the eligible entities receiving funding;

4 “(B) the spending and activities carried  
5 out by the eligible entities;

6 “(C) how the eligible entities were selected  
7 to receive funding under this section; and

8 “(D) an assessment of the results achieved  
9 by the grant program including findings from  
10 the annual reviews conducted under subsection  
11 (i).

12 **“SEC. 171B. YOUTH INNOVATION AND BEST PRACTICES**  
13 **GRANTS.**

14 “(a) PROGRAM AUTHORIZED.—

15 “(1) IN GENERAL.—The Secretary of Labor  
16 and the Secretary of Education, shall—

17 “(A) for the first program year that begins  
18 after the date of enactment of the Workforce  
19 Investment Act of 2012, award transition  
20 grants in accordance with section 176; and

21 “(B) with funds not awarded for transition  
22 grants under paragraph (1) for the first pro-  
23 gram year that begins after the date of enact-  
24 ment of the Workforce Investment Act of 2012,  
25 and with the funds reserved for each program

1 year thereafter, award youth innovation and  
2 replication grants to eligible entities described  
3 in subsection (c) for the purposes described in  
4 subsection (b).

5 “(b) AUTHORIZATION AND PURPOSE OF GRANTS.—

6 “(1) IN GENERAL.—From funds appropriated  
7 pursuant to section 174, the Secretary of Labor and  
8 the Secretary of Education shall award youth inno-  
9 vation and replication grants on a competitive basis  
10 to eligible entities described in subsection (c).

11 “(2) USE OF FUNDS.—The grants awarded  
12 under this section shall be used to support the dem-  
13 onstration of innovative new strategies and activities,  
14 or the replication and expansion of effective evi-  
15 dence-based strategies and activities that are de-  
16 signed to substantially improve education and em-  
17 ployment outcomes for eligible youth, including prep-  
18 aration for post secondary education and training  
19 and for careers. Such strategies and activities shall  
20 include—

21 “(A) establishing career pathways in in-de-  
22 mand industry sectors and occupations for eligi-  
23 ble youth, in collaboration with other Federal,  
24 State, and local programs, and public and pri-  
25 vate entities;

1           “(B) developing and implementing a com-  
2 prehensive strategy, for an area of high poverty,  
3 that provides education and training programs,  
4 resources, and other activities that prepare  
5 youth for postsecondary education and training  
6 and for employment that leads to economic self-  
7 sufficiency;

8           “(C) developing and implementing strate-  
9 gies and activities that provide opportunities for  
10 youth with disabilities to receive education,  
11 training, and employment services that lead to  
12 a recognized postsecondary credential or inte-  
13 grated, competitive employment, including  
14 through incorporating elements of the individ-  
15 ualized education program and related services  
16 under the Individuals with Disabilities in Edu-  
17 cation Act;

18           “(D) developing and implementing evi-  
19 dence-based strategies and activities, such as—

20               “(i) education offered concurrently  
21 and contextually with workforce prepara-  
22 tion and training for a specific occupation  
23 or occupational cluster;

24               “(ii) career academies;

1           “(iii) dropout prevention and recovery  
2 strategies;

3           “(iv) paid or unpaid work experience,  
4 including summer employment opportuni-  
5 ties and employment opportunities avail-  
6 able throughout the school year, combined  
7 with academic learning leading to a recog-  
8 nized postsecondary credential;

9           “(v) innovative programs for youth  
10 facing multiple barriers to employment  
11 that arrange for the provision of or provide  
12 supportive services combined with edu-  
13 cation, training, including preparation for  
14 postsecondary education and training, or  
15 employment activities; or

16           “(vi) to include youth service and con-  
17 servation corps programs in which a  
18 project undertaken is credited as qualifying  
19 experience for higher education, job train-  
20 ing, or careers in public service; or

21           “(E) other evidence-based strategies or ac-  
22 tivities designed to improve the education and  
23 employment outcomes for youth.

24           “(c) ELIGIBLE ENTITIES AND APPLICATION.—

1           “(1) ELIGIBLE ENTITIES.—An entity eligible to  
2 receive a grant under this section shall include—

3           “(A)(i) the Governor of a State in coordi-  
4 nation with the State board and with a local  
5 board for a local area that is aligned with a re-  
6 gion, or with all boards for local areas that  
7 comprise a planning region, under section  
8 116(c); or

9           “(ii) a local board for a local area that is  
10 aligned with a region, or all local boards for  
11 local areas that comprise a planning region,  
12 under section 116(c), in consultation with the  
13 standing committee on youth associated with  
14 the local board; and

15           “(B) one or more of the following:

16           “(i) A State education agency.

17           “(ii) A local education agency.

18           “(iii) A nonprofit organization with  
19 expertise serving eligible youth, including a  
20 community-based organization, youth  
21 corps, or an intermediary.

22           “(iv) An institution of higher edu-  
23 cation, including a community college and  
24 an area career and technical education cen-  
25 ter.

1                   “(v) A joint labor-management part-  
2                   nership.

3                   “(2) APPLICATION.—To receive a grant under  
4                   this subsection, an eligible entity shall submit an ap-  
5                   plication to the Secretary of Labor and the Sec-  
6                   retary of Education at such time, in such manner,  
7                   and containing such information, consistent with  
8                   this paragraph, as the Secretaries may require. Each  
9                   such application shall describe the innovation and  
10                  replication strategies and activities that the eligible  
11                  entity will carry out to strengthen the workforce in-  
12                  vestment system in the State or region in order to  
13                  substantially improve education and employment  
14                  outcomes for youth, such as youth with disabilities,  
15                  served by such system, and may include—

16                  “(A) a description of the region in the  
17                  State or the State, as applicable, that will be  
18                  the focus of grant activities, including analyses  
19                  of economic conditions, skill needs, the work-  
20                  force, and the workforce development services  
21                  (including the strengths and weaknesses of such  
22                  services and the capacity to provide such serv-  
23                  ices) that are relevant to the proposed strate-  
24                  gies and activities that would be carried out  
25                  under the grant;

1           “(B) a description of the youth populations  
2 to be served, including individuals with barriers  
3 to employment who are youth, and the skill  
4 needs of those populations;

5           “(C) a description of the promising strate-  
6 gies and activities the eligible entity is pro-  
7 posing to demonstrate, or the evidence-based  
8 strategies and activities that the eligible entity  
9 is proposing to expand or replicate;

10           “(D) a description of how the eligible enti-  
11 ty will meaningfully involve youth in the design  
12 and implementation of the proposed strategies  
13 and activities;

14           “(E) a description of how, in carrying out  
15 such strategies and activities, the eligible entity  
16 will—

17           “(i) collaborate to leverage resources  
18 among strategic partners to achieve the  
19 purposes of the grant, and to provide the  
20 matching share described in subsection  
21 (d)(2); and

22           “(ii) ensure the sustainability of the  
23 programs and activities supported by the  
24 grant after grant funds are no longer  
25 available;

1           “(F) a description of how the strategies  
2           and activities will be aligned with the State plan  
3           and the local plans in the region of the State  
4           that will be the focus of grant activities;

5           “(G) a description of the outcomes, includ-  
6           ing outcomes for the performance accountability  
7           measures based on indicators of performance  
8           described in section 136(b)(2)(A)(ii), to be  
9           achieved by the proposed strategies and activi-  
10          ties; and

11          “(H) a description of how the eligible enti-  
12          ty will—

13                  “(i) use technology;

14                  “(ii) collect data;

15                  “(iii) made data publicly available;

16                  and

17                  “(iv) use technology and data to im-  
18                  prove program delivery, activities, and ad-  
19                  ministration.

20          “(d) MATCHING FUNDS REQUIREMENTS.—

21                  “(1) INNOVATION FUND SHARE.—The amount  
22                  of the share of the funds provided under this section  
23                  shall be not greater than 50 percent of the cost of  
24                  the programs and activities that are carried out  
25                  under the grant.



1           “(2) MATCHING SHARE.—

2                 “(A) IN GENERAL.—

3                     “(i) AMOUNT.—The amount of the  
4                     matching share under this subsection for a  
5                     program year may not be less than 50 per-  
6                     cent of the costs of the programs and ac-  
7                     tivities that are carried out under the  
8                     grant.

9                     “(ii) IN CASH OR KIND.—The match-  
10                    ing share may be in cash or in kind (fairly  
11                    evaluated).

12                    “(iii) SOURCES.—Not more than 50  
13                    percent of the matching share required  
14                    under this subsection may be provided  
15                    from Federal resources, of which not less  
16                    than 50 percent shall be provided from  
17                    Federal resources from the partner pro-  
18                    grams identified in the application other  
19                    than resources provided under the core  
20                    programs. Non-Federal sources for the  
21                    matching share may include State re-  
22                    sources, local resources, contributions from  
23                    private organizations, or a combination of  
24                    such resources and contributions.

1           “(B) FINANCIAL HARDSHIP WAIVER.—The  
2           Secretary of Labor and the Secretary of Edu-  
3           cation may waive or reduce the matching share  
4           of an eligible entity that has submitted an ap-  
5           plication under this subsection if such entity  
6           demonstrates a need for such waiver or reduc-  
7           tion due to extreme financial hardship as de-  
8           fined by the Secretary of Labor and the Sec-  
9           retary of Education.

10           “(C) SUPPLEMENT NOT SUPPLANT.—The  
11           Federal and matching share required by this  
12           subsection shall be used to supplement and not  
13           supplant other Federal and State funds used to  
14           carry out activities described in this subsection.

15           “(e) GRANT PERIOD.—Grants awarded under this  
16           subsection shall be awarded for periods of not more than  
17           3 years in duration and may not be renewed.

18           “(f) REPORTING.—The Secretary of Labor and the  
19           Secretary of Education are authorized to establish appro-  
20           priate reporting requirements for grantees under this sub-  
21           section.

22           “(g) TECHNICAL ASSISTANCE AND EVALUATION.—  
23           For each program year for which funds are available to  
24           carry out this section, the Secretary of Labor and the Sec-  
25           retary of Education may reserve a total of not more than

1 3 percent of the amount available to carry out this sub-  
2 section to provide technical assistance to applicants and  
3 grantees under this subsection and to evaluate projects  
4 carried out under this subsection. The Secretaries shall  
5 ensure that the results of the evaluations are publicly  
6 available, including through electronic means.”.

7 **SEC. 158. EVALUATIONS.**

8 Section 172 is amended—

9 (1) in subsection (a)(2), by inserting “account-  
10 ability” after “performance”;

11 (2) in subsection (c)—

12 (A) by striking “as least” and inserting  
13 “at least”; and

14 (B) by striking “2005” and inserting  
15 “2016”;

16 (3) in subsection (e), by striking “Labor and  
17 Human Resources” and inserting “Health, Edu-  
18 cation, Labor, and Pensions”;

19 (4) by redesignating subsection (f) as sub-  
20 section (g) and inserting after subsection (e) the fol-  
21 lowing new subsection:

22 “(f) PUBLICATION OF REPORTS.—If an entity that  
23 enters into a contract or other arrangement with the Sec-  
24 retary to conduct an evaluation of a program or activity  
25 under this section requests permission from the Secretary

1 to publish a report resulting from the evaluation, such en-  
2 tity may publish the report unless the Secretary denies  
3 the request during the 90-day period beginning on the  
4 date the Secretary receives such request.”.

5 **SEC. 159. NATIONAL DISLOCATED WORKER GRANTS.**

6 Section 173 is amended—

7 (1) in the section heading, by striking “**EMER-**  
8 **GENCY**” and inserting “**DISLOCATED WORKER**”;

9 (2) by striking subsection (b) and redesignating  
10 subsection (a) as subsection (b), and inserting before  
11 such redesignated subsection the following new sub-  
12 section:

13 “(a) **DEFINITIONS.**—In this section—

14 “(1) the term ‘emergency or disaster’ means—

15 “(A) an emergency or a major disaster, as  
16 defined in paragraphs (1) and (2), respectively,  
17 of section 102 of the Robert T. Stafford Dis-  
18 aster Relief and Emergency Assistance Act (42  
19 U.S.C. 5122 (1) and (2)); or

20 “(B) an emergency or disaster situation of  
21 national significance that could result in a po-  
22 tentially large loss of employment, as declared  
23 or otherwise recognized by the chief official of  
24 a Federal agency with authority for or jurisdic-

1           tion over the Federal response to the emergency  
2           or disaster situation; and

3           “(2) the term ‘disaster area’ means an area  
4           that has suffered or in which has occurred an emer-  
5           gency or disaster.”;

6           (3) in subsection (b) (as so redesignated)—

7                 (A) by striking paragraph (4) and redesign-  
8                 nating paragraphs (1) through (3) and (4) as  
9                 subparagraphs (A) through (C), respectively,  
10                and moving such subparagraphs (as so redesign-  
11                nated) 2 ems to the right;

12               (B) in the matter preceding subparagraph  
13               (A) (as so redesignated)—

14                     (i) by striking “The Secretary” and  
15                     inserting:

16                     “(1) GRANTS.—The Secretary”; and

17                     (ii) by striking “emergency grants in  
18                     a timely manner” and inserting “dislocated  
19                     worker grants”;

20                 (C) in subparagraph (A) (as so redesign-  
21                 nated), by striking “subsection (c)” and insert-  
22                 ing “subsection (c)(1)(B)”;

23                 (D) in subsection (B) (as so redesignated),  
24                 by striking “an area that has suffered” and all  
25                 that follows and insert “a disaster area, to pro-

1           vide disaster relief employment in the disaster  
2           area”;

3           (E) in subparagraph (C) (as so redesign-  
4           ated), by striking “paragraphs (1) and (2)”  
5           and inserting “subparagraphs (A) and (B)”;  
6           and

7           (F) by inserting after subparagraph (C)  
8           the following:

9           “(D) to provide additional assistance to a  
10          State board or local board serving an area  
11          where—

12                 “(i) a higher-than-average demand for  
13                 employment and training activities for dis-  
14                 located members of the Armed Forces,  
15                 spouses described in section 101(14)(E), or  
16                 members of the Armed Forces described in  
17                 subsection (c)(2)(A)(iv), exceeds State and  
18                 local resources for providing such activi-  
19                 ties; and

20                 “(ii) such activities are to be carried  
21                 out in partnership with the Department of  
22                 Defense and Department of Veterans Af-  
23                 fairs transition assistance programs; and

1           “(E) from funds appropriated under sec-  
2           tion 174(c), to a State or entity described in  
3           subsection (c)(1)(B) to carry out—

4                   “(i) subsection (e), including pro-  
5                   viding assistance to eligible individuals;  
6                   and

7                   “(ii) subsection (f), including pro-  
8                   viding assistance to eligible individuals.

9           “(2) DECISIONS AND OBLIGATIONS.—The Sec-  
10           retary shall issue a final decision on a complete ap-  
11           plication for a national dislocated worker grant  
12           under this subsection not later than 45 calendar  
13           days after receipt of the application.”;

14           (4) in subsection (c)—

15                   (A) in paragraph (1)(A), by striking “sub-  
16                   section (a)(1)” and inserting “subsection  
17                   (b)(1)(B)”;

18                   (B) in paragraph (2)—

19                   (i) in the matter preceding subpara-  
20                   graph (A), by striking “emergency” and  
21                   inserting “dislocated worker”; and

22                   (ii) in subparagraph (C), by striking  
23                   “emergency” and inserting “dislocated  
24                   worker”;

25           (5) in subsection (d)—

1 (A) by striking “subsection (a)(2)” each  
2 place it appears and inserting “subsection  
3 (b)(1)(B)”;

4 (B) in paragraph (1)(A)—

5 (i) by inserting “, in coordination with  
6 the Administrator of the Federal Emer-  
7 gency Management Agency, as applicable,”  
8 after “shall be used”; and

9 (ii) by striking “structures” and in-  
10 sserting “public structures”;

11 (C) in paragraph (2), by inserting “emer-  
12 gency or” after “consequence of the”;

13 (D) in paragraph (3)—

14 (i) by striking “No individual” and in-  
15 sserting:

16 “(A) IN GENERAL.—Except as provided in  
17 subparagraph (B), no individual”;

18 (ii) by striking “natural disaster” and  
19 inserting “emergency or disaster”; and

20 (iii) by adding at the end the fol-  
21 lowing new subparagraph:

22 “(B) EXTENSION.—At the request of a  
23 State, the Secretary may extend such employ-  
24 ment, related to recovery from a single emer-



1           gency or disaster involving the State, for not  
2           more than an additional 6 months.”; and

3                   (E) by adding at the end the following new  
4           paragraphs:

5           “(4) USE OF AVAILABLE FUNDS.—Funds made  
6           available under subsection (b)(1)(B) shall be avail-  
7           able to assist workers described in paragraph (2)  
8           who are affected by an emergency or disaster, in-  
9           cluding workers who have relocated from an area in  
10          which an emergency or disaster has been declared or  
11          otherwise recognized, as appropriate. Under condi-  
12          tions determined by the Secretary and following no-  
13          tification to the Secretary, a State may use such  
14          funds, that are appropriated for any fiscal year and  
15          available for expenditure under any grant awarded  
16          to the State under this section, to provide any as-  
17          sistance authorized under this subsection. Funds  
18          used pursuant to the authority provided under this  
19          paragraph shall be subject to the liability and reim-  
20          bursement requirements described in paragraph (5).

21                   “(5) LIABILITY AND REIMBURSEMENT.—Noth-  
22          ing in this Act shall be construed to relieve liability,  
23          by a responsible party that is liable under Federal  
24          law, for any costs incurred by the United States  
25          under subsection (b)(1)(B) or this subsection, in-

1 cluding the responsibility to provide reimbursement  
2 for such costs to the United States.”;

3 (6) by striking subsection (e) and redesignating  
4 subsections (f) and (g) as subsections (e) and (f), re-  
5 spectively;

6 (7) in subsection (e) (as so redesignated)—

7 (A) by striking “paragraph (4)(A) of sub-  
8 section (a)” each place it appears and inserting  
9 “subsection (b)(1)(E)(i)”;

10 (B) in paragraph (1)—

11 (i) in subparagraph (A), by striking  
12 “clauses (i) through (v)” and inserting  
13 “clauses (i) through (iv)”;

14 (ii) in subparagraph (B)(iii), by strik-  
15 ing “enactment of this clause” and insert-  
16 ing “enactment of the American Recovery  
17 and Reinvestment Act of 2009 (Public  
18 Law 111–5, 123 Stat. 115)”;

19 (iii) in subparagraph (C), by striking  
20 “subsection (g)” and inserting “subsection  
21 (f)”;

22 (C) in paragraph (2), by striking “sub-  
23 section (g)” and inserting “subsection (f)”;

- 1 (D) in paragraph (3)(A)(i), by striking  
2 “not later than” and inserting “notwith-  
3 standing subsection (b)(2), not later than”; and  
4 (E) in paragraph (7)(A)—  
5 (i) in clause (i), by striking “section  
6 4980B” and inserting “section  
7 4980B(f)(4)”; and  
8 (ii) in clause (ii)(I), by striking  
9 “clause (i), (ii), or (vi) of paragraph  
10 (2)(A)” and inserting “subparagraph (A),  
11 (B), or (F) of section 35(e)(1) of such  
12 Code”; and  
13 (8) in subsection (f), (as so redesignated)—  
14 (A) by striking “paragraph (4)(A) of sub-  
15 section (a)” each place it appears and inserting  
16 “subsection (b)(1)(E)(i)”;  
17 (B) in paragraph (1), by striking “sub-  
18 section (f)(1)(A)” and inserting “subsection  
19 (e)(1)(A)”; and  
20 (C) in paragraph (4)—  
21 (i) in subparagraph (A)—  
22 (I) in the matter preceding clause  
23 (i), by striking “this subsection” and  
24 inserting “subsection (b)(1)(E)(ii)”;  
25 and

1 (II) in clause (i), by striking “not  
2 later than” and inserting “notwith-  
3 standing subsection (b)(2), not later  
4 than”; and  
5 (ii) in subparagraph (B), by striking  
6 “174(c)(1)(B)” and inserting “subsection  
7 (b)(1)(E)(ii)”.

8 **SEC. 160. YOUTHBUILD PROGRAM.**

9 Section 173A is amended—

10 (1) in subsection (a)—

11 (A) in paragraph (3), by striking “; and”  
12 and inserting a semicolon;

13 (B) in paragraph (4), by striking the pe-  
14 riod and inserting “; and”; and

15 (C) by inserting after paragraph (4) the  
16 following new paragraph:

17 “(5) to improve the quality and energy effi-  
18 ciency of community and other nonprofit and public  
19 facilities, including those facilities that are used to  
20 serve homeless and low-income families.”;

21 (2) in subsection (b)—

22 (A) by striking paragraph (8) and redesign-  
23 ating paragraphs (9) through (13) as para-  
24 graphs (8) through (12), respectively;

1 (B) in paragraph (11) (as so redesignig-  
2 nated), by striking “means housing provided”  
3 and all that follows and inserting “has the  
4 meaning given the term in section 401(29) of  
5 the McKinney-Vento Homeless Assistance Act  
6 (42 U.S.C. 11360(29)).”; and

7 (C) in paragraph (12) (as so redesignated),  
8 by striking “or construction” and inserting  
9 “construction, or energy efficiency enhance-  
10 ment”;

11 (3) in subsection (c)—

12 (A) in paragraph (2)—

13 (i) in subparagraph (A)(i), by striking  
14 “or construction” and inserting “construc-  
15 tion, or energy efficiency enhancement”;

16 (ii) in subparagraph (A)(iv)—

17 (I) in subclause (II), by striking  
18 “individuals with limited English pro-  
19 ficiency” and inserting “participants  
20 who are English language learners”;  
21 and

22 (II) in subclause (III), by strik-  
23 ing “General Education Development  
24 (GED) credential, or other State-rec-  
25 ognized equivalent (including recog-

- 1 nized alternative standard” and in-  
2 serting “or its recognized equivalent  
3 including recognized certificates of at-  
4 tendance or similar documents”;
- 5 (iii) in subparagraph (A)(vii)—
- 6 (I) by striking “supportive serv-  
7 ices”; and
- 8 (II) by inserting “or training”  
9 after “postsecondary education”;
- 10 (iv) in subparagraph (B), by striking  
11 “or construction” and inserting “construc-  
12 tion, or energy efficiency enhancement”;
- 13 (v) in subparagraph (C)—
- 14 (I) by striking “or construction”  
15 and inserting “construction, or energy  
16 efficiency enhancement”; and
- 17 (II) by striking “10 percent” and  
18 inserting “15 percent”; and
- 19 (vi) in subparagraph (D), by inserting  
20 “, including recruitment and selection of  
21 participants,”;
- 22 (B) in paragraph (3)(B)—
- 23 (i) in clause (i), by inserting “con-  
24 struction and” after “opportunities in”;

1 (ii) in clauses (iii) and (vi), by strik-  
2 ing “or construction” each place it appears  
3 and inserting “construction, or energy effi-  
4 ciency enhancement”;

5 (iii) in clause (x), by striking “voca-  
6 tional education” and inserting “career  
7 and technical education and training”;

8 (iv) in clause (xii)—

9 (I) by striking “results” and in-  
10 sserting “levels”;

11 (II) by striking “common” and  
12 inserting “primary”; and

13 (III) by striking “youth and life-  
14 long learning, as identified by the Sec-  
15 retary” and inserting “eligible youth  
16 described in section 136(b)(2)(A)(ii)”;

17 (v) in clause (xvi)—

18 (I) in subclause (II), by inserting  
19 “energy efficiency enhancement” after  
20 “construction”; and

21 (II) in subclause (III), by strik-  
22 ing “vocational education” and insert-  
23 ing “career and technical education  
24 and training”; and

- 1 (vi) in clause (xvii)(I), by inserting  
2 “energy efficiency enhancement” after  
3 “construction”; and  
4 (C) in paragraph (4)—  
5 (i) in subparagraph (C)—  
6 (I) by inserting “community  
7 and” after “which the housing and”;  
8 and  
9 (II) by striking “or construction”  
10 each place it appears and inserting  
11 “construction, or energy efficiency en-  
12 hancement”; and  
13 (ii) in subparagraph (J)—  
14 (I) in clause (ii), by inserting  
15 “energy efficiency enhancement” after  
16 “construction”; and  
17 (II) in clause (iii), by striking  
18 “vocational education” and inserting  
19 “career and technical education and  
20 training”;  
21 (4) in subsection (d), by striking “or construc-  
22 tion” each place it appears and inserting “construc-  
23 tion, or energy efficiency enhancement”;  
24 (5) in subsection (e)(1)—



1 (A) in subparagraph (A)(iii), by inserting  
2 “, or an individual who was a school dropout  
3 and has subsequently re-enrolled” before the  
4 period; and

5 (B) in amending subparagraph (B)(i) to  
6 read as follows:

7 “(i) are basic skills deficient, despite  
8 attainment of a secondary school diploma  
9 or its recognized equivalent (including rec-  
10 ognized certificates of attendance or simi-  
11 lar documents for individuals with disabil-  
12 ities); or”;

13 (6) in subsection (f)(2)—

14 (A) in subparagraph (A), by inserting “, or  
15 to support pilot and demonstration projects or  
16 program evaluations with recipients of grants  
17 under subsection (e) as directed by the Sec-  
18 retary, including pilot or demonstration projects  
19 that create new career tracks for Youthbuild  
20 participants in areas such as health care and  
21 manufacturing” before the period; and

22 (B) in subparagraph (B), by striking  
23 “shall reserve” and inserting “shall reserve not  
24 less than 3 percent and not more than”;

1           (7) in subsection (g), by striking “postsec-  
2           ondary educational institutions” and inserting “in-  
3           stitutions of higher education”; and

4           (8) by amending subsection (h) to read as fol-  
5           lows:

6           “(h) AUTHORIZATION OF APPROPRIATIONS.—There  
7           are authorized to be appropriated for each of fiscal years  
8           2012 through 2016 such sums as may be necessary to  
9           carry out this section.”.

10 **SEC. 161. AUTHORIZATION OF APPROPRIATIONS.**

11           Subsections (a) and (b) of section 174 are amended  
12           to read as follows:

13           “(a) NATIVE AMERICAN PROGRAMS; MIGRANT AND  
14           SEASONAL FARMWORKER PROGRAMS; VETERANS’ WORK-  
15           FORCE INVESTMENT PROGRAMS.—

16           “(1) IN GENERAL.—Subject to paragraph (2),  
17           there are authorized to be appropriated to carry out  
18           sections 166 through 168 such sums as may be nec-  
19           essary for each of the fiscal years 2012 through  
20           2016.

21           “(2) RESERVATIONS.—Of the amount appro-  
22           priated pursuant to the authorization of appropria-  
23           tions under paragraph (1) for a fiscal year, the Sec-  
24           retary shall—

1           “(A) reserve not less than \$55,000,000 for  
2 carrying out section 166;

3           “(B) reserve not less than \$70,000,000 for  
4 carrying out section 167; and

5           “(C) reserve not less than \$7,300,000 for  
6 carrying out section 168.

7           “(b) TECHNICAL ASSISTANCE; INNOVATION  
8 GRANTS.—There are authorized to be appropriated to  
9 carry out sections 169 through 171 such sums as may be  
10 necessary for each of the fiscal years 2012 through  
11 2016.”.

12 **SEC. 162. TRANSITION GRANTS TO STATES.**

13           Subtitle D is further amended by adding at the end  
14 the following:

15 **“SEC. 175. TRANSITION GRANTS TO STATES.**

16           “(a) IN GENERAL.—For the program year described  
17 in section 171A, from the funds allocated for awards de-  
18 scribed in section 171A and section 171B, the Secretary  
19 of Labor and the Secretary of Education shall award, on  
20 a competitive basis, transition grants to States. The Secre-  
21 taries, to the extent practicable and consistent with the  
22 purposes of the transition grants under this section, shall  
23 award transition grants in a manner that maximizes the  
24 number of States benefitting from such grants.

1       “(b) APPLICATION.—To be eligible to receive a grant  
2 under this section, the Governor of a State, in coordina-  
3 tion with the State board and in consultation with the  
4 local boards, shall submit an application to the Secretary  
5 of Labor and the Secretary of Education, at such time,  
6 in a such manner, and containing such information, con-  
7 sistent with this subsection, as the Secretaries may re-  
8 quire, including—

9           “(1) a description of how the grant funds will  
10 be used to carry out the transition activities de-  
11 scribed in subsection (d);

12           “(2) a description of the process by which the  
13 State will award funds to local areas in accordance  
14 with subsection (d)(2); and

15           “(3) assurances that all the entities carrying  
16 out core programs in the State will participate in the  
17 activities.

18       “(c) GRANT PERIOD.—Grants awarded under this  
19 subsection shall be awarded for periods of not more than  
20 2 years in duration and may not be renewed.

21       “(d) USE OF FUNDS.—A State that receives a grant  
22 under this section—

23           “(1) may reserve not more than 40 percent of  
24 the grant funds for transition activities to assist in

1 the development of the State plan under section 112  
2 or 113; and

3 “(2) shall use not less than 60 percent of the  
4 grant funds to award subgrants to local areas for  
5 transition activities to assist in the development local  
6 and regional plans under section 116(c) and 118,  
7 with a priority in making such awards to local areas  
8 most in need of resources to make the transition to  
9 meeting the requirements of the Workforce Invest-  
10 ment Act of 2012.

11 “(e) LIMITATIONS.—No State may—

12 “(1) receive more than 1 grant under this sec-  
13 tion; and

14 “(2) receive a grant under this section concu-  
15 rrently with a grant under section 171A or 171B for  
16 the first program year that commences after the  
17 date of enactment of the Workforce Investment Act  
18 of 2011.”.

19 **SEC. 163. INTERAGENCY AGREEMENT.**

20 Subtitle D is further amended by adding after section  
21 175 (as added by section 112) the following:

22 **“SEC. 176. INTERAGENCY AGREEMENT.**

23 “(a) IN GENERAL.—The Secretary of Education and  
24 the Secretary of Labor shall jointly develop policies for  
25 the administration of this subtitle in accordance with such

1 terms as the Secretaries shall set forth in an interagency  
2 agreement. Such interagency agreement, at a minimum,  
3 shall include a description of the respective roles and re-  
4 sponsibilities of the Secretaries in carrying out this sub-  
5 title (both jointly and separately), including—

6           “(1) how the funds available under this subtitle  
7 will be obligated and disbursed and compliance with  
8 applicable laws (including regulations) will be en-  
9 sured, as well as how the grantees will be selected  
10 and monitored, and a peer review process for selec-  
11 tion of grantees that includes program practitioners  
12 and national experts will be carried out;

13           “(2) how evaluations and research will be con-  
14 ducted on the effectiveness of grants awarded under  
15 this subtitle in addressing the education and employ-  
16 ment needs of job seekers and workers, youth, and  
17 employers;

18           “(3) how technical assistance will be provided  
19 to applicants and grant recipients;

20           “(4) how information will be disseminated, in-  
21 cluding through electronic means, on best practices  
22 and effective strategies and service delivery models  
23 for activities carried out under this subtitle; and

24           “(5) how policies and processes critical to the  
25 successful achievement of the education, training,

1 and employment goals of this subtitle will be estab-  
2 lished.

3 “(b) TRANSFER AUTHORITY.—The Secretary of  
4 Labor and the Secretary of Education shall have the au-  
5 thority to transfer funds between the Department of  
6 Labor and the Department of Education to carry out this  
7 subtitle in accordance with the agreement described in  
8 subsection (a).

9 “(c) REPORTS.—The Secretary of Labor and the Sec-  
10 retary of Education shall jointly develop and submit a bi-  
11 ennial report to the Committee on Health, Education,  
12 Labor, and Pensions of the Senate and the Committee on  
13 Education and Workforce of the House of Representa-  
14 tives, describing—

15 “(1) actions the Departments have taken to—

16 “(A) assess the effectiveness of the  
17 projects carried out under this subtitle; and

18 “(B) facilitate the coordination of the pro-  
19 grams carried out through the grants awarded  
20 with other education, employment and training  
21 programs;

22 “(2) barriers that impede effectiveness of  
23 projects carried out under this subtitle;

24 “(3) the best practices and effective strategies  
25 and service delivery models that the Departments

1 have identified pursuant to this subtitle and actions  
2 the Departments have taken to promptly dissemi-  
3 nate information, including through electronic  
4 means, on such best practices, service delivery mod-  
5 els, and effective strategies; and

6 “(4) the actions the Departments have taken to  
7 leverage resources provided under Federal law other  
8 than this subtitle and non-Federal resources, to im-  
9 prove the workforce investment system nationwide,  
10 including in States, regions, and local areas that  
11 have not received funds under this subtitle.”

## 12 **Subtitle E—Administration**

### 13 **SEC. 171. REQUIREMENTS AND RESTRICTIONS.**

14 Section 181 is amended—

15 (1) in subsection (a), by amending subpara-  
16 graph (B) of paragraph (1) to read as follows:

17 “(B) **RULE OF CONSTRUCTION.**—The ref-  
18 erence in subparagraph (A) to section 6(a)(1)  
19 of the Fair Labor Standards Act of 1938 (29  
20 U.S.C. 206(a)(1)) shall not be applicable for in-  
21 dividuals in territorial jurisdictions in which  
22 section 6 of the Fair Labor Standards Act of  
23 1938 (29 U.S.C. 206) does not apply.”;

24 (2) in subsection (b)(1) by striking “invest-  
25 ment” and inserting “development”;



1           (3) in subsection (c)(1), by inserting “or alloca-  
2           tion” after “an allotment”;

3           (4) in subsection (d)(2)—

4                 (A) by striking “employment and training  
5                 activity” and inserting “employment or training  
6                 activity”;

7                 (B) by inserting “incumbent worker train-  
8                 ing, transitional employment,” after “on-the-job  
9                 training,”; and

10                (C) in paragraph (3), by inserting “(or  
11                that has provided funding to an entity that has  
12                violated such paragraph)” after “violated such  
13                paragraph”;

14           (5) in subsection (e)—

15                 (A) by inserting “to carry out an activity”  
16                 after “No funds available”;

17                 (B) by striking “and similar activities”  
18                 and inserting “or similar activities”; and

19                 (C) by striking “title. No funds available  
20                 under subtitle B” and inserting “or under sub-  
21                 title C. No funds received to carry out an activ-  
22                 ity under subtitle B or C”; and

23           (6) in subsection (f), by inserting “or subtitle  
24           C” after “subtitle B” both places it appears.

1 **SEC. 172. FISCAL CONTROLS OR SANCTIONS.**

2 Section 184 is amended—

3 (1) in subsection (a)—

4 (A) in paragraph (2)—

5 (i) in subparagraph (A), by striking  
6 “the appropriate circulars” and inserting  
7 “appropriate circulars or rules”; and

8 (ii) in subparagraph (B)(ii), by strik-  
9 ing “administration of youth activities”  
10 and inserting:

11 “(iii) administration of youth work-  
12 force investment activities.”; and

13 (B) in paragraphs (5)(A), (6)(C), and (7)  
14 (A) and (B), by inserting “with the require-  
15 ments” after “compliance” each place it ap-  
16 pears;

17 (2) in subsection (b)(1)(B)(v), by inserting  
18 “with the provision” after “compliance”;

19 (3) in subsection (c)—

20 (A) in paragraph (2)—

21 (i) by striking “made available” and  
22 inserting “received”;

23 (ii) by striking “offset repayment”  
24 and inserting “require payment by offset-  
25 ting the amount”; and

1 (iii) by inserting “under this title”  
2 after “may be entitled”; and

3 (B) in paragraph (4), by inserting “(subse-  
4 quent to the program year for which the deter-  
5 mination was made)” after “allocations”; and

6 (4) in subsection (d)(1), by striking “para-  
7 graphs (2) and (3) of”.

8 **SEC. 173. REPORTS, RECORDKEEPING, INVESTIGATIONS.**

9 Section 185(c) is amended—

10 (1) in paragraph (2), by striking “; and” and  
11 inserting a semicolon;

12 (2) in paragraph (3), by striking the period and  
13 inserting “; and”; and

14 (3) by adding at the end the following new  
15 paragraph:

16 “(4) shall, to the extent practicable, submit or  
17 make available (including through electronic means)  
18 any reports, records, plans, or any other data that  
19 are required to be submitted or made available, re-  
20 spectively, under this title.”.

21 **SEC. 174. ADMINISTRATIVE PROVISIONS.**

22 Section 189 is amended—

23 (1) in subsection (a), by striking “section 204  
24 of the Intergovernmental Cooperation Act of 1968”

1 and inserting “section 6504 of title 31, United  
2 States Code”;

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

5 “(2) AVAILABILITY.—

6 “(A) IN GENERAL.—Funds obligated for  
7 any program year for a program or activity  
8 funded under subtitle B may be expended by  
9 each State receiving such funds during that  
10 program year and the 2 succeeding program  
11 years. Funds received by local areas from  
12 States under subtitle B during a program year  
13 may be expended during that program year and  
14 the succeeding program year.

15 “(B) CERTAIN NATIONAL ACTIVITIES.—

16 “(i) IN GENERAL.—Funds obligated  
17 for any program year for any program or  
18 activity carried out under section 170 or  
19 171 shall remain available until expended.

20 “(ii) INCREMENTAL FUNDING  
21 BASIS.—A contract or arrangement en-  
22 tered into under the authority of section  
23 170(e) (relating to research projects, stud-  
24 ies and reports, and multistate projects) or  
25 section 171 (relating to evaluations), in-

1 cluding a long-term, nonseverable services  
2 contract, may be funded on an incremental  
3 basis with annual appropriations or other  
4 available funds.

5 “(C) SPECIAL RULE.—No amount of the  
6 funds obligated for a program year for a pro-  
7 gram or activity funded under this title shall be  
8 deobligated on account of a rate of expenditure  
9 that is consistent with a State plan, an oper-  
10 ating plan described in section 151, or a plan,  
11 grant agreement, contract, application, or other  
12 agreement described in subtitle D, as appro-  
13 priate.”; and

14 (3) in subsection (i)—

15 (A) in paragraph (3), by inserting “ac-  
16 countability” after “performance”; and

17 (B) in paragraph (4)—

18 (i) in subparagraph (A)(i)—

19 (I) by inserting “the funding of  
20 infrastructure costs for one-stop cen-  
21 ters,” after “functions of local areas  
22 and local boards”; and

23 (II) by inserting “, and other re-  
24 quirements relating to the basic pur-  
25 poses of this title” before the period;

1 (ii) in subparagraph (B)—

2 (I) in the matter preceding clause  
3 (i), by striking “investment” and in-  
4 serting “development”; and

5 (II) in clause (v), by striking “  
6 an opportunity to comment on such  
7 request has been provided to the local  
8 board” and inserting “, in the case of  
9 a waiver for a local area, an oppor-  
10 tunity to comment on such request  
11 has been provided to the local board  
12 for the local area for which the waiver  
13 is requested”;

14 (iii) in subparagraph (C), by inserting  
15 “for which the waiver was requested” after  
16 “ensure that the local area”; and

17 (iv) by adding at the end the following  
18 new subparagraph:

19 “(D) EXPEDITED DETERMINATION RE-  
20 GARDING PROVISION OF WAIVERS.—If the Sec-  
21 retary has approved a waiver of statutory or  
22 regulatory requirements for a State or local  
23 area pursuant to this subsection, the Secretary  
24 shall expedite the determination regarding the

1           provision of that waiver, for another State or  
2           local area.”.

3 **SEC. 175. REPEALS.**

4           The Act is further amended by striking section 190,  
5 and redesignating sections 191 through 195 as sections  
6 190 through 194, respectively.

7 **SEC. 176. GENERAL PROGRAM REQUIREMENTS.**

8           Section 194 (as redesignated by section 185) is  
9 amended by adding at the end the following new para-  
10 graphs:

11           “(14) Funds provided under this title shall not  
12           be used to establish or operate a stand-alone fee-for-  
13           service enterprise in a situation in which a private  
14           sector employment agency (as defined in section 701  
15           of the Civil Rights Act of 1964 (42 U.S.C. 2000e))  
16           is providing full access to similar or related services  
17           in such a manner as to fully meet the identified  
18           need. For purposes of this paragraph, such an enter-  
19           prise does not include a one-stop delivery system de-  
20           scribed in section 121(e).

21           “(15)(A) None of the funds available under this  
22           title shall be used by a recipient or subrecipient of  
23           such funds to pay the salary and bonuses of an indi-  
24           vidual, either as direct costs or indirect costs, at a  
25           rate in excess of the annual rate of basic pay pre-

1 scribed for level II of the Executive Schedule under  
2 section 5313 of title 5, United States Code.

3 “(B) The limitation described in subparagraph  
4 (A) shall not apply to vendors providing goods and  
5 services as defined in Office of Management and  
6 Budget Circular A–133.

7 “(C) In a case in which a State is a recipient  
8 of such funds, the State may establish a lower limit  
9 than is provided in subparagraph (A) for salaries  
10 and bonuses of those receiving salaries and bonuses  
11 from a subrecipient of such funds, taking into ac-  
12 count factors including the relative cost of living in  
13 the State, the compensation levels for comparable  
14 State or local government employees, and the size of  
15 the organizations that administer the Federal pro-  
16 grams involved.”.

17 **SEC. 177. OFFICE OF DISABILITY EMPLOYMENT POLICY.**

18 Subtitle E is further amended by adding at the end  
19 the following:

20 **“SEC. 195. OFFICE OF DISABILITY EMPLOYMENT POLICY.**

21 “(a) PURPOSE.—The purpose of this section is to es-  
22 tablish an Office of Disability Employment Policy—

23 “(1) to help develop and support national poli-  
24 cies and practices that will increase employment and



1 economic advancement opportunities for all individ-  
2 uals with disabilities; and

3 “(2) to ensure that such individuals are fully  
4 integrated into the 21st century workforce.

5 “(b) OFFICE.—There is established within the De-  
6 partment of Labor an Office of Disability Employment  
7 Policy (referred to in this section as the ‘Office’). Except  
8 as otherwise specifically provided in this Act, such Office  
9 shall be the principal entity carrying out the functions de-  
10 scribed in this section.

11 “(c) ASSISTANT SECRETARY.—

12 “(1) IN GENERAL.—The Office shall be headed  
13 by an Assistant Secretary of Disability Employment  
14 Policy (referred to in this title as the ‘Assistant Sec-  
15 retary’) appointed by the President by and with the  
16 advice and consent of the Senate. Except as other-  
17 wise specifically provided in this Act, the Assistant  
18 Secretary shall be the principal officer carrying out  
19 the functions described in this section.

20 “(2) EXPERIENCE.—The Assistant Secretary  
21 shall be an individual with substantial experience in,  
22 and a thorough knowledge of, disability employment  
23 policy, training and educational opportunities for in-  
24 dividuals with disabilities (including youth with dis-  
25 abilities), public benefit programs for individuals

1 with disabilities, job development, and the barriers  
2 that may limit employment and economic advance-  
3 ment opportunities of individuals with disabilities.

4 “(3) GOALS AND DIRECTION.—In carrying out  
5 the functions of the Office, the Assistant Secretary  
6 shall be guided by the goals of achieving equal op-  
7 portunity, full participation, economic self-suffi-  
8 ciency, and independent living for all individuals  
9 with disabilities, to the greatest extent possible. In  
10 the performance of the functions of the Office, the  
11 Assistant Secretary shall be directly responsible to  
12 the Secretary of Labor.

13 “(d) FUNCTIONS.—The Assistant Secretary shall  
14 provide national leadership, and encourage interagency  
15 collaboration, on increasing employment and training op-  
16 portunities for individuals with disabilities through the de-  
17 velopment of policies and initiatives (taking into account  
18 relevant information from other Federal agencies and in-  
19 cluding the awarding of grants as appropriate) that—

20 “(1) eliminate barriers to the employment and  
21 training of individuals with disabilities;

22 “(2) advance opportunities for employment, and  
23 identify strategies that increase employment oppor-  
24 tunities in the private sector, for individuals with

1 disabilities, including recruitment, retention, and  
2 promotion of such individuals;

3 “(3) identify and remove disincentives that limit  
4 or prevent the full employment of individuals with  
5 disabilities who are receiving benefits through Fed-  
6 eral or State programs such as medical assistance  
7 under a State Medicaid program under title XIX of  
8 the Social Security Act (42 U.S.C. 1396 et seq.),  
9 disability insurance benefits under title II of the So-  
10 cial Security Act (42 U.S.C. 401 et seq.), or supple-  
11 mental security income benefits under title XVI of  
12 the Social Security Act (42 U.S.C. 1381 et seq.);

13 “(4) advise and assist the Department of Labor  
14 and other Federal agencies in the development of  
15 policies and practices that increase employment op-  
16 portunities in the Federal Government for individ-  
17 uals with disabilities, including outreach to and re-  
18 cruitment, retention, and promotion of such individ-  
19 uals;

20 “(5) assist youth with disabilities, including  
21 such youth who are out-of-school youth, in success-  
22 fully transitioning into the workforce;

23 “(6) increase access for individuals with disabil-  
24 ities seeking employment, education, and training  
25 services from a one-stop delivery system described in

1 section 221(e) of the Workforce Investment Act of  
2 2012, and other public and private providers of such  
3 services and supports;

4 “(7) increase coordination of activities between  
5 State vocational rehabilitation programs and the  
6 workforce development systems (as defined in sec-  
7 tion 101 of such Act), including the one-stop centers  
8 (as defined in such section 101), including assisting  
9 individuals with disabilities in maximizing the serv-  
10 ices available through such programs, systems, and  
11 centers;

12 “(8) leverage available public and system re-  
13 sources to address individual and systematic employ-  
14 ment barriers for individuals with disabilities, and  
15 assist such individuals in navigating the process of  
16 coordinating their public benefits, including health  
17 care;

18 “(9) increase employment opportunities for in-  
19 dividuals with significant disabilities in competitive  
20 integrated employment; and

21 “(10) meet other objectives, as specified by the  
22 Secretary of Labor, that will increase employment  
23 and training opportunities for individuals with dis-  
24 abilities.

1       “(e) REPORT.—For each fiscal year, beginning with  
2 the first full fiscal year following the date of enactment  
3 of the Workforce Investment Act of 2012, the Secretary  
4 of Labor shall prepare a report and submit the report to  
5 the Committee on Education and the Workforce of the  
6 House of Representatives and the Committee on Health,  
7 Education, Labor, and Pensions of the Senate, not later  
8 than 90 days after the end of that fiscal year. The report  
9 shall summarize the Office’s progress in—

10               “(1) meeting the general objectives specified in  
11 paragraphs (1) and (2) of subsection (a);

12               “(2) meeting each of the 4 goals specified in  
13 subsection (c)(3); and

14               “(3) developing the specific policies and initia-  
15 tives specified in subsection (d).

16       “(f) AUTHORIZATION OF APPROPRIATIONS.—There  
17 are authorized to be appropriated to carry out this section  
18 such sums as may be necessary for each of fiscal years  
19 2012 through 2016.”.

20       **Subtitle F—Community College to**  
21                               **Career Fund**

22       **SEC. 181. COMMUNITY COLLEGE TO CAREER FUND.**

23       Title I is further amended by adding at the end the  
24 following:

1 **“Subtitle F—Community College to**  
2 **Career Fund**

3 **“SEC. 199. COMMUNITY COLLEGE AND INDUSTRY PARTNER-**  
4 **SHIPS PROGRAM.**

5 “(a) GRANTS AUTHORIZED.—From funds appro-  
6 priated under section 199D(1), the Secretary of Labor  
7 and the Secretary of Education, in accordance with the  
8 interagency agreement described in section 199E, shall  
9 award competitive grants to eligible entities described in  
10 subsection (b) for the purpose of developing, offering, im-  
11 proving or providing educational or career training pro-  
12 grams for workers.

13 “(b) ELIGIBLE ENTITY.—

14 “(1) IN GENERAL.—Entities eligible for a grant  
15 under this section are any of the following (or a con-  
16 sortium of any of the following) in partnership with  
17 employers or an association of employers:

18 “(A) a junior or community college (as de-  
19 fined in section 312(f) of the Higher Education  
20 Act of 1965 (20 U.S.C. 1085(f)));

21 “(B) a four-year public institution of high-  
22 er education (as defined in section 101 of the  
23 Higher Education Act of 1965) that offers two-  
24 year degrees, will use funds provided under this  
25 section for activities at the certificate and asso-

1           ciate degree levels, and is not reasonably close,  
2           as determined by the Secretaries, to a commu-  
3           nity college;

4           “(C) a tribal college or university (as de-  
5           fined in section 316(b) of the Higher Education  
6           Act); or

7           “(D) at the discretion of the Secretaries, a  
8           private, not-for-profit, two-year institution of  
9           higher education in Puerto Rico, Guam, the  
10          United States Virgin Islands, American Samoa,  
11          the Commonwealth of the Northern Mariana Is-  
12          lands, the Republic of the Marshall Islands, the  
13          Federated States of Micronesia, or the Republic  
14          of Palau.

15          “(2) ADDITIONAL PARTNERSHIPS.—In addition  
16          to partnering with employers or an association of  
17          employers, the eligible entities described in para-  
18          graph (1) may partner with any of the organizations  
19          described in subparagraphs (A) through (D). Any  
20          such partnership shall collaborate with, and may in-  
21          clude, the State or local workforce investment board.

22          “(A) An adult education provider or post-  
23          secondary educational institution (as defined in  
24          section 101 of the Higher Education Act of  
25          1965).

1                   “(B) A community-based organization.

2                   “(C) A joint-labor management partner-  
3                   ship.

4                   “(D) Any other organization that the Sec-  
5                   retaries considers appropriate.

6           “(c) APPLICATION.—An eligible entity seeking a  
7           grant under this section shall submit a grant proposal to  
8           the Secretaries at such time and containing such informa-  
9           tion as the Secretaries determine is required, including a  
10          detailed description of—

11                   “(1) the specific project for which the grant  
12                   proposal is submitted, including the manner in  
13                   which the grant will be used to develop, offer, im-  
14                   prove, or provide an educational or career training  
15                   program;

16                   “(2) the extent to which the project will meet  
17                   the educational or career training needs of workers  
18                   in the area served by the eligible entity;

19                   “(3) the extent to which the project will meet  
20                   the needs of employers in the region for skilled  
21                   workers in in-demand industry sectors and occupa-  
22                   tions;

23                   “(4) the extent to which the project submitted  
24                   fits within any overall strategic plan developed by an  
25                   eligible entity; and



1           “(5) any previous experience of the eligible enti-  
2           ty in providing educational or career training pro-  
3           grams, the absence of which shall not automatically  
4           disqualify an eligible institution from receiving a  
5           grant under this section.

6           “(d) CRITERIA FOR AWARD.—

7           “(1) IN GENERAL.—Grants under this section  
8           shall be awarded based on criteria established by the  
9           Secretaries, that include the following:

10           “(A) A determination of the merits of the  
11           grant proposal submitted by the eligible entity  
12           to develop, offer, improve, or provide edu-  
13           cational or career training programs to be made  
14           available to workers.

15           “(B) An assessment of the likely employ-  
16           ment opportunities available in the region to in-  
17           dividuals who complete an educational or career  
18           training program that the eligible entity pro-  
19           poses to develop, offer, improve, or provide.

20           “(C) An assessment of prior demand for  
21           training programs by individuals eligible for  
22           training served by the eligible entity as well as  
23           availability and capacity of existing training  
24           programs to meet future demand for training  
25           programs.

1           “(2) PRIORITY.—The Secretaries shall give pri-  
2           ority to eligible entities that—

3                   “(A) include a partnership with a business  
4                   or industry or sector partnership that—

5                           “(i) pays a portion of the costs of  
6                           such programs; or

7                           “(ii) agrees to hire individuals who  
8                           have completed a particular postsecondary  
9                           degree, certificate, or credential resulting  
10                          from the training program of the eligible  
11                          entity;

12                   “(B) enter into a partnership with a labor  
13                   organization or labor-management training pro-  
14                   gram that provides technical expertise for occu-  
15                   pationally specific education necessary for a rec-  
16                   ognized postsecondary credential leading to a  
17                   skill occupation in an in-demand industry sec-  
18                   tor;

19                   “(C) are focused on serving individuals  
20                   with employment barriers, low-income, non-tra-  
21                   ditional students as defined in section 803(j) of  
22                   the Higher Education Act (20 U.S.C.  
23                   11561(c)(j)), students who are dislocated work-  
24                   ers, students who are veterans, or students who  
25                   are long-term unemployed;

1           “(D) are community colleges serving areas  
2           with high unemployment rates, including rural  
3           areas; and

4           “(E) are eligible entities that include an  
5           institution of higher education eligible for as-  
6           sistance under title III or V of the Higher Edu-  
7           cation Act of 1965.

8           “(e) USE OF FUNDS.—Grants awarded under this  
9           section shall be used for one or more of the following:

10           “(1) The development, offering, improvement,  
11           or provision of academic programs or training pro-  
12           grams, that provide relevant job training for skilled  
13           occupations that will meet the needs of employers in  
14           in-demand industries sectors, and which may include  
15           registered apprenticeship programs, on-the-job train-  
16           ing programs, and programs that support employers  
17           in upgrading the skills of their workforce.

18           “(2) The development and implementation of  
19           policies and programs to expand opportunities for  
20           students to earn a recognized postsecondary creden-  
21           tial or degree in in-demand industry sectors and oc-  
22           cupations, including by—

23           “(A) facilitating the transfer of academic  
24           credits between institutions of higher education,

1 including the transfer of academic credits for  
2 courses in the same field of study;

3 “(B) expanding articulation agreements  
4 and policies that guarantee transfer between  
5 such institutions, including through common  
6 course numbering and general core curriculum;  
7 and

8 “(C) developing or enhancing student sup-  
9 port services programs.

10 “(3) The creation of workforce programs that  
11 provide a sequence of education and occupational  
12 training that leads to a recognized postsecondary  
13 credential or degree, including programs that—

14 “(A) blend basic skills and occupational  
15 training;

16 “(B) facilitate means of transitioning from  
17 non-credit occupational, basic skills, or develop-  
18 mental coursework to for-credit coursework  
19 within and across institutions;

20 “(C) build or enhance linkages including  
21 the development of dual enrollment programs  
22 and early college high schools between sec-  
23 ondary education or adult education programs  
24 (including programs established under the Carl

1 D. Perkins Career and Technical Education Act  
2 of 2006 and title II of this Act);

3 “(D) implement other innovative programs  
4 designed to increase the provision of training  
5 for students, including students who are vet-  
6 eran members of the National Guard or Re-  
7 serves, to enter skilled occupations in in-de-  
8 mand industry sectors; and

9 “(E) support paid internships that will  
10 allow students to simultaneously earn credit for  
11 work-based learning and gain relevant employ-  
12 ment experience in an in-demand industry sec-  
13 tor or occupation, which shall include opportu-  
14 nities that transition individuals into employ-  
15 ment.

16 “(4) The support of regional or national in-de-  
17 mand industry sectors to develop skills consortia  
18 that will identify pressing workforce needs and de-  
19 velop solutions such as—

20 “(A) standardizing industry certifications;

21 “(B) developing new training technologies;

22 and

23 “(C) collaborating with industry employers  
24 to define and describe how specific skills lead to  
25 particular jobs and career opportunities.

1 **“SEC. 199A. PAY-FOR-PERFORMANCE AND PAY-FOR-SUC-**  
2 **CESS JOB TRAINING PROJECTS.**

3 “(a) AWARD GRANTS AUTHORIZED.—From funds  
4 appropriated under section 199D(2), the Secretary of  
5 Labor and the Secretary of Education, in accordance with  
6 the interagency agreement described in section 199E,  
7 shall award grants on a competitive basis to eligible enti-  
8 ties described in subsection (b) who meet specific perform-  
9 ance outcomes and criteria established by the Secretaries  
10 under subsection (c). Projects funded by grants under this  
11 section shall be referred to as either Pay-for-Performance  
12 or Pay-for-Success projects, as set forth in subsection (b).

13 “(b) ELIGIBLE ENTITY.—To be eligible to receive a  
14 grant under this section an entity shall be a State or local  
15 organization (which may be a local workforce organiza-  
16 tion) in partnership with entities such as community col-  
17 leges and other training providers who—

18 “(1) in the case of Pay-for-Performance  
19 projects, agree to be reimbursed primarily on the  
20 basis of achievement of specified performance out-  
21 comes and criteria agreed upon by the Secretaries  
22 under subsection (c); or

23 “(2) in the case of Pay-for-Success projects, in-  
24 clude partnerships with investors, such as philan-  
25 thropic organizations that provide funding for a spe-  
26 cific project or projects to address a clear and meas-

1       urable job training need in the community or region  
2       and agree to be reimbursed under the grant only if  
3       the project or projects meet specified performance  
4       outcomes and criteria agreed to by the Secretaries  
5       under subsection (c).

6       “(c) PERFORMANCE OUTCOMES AND CRITERIA.—

7       Not later than 6 months after the date of the enactment  
8       of this subtitle, the Secretary of Labor and the Secretary  
9       of Education shall establish and publish specific perform-  
10      ance measures for the initial qualification of eligible enti-  
11      ties to receive a grant under this section. At a minimum,  
12      to receive an award an eligible entity shall—

13               “(1) identify a particular program area and cli-  
14      ent population that is not achieving optimal out-  
15      comes;

16               “(2) provide evidence that the proposed strat-  
17      egy would achieve better results;

18               “(3) clearly articulate and quantify the im-  
19      proved outcomes of such new approach;

20               “(4) for Pay-for-Success projects, specify a  
21      monetary value that would need to be paid to obtain  
22      such results and explain the basis for such value;

23               “(5) identify data that would be required to  
24      evaluate whether outcomes are being achieved for a  
25      target population and a comparison group;

1           “(6) identify estimated savings that would re-  
2           sult from the improved outcomes, including to other  
3           programs or units of government;

4           “(7) demonstrate the capacity to collect re-  
5           quired data, track outcomes, and validate those out-  
6           comes; and

7           “(8) any other criteria the Secretaries may re-  
8           quire.

9           “(d) PERIOD OF AVAILABILITY FOR PAY-FOR-SUC-  
10          CESS PROJECTS.—Funds appropriated to carry out Pay-  
11          for-Success projects pursuant to section 199D(2) shall,  
12          upon obligation, remain available for disbursement until  
13          expended, notwithstanding section 1552 of title 31, United  
14          States Code, and, if later deobligated, in whole or in part,  
15          be available until expended for additional Pay-for-Success  
16          grants under this section.

17          **“SEC. 199B. BRING JOBS BACK TO AMERICA GRANTS.**

18          “(a) GRANTS AUTHORIZED.—From funds appro-  
19          priated under section 199D(3), the Secretary of Labor  
20          and the Secretary of Education, in accordance with the  
21          interagency agreement described in section 199E, shall  
22          award grants to State or local governments for job train-  
23          ing and recruiting activities that can quickly provided  
24          businesses with skilled workers in order to encourage busi-  
25          nesses to remain in or relocate to areas served by such



1 governments. The Secretaries shall coordinate with the  
2 Secretary of Commerce in carrying out this section.

3 “(b) PURPOSE AND USE OF FUNDS.—Grants award-  
4 ed under this section may be used by a State or local gov-  
5 ernment to issue subgrants to eligible entities as des-  
6 ignated by the Secretaries, including those described in  
7 section 199(b), to assist such eligible entities in providing  
8 training necessary to provide skilled workers for busi-  
9 nesses that have relocated or are considering relocating  
10 operations outside the United States, and may instead re-  
11 locate to the areas served by such governments.

12 “(c) APPLICATION.—A State or local government  
13 seeking a grant under the program established under sub-  
14 section (a) shall submit an application to the Secretaries  
15 in such manner and containing such information as the  
16 Secretaries may require. At a minimum, each application  
17 shall include—

18 “(1) a description of the eligible entity or enti-  
19 ties the State or local government proposes to assist  
20 in providing job training or recruiting activities;

21 “(2) a description of the proposed or existing  
22 business facility, including the number of jobs relat-  
23 ing to such facility and the average wage or salary  
24 of those jobs; and

1           “(3) a description of any other resources that  
2           the State has committed to assisting such business  
3           in locating such facility, including tax incentives pro-  
4           vided, bonding authority exercised, and land grant-  
5           ed.

6           “(d) CRITERIA.—The Secretaries shall award grants  
7           to State and local governments that—

8           “(1) the Secretaries determine are most likely  
9           to succeed with a grant under the program in assist-  
10          ing an eligible entity in providing the training nec-  
11          essary to cause a business or businesses to remain  
12          in or relocate to areas served by such governments;

13          “(2) will fund training programs that will result  
14          in the greatest number and quality of jobs;

15          “(3) have committed State or other resources,  
16          to the extent of their ability as determined by the  
17          Secretaries, to assist a business or businesses to re-  
18          main in or relocate to areas served by such govern-  
19          ments; and

20          “(4) have met such other criteria as the Secre-  
21          taries consider appropriate, including criteria relat-  
22          ing to marketing plans, benefits to ongoing regional  
23          or State strategies for economic development and job  
24          growth.

1 **“SEC. 199C. GRANTS FOR ENTREPRENEUR AND SMALL**  
2 **BUSINESS STARTUP TRAINING.**

3 “(a) GRANTS AUTHORIZED.—From funds appro-  
4 priated under section 199D(4), the Secretary of Labor  
5 and the Secretary of Education, in accordance with the  
6 interagency agreement described in section 199E, shall  
7 award competitive grants to eligible entities described in  
8 subsection (b) to provide training in starting a small busi-  
9 ness and entrepreneurship. The Secretaries shall coordi-  
10 nate with the Administrator of the Small Business Admin-  
11 istration in carrying out this section including in the devel-  
12 opment of criteria and selection of proposals.

13 “(b) ELIGIBLE ENTITY.—

14 “(1) IN GENERAL.—Entities eligible for a grant  
15 under this section are any of the following (or a con-  
16 sortium of any of the following) in partnership with  
17 at least one local or regional economic development  
18 entity described in paragraph (2):

19 “(A) a junior or community college (as de-  
20 fined in section 312(f) of the Higher Education  
21 Act of 1965 (20 U.S.C. 1085(f)));

22 “(B) a four-year public institution of high-  
23 er education (as defined in section 101 of the  
24 Higher Education Act of 1965) that offers two-  
25 year degrees, will use funds provided under this  
26 section for activities at the certificate and asso-

1           ciate degree levels, and is not reasonably close,  
2           as determined by the Secretaries, to a commu-  
3           nity college;

4           “(C) a tribal college or university (as de-  
5           fined in section 316(b) of the Higher Education  
6           Act); or

7           “(D) at the discretion of the Secretaries, a  
8           private, not-for-profit, two-year institution of  
9           higher education in Puerto Rico, Guam, the  
10          United States Virgin Islands, American Samoa,  
11          the Commonwealth of the Northern Mariana Is-  
12          lands, the Republic of the Marshall Islands, the  
13          Federated States of Micronesia, or the Republic  
14          of Palau.

15          “(2) ADDITIONAL PARTNERSHIPS.—Local or re-  
16          gional economic development entities described in  
17          this paragraph are the following:

18                 “(A) Small business development centers.

19                 “(B) Women’s business centers.

20                 “(C) Regional innovation clusters.

21                 “(D) Local accelerators or incubators.

22                 “(E) State or local economic development  
23          agencies.

24          “(c) APPLICATION.—An eligible entity seeking a  
25          grant under this section shall submit a grant proposal in

1 such manner and containing such information as the Sec-  
2 retaries and the Small Business Administrator shall re-  
3 quire. Such information shall include the manner in which  
4 entrepreneurship training and education will be provided,  
5 the role of partners in such an arrangement, and the man-  
6 ner in which the proposal will integrate and partner with  
7 local economic development resources.

8 “(d) USE OF FUNDS.—Grants awarded under this  
9 section shall be used to provide training in entrepreneur-  
10 ship and starting a small business, including through on-  
11 line courses, intensive seminars, and comprehensive  
12 courses.

13 **“SEC. 199D. AUTHORIZATION OF APPROPRIATIONS.**

14 “(a) IN GENERAL.—There is authorized to be appro-  
15 priated \$8,000,000,000 to carry out this subtitle, of which  
16 \$4,000,000,000 is authorized to be appropriated to the  
17 Secretary of Labor and \$4,000,000,000 is authorized to  
18 be appropriated to the Secretary of Education. Such  
19 amounts shall be used to carry out the programs author-  
20 ized by this subtitle as follows:

21 “(1) \$7,000,000,000 is authorized for the pro-  
22 gram established by section 199;

23 “(2) \$500,000,000 is authorized for the pro-  
24 gram established by section 199A;

1           “(3) \$250,000,000 is authorized for the pro-  
2           gram established by section 199B;

3           “(4) \$250,000,000 is authorized for the pro-  
4           gram established by section 199C; and

5           “(5) Not more than 5 percent of the amounts  
6           authorized under paragraphs (1) through (4) may be  
7           used by the Secretaries to administer each respective  
8           program, including providing technical assistance  
9           and carrying out evaluations.

10          “(b) PERIOD OF AVAILABILITY.—Except as provided  
11         in section 199A(d), the funds appropriated pursuant to  
12         subsection (a) shall be available for Federal obligation for  
13         the fiscal year for which the funds are appropriated and  
14         the succeeding 2 fiscal years.

15         **“SEC. 199E. INTERAGENCY AGREEMENT.**

16                 “(a) IN GENERAL.—The Secretary of Labor and the  
17         Secretary of Education shall jointly develop policies for the  
18         administration of this subtitle in accordance with such  
19         terms as the Secretaries shall set forth in an interagency  
20         agreement. Such interagency agreement, at a minimum,  
21         shall include a description of the respective roles and re-  
22         sponsibilities of the Secretaries in carrying out this sub-  
23         title (both jointly and separately), including—

24                         “(1) how the funds available under this subtitle  
25                         will be obligated and disbursed and compliance with

1 applicable laws (including regulations) will be en-  
2 sured, as well as how the grantees will be selected  
3 and monitored;

4 “(2) how evaluations and research will be con-  
5 ducted on the effectiveness of grants awarded under  
6 this subtitle in addressing the education and employ-  
7 ment needs of workers, and employers;

8 “(3) how technical assistance will be provided  
9 to applicants and grant recipients;

10 “(4) how information will be disseminated, in-  
11 cluding through electronic means, on best practices  
12 and effective strategies and service delivery models  
13 for activities carried out under this subtitle; and

14 “(5) how policies and processes critical to the  
15 successful achievement of the education, training,  
16 and employment goals of this subtitle will be estab-  
17 lished.

18 “(b) TRANSFER AUTHORITY.—The Secretary of  
19 Labor and the Secretary of Education shall have the au-  
20 thority to transfer funds between the Department of  
21 Labor and the Department of Education to carry out this  
22 subtitle in accordance with the agreement described in  
23 subsection (a). The Secretary of Labor and the Secretary  
24 of Education shall have the ability to transfer funds to  
25 the Secretary of Commerce and the Administrator of the

1 Small Business Administration to carry out sections 199B  
2 and 199C, respectively.

3 “(c) REPORTS.—The Secretary of Labor and the Sec-  
4 retary of Education shall jointly develop and submit a bi-  
5 ennial report to the Committee on Health, Education,  
6 Labor, and Pensions of the Senate and the Committee on  
7 Education and the Workforce of the House of Representa-  
8 tives, describing the activities carried out under this sub-  
9 title and the outcomes of such activities.”.

## 10 **TITLE II—ADULT EDUCATION** 11 **AND LITERACY**

### 12 **SEC. 201. PURPOSES, DEFINITIONS, AND MISCELLANEOUS** 13 **PROVISIONS.**

14 (a) PURPOSE.—Section 202 is amended to read as  
15 follows:

#### 16 **“SEC. 202. PURPOSE.**

17 “It is the purpose of this title to create a partnership  
18 among the Federal Government, States, and localities to  
19 provide, on a voluntary basis, adult education and literacy  
20 activities, in order to—

21 “(1) assist adults to become literate and obtain  
22 the knowledge and skills necessary for employment  
23 and economic self-sufficiency;

24 “(2) assist adults who are parents to obtain the  
25 education and skills that—



1           “(A) are necessary to becoming full part-  
2           ners in the educational development of their  
3           children; and

4           “(B) lead to sustainable improvements in  
5           the economic opportunities for their family;

6           “(3) assist adults in attaining a secondary  
7           school diploma or its equivalent and in the transition  
8           to and success in postsecondary education and train-  
9           ing, including through career pathways;

10          “(4) assist immigrants and other individuals  
11          who are English language learners in improving  
12          their reading, writing, speaking, and comprehension  
13          skills in English;

14          “(5) assist immigrants in acquiring an under-  
15          standing of the American system of government and  
16          the responsibilities of citizenship;

17          “(6) assist States in expanding a 21st century  
18          delivery system for adult education, literacy, and  
19          workplace skills services that meet the needs of  
20          adults at all skill levels;

21          “(7) assist adults in developing technology lit-  
22          eracy; and

23          “(8) enable more adults to complete adult edu-  
24          cation and enter and succeed in postsecondary edu-  
25          cation and employment.”.

1 (b) DEFINITIONS.—Section 203 is amended—

2 (1) by amending paragraph (1) to read as fol-  
3 lows:

4 “(1) ADULT EDUCATION.—The term ‘adult edu-  
5 cation’ means academic instruction and services  
6 below the postsecondary level that increase an indi-  
7 vidual’s ability to—

8 “(A) read, write, and speak in English and  
9 perform mathematics or other activities nec-  
10 essary for the attainment of a secondary school  
11 diploma or its recognized equivalent;

12 “(B) transition to and success in postsec-  
13 ondary education and training; or

14 “(C) obtain employment.”;

15 (2) in paragraph (2), by striking “activities de-  
16 scribed in section 231(b)” and inserting “programs,  
17 activities, and services that include adult education,  
18 literacy, workplace adult education and literacy ac-  
19 tivities, family literacy activities, English language  
20 acquisition activities, workforce preparation activi-  
21 ties, or integrated education and training’ ”;

22 (3) by striking paragraphs (3), (8), (9), (10),  
23 (13), (14), and (17) and redesignating paragraphs  
24 (4), (7), (11), (12), (15), (16), and (18) as para-

1 graphs (3), (9), (10), (11), (13), (14), and (15), re-  
2 spectively;

3 (4) in paragraph (3) (as so redesignated), by  
4 inserting “activities” after “literacy”;

5 (5) by inserting after paragraph (3) (as so re-  
6 designated) the following:

7 “(4) ELIGIBLE INDIVIDUAL.—The term ‘eligible  
8 individual’ means an individual—

9 “(A) who has attained 16 years of age;

10 “(B) who is not enrolled or required to be  
11 enrolled in secondary school under State law;  
12 and

13 “(C) who—

14 “(i) is unable to compute or solve  
15 problems, or read, write, or speak English  
16 at a level necessary to function on the job,  
17 in the individuals’ family, or in society;

18 “(ii) does not have a secondary school  
19 diploma or its recognized equivalent, and  
20 has not achieved an equivalent level of edu-  
21 cation; or

22 “(iii) is an English language learn-  
23 er.”;

24 (6) in paragraph (5)—

1 (A) by striking “means—” and inserting  
2 “means an organization that has demonstrated  
3 effectiveness in providing adult education and  
4 literacy activities that may include—”;

5 (B) in subparagraphs (B) and (C), by  
6 striking “of demonstrated effectiveness” both  
7 places it appears;

8 (C) in subparagraph (H), by striking “lit-  
9 eracy services” and all that follows and insert-  
10 ing “adult education and literacy activities to  
11 eligible individuals;”;

12 (D) in subparagraph (I), by striking the  
13 period at the end and inserting “; and”; and

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

15 “(J) a partnership between an employer  
16 and an entity described in any of subpara-  
17 graphs (A) through (I).”;

18 (7) by amending paragraph (6) to read as fol-  
19 lows:

20 “(6) ENGLISH LANGUAGE ACQUISITION PRO-  
21 GRAM.—The term ‘English language acquisition pro-  
22 gram’ means a program of instruction—

23 “(A) designed to help eligible individuals  
24 who are English language learners achieve com-

1           petence in reading, writing, speaking, and com-  
2           prehension of the English language;

3           “(B) that may lead to—

4                   “(i) attainment of a secondary school  
5                   diploma or its recognized equivalent;

6                   “(ii) transition to success in postsec-  
7                   ondary education and training; and

8                   “(iii) employment or career advance-  
9                   ment; and

10           “(C) that such programs may be sequen-  
11           tial, integrated, or concurrent in nature.”;

12           (8) by inserting after paragraph (6) the fol-  
13           lowing:

14           “(7) ENGLISH LANGUAGE LEARNER.—The term  
15           ‘English language learner’ when used with respect to  
16           an eligible individual, means an eligible individual  
17           who has limited ability in reading, writing, speaking,  
18           or comprehending the English language, and—

19                   “(A) whose native language is a language  
20                   other than English; or

21                   “(B) who lives in a family or community  
22                   environment where a language other than  
23                   English is the dominant language.

24           “(8) HIGH QUALITY LITERACY INSTRUCTION.—  
25           The term ‘high quality literacy instruction’ means

1 developmentally appropriate, explicit, and systematic  
2 instruction that provides students with—

3 “(A) early development and grade-level  
4 mastery of oral language skills, both listening  
5 and speaking, phonological awareness, using a  
6 wide vocabulary, conventional forms of gram-  
7 mar, and academic language;

8 “(B) the ability to read regularly spelled  
9 words and high-frequency irregularly spelled  
10 words and to decode regularly spelled unfa-  
11 miliar words accurately, using phonemic aware-  
12 ness, print awareness, alphabet knowledge, and  
13 knowledge of English spelling patterns;

14 “(C) the ability to read texts accurately,  
15 fluently, and with comprehension, relying on  
16 knowledge of the vocabulary in those texts and  
17 of the background information that the stu-  
18 dents possess;

19 “(D) the ability to read with a purpose and  
20 the capacity to differentiate purposes and to se-  
21 lect and apply comprehension strategies appro-  
22 priate to achieving the purpose;

23 “(E) an understanding of, and ability to  
24 adapt to, the varying demands of different  
25 genres, formats, and types of texts across the

1 core content areas in order to comprehend texts  
2 of appropriate levels of complexity and content,  
3 including texts necessary for mastery of grade-  
4 level standards;

5 “(F) the ability to effectively access, criti-  
6 cally evaluate, and appropriately synthesize in-  
7 formation from a variety of sources and for-  
8 mats;

9 “(G) the development and maintenance of  
10 a motivation to read and write, as reflected in  
11 habits of reading and writing regularly and or  
12 discussing one’s reading and writing with oth-  
13 ers; and

14 “(H) the ability to write clearly, accu-  
15 rately, and quickly so as to communicate ideas  
16 and deepen comprehension, in ways that fit  
17 purpose, audience, occasion, discipline, and for-  
18 mat; adhere to conventions of spelling and  
19 punctuation; and benefit from revision so as to  
20 improve clarity, coherence, logical development,  
21 and the precise use of language.”;

22 (9) in paragraph (9)—

23 (A) in the paragraph heading, by striking  
24 “SERVICES” and inserting “ACTIVITIES”;

1 (B) in the matter preceding subparagraph

2 (A)—

3 (i) by striking “services” both places  
4 it appears and inserting “activities”; and

5 (ii) by striking “changes in a family”  
6 and inserting “improvements in the eco-  
7 nomic prospects for a family and that bet-  
8 ter enable parents to support their chil-  
9 dren’s learning needs”;

10 (C) by striking subparagraph (C) and re-  
11 designating subparagraphs (A) and (B) as sub-  
12 paragraphs (B) and (C), respectively; and

13 (D) by inserting before subparagraph (B)  
14 (as so redesignated) the following:

15 “(A) Parent adult education and literacy  
16 activities that lead to readiness for the attain-  
17 ment of a secondary school diploma or its rec-  
18 ognized equivalent postsecondary education or  
19 training, employment, career advancement, and  
20 economic self-sufficiency.”;

21 (10) by inserting after paragraph (10) (as so  
22 redesignated) the following:

23 “(11) INTEGRATED EDUCATION AND TRAIN-  
24 ING.—The term ‘integrated education and training’  
25 means services that provide adult education and lit-



1 eracy activities contextually and concurrently with  
2 workforce preparation activities and workforce train-  
3 ing for a specific occupation or occupational cluster.  
4 Such services may include offering adult education  
5 services concurrent with credit-bearing postsec-  
6 ondary education and training, including through co-  
7 instruction.

8 “(12) INTEGRATED ENGLISH LITERACY AND  
9 CIVICS EDUCATION.—The term ‘integrated English  
10 literacy and civics education’ means an integrated  
11 program of educational services for immigrant and  
12 other limited English proficient adults, including im-  
13 migrant professionals with degrees and credentials  
14 in their native countries, that enables them to  
15 achieve competency in the English language and ac-  
16 quire the basic and more advanced skills needed to  
17 function effectively as parents, workers, and citizens.  
18 Such programs shall include instruction in literacy  
19 and English language acquisition and instruction on  
20 the rights and responsibilities of citizenship and civic  
21 participation, and may include workforce training.”;

22 (11) by amending paragraph (15) (as so reded-  
23 icated) to read as follows:

24 “(15) WORKPLACE ADULT EDUCATION AND  
25 LITERACY ACTIVITIES.—The term ‘workplace adult

1 education and literacy activities’ means adult edu-  
2 cation and literacy activities offered by an eligible  
3 provider in collaboration with an employer or em-  
4 ployee organization at a workplace or an off-site lo-  
5 cation that is designed to improve the productivity  
6 of the workforce.”; and

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

8 “(16) WORKFORCE PREPARATION ACTIVI-  
9 TIES.—The term ‘workforce preparation activities’  
10 means activities, programs, or services designed to  
11 help an individual acquire a combination of basic  
12 academic skills, critical thinking skills, and self-man-  
13 agement skills, including competencies in utilizing  
14 resources, using information, working with others,  
15 understanding systems, working with technology,  
16 and skills necessary for successful transition into  
17 and completion of postsecondary education or train-  
18 ing, or employment.”.

19 (c) HOME SCHOOLS.—Section 204 is amended—

20 (1) by inserting “whether a home school is  
21 treated as a home school or a private school under  
22 State law,” after “home schools,”; and

23 (2) by striking “an English literacy program”  
24 and all that follows and inserting “adult education  
25 and literacy activities.”.

1 (d) RULE OF CONSTRUCTION.—Title II is further  
2 amended by redesignating section 205 as section 206 and  
3 inserting after section 204 the following:

4 **“SEC. 205. RULE OF CONSTRUCTION REGARDING POSTSEC-**  
5 **ONDARY TRANSITION AND CONCURRENT EN-**  
6 **ROLLMENT ACTIVITIES.**

7 “Nothing in this title shall be construed to prohibit  
8 or discourage the use of funds provided under this title  
9 for adult education and literacy activities that help eligible  
10 individuals transition to and succeed in postsecondary  
11 education, including credit-bearing coursework, and train-  
12 ing or employment, or for concurrent enrollment activi-  
13 ties.”.

14 (e) AUTHORIZATION OF APPROPRIATIONS.—Section  
15 206 (as so redesignated) is amended—

16 (1) by inserting “\$1,100,000,000 for fiscal year  
17 2013 and” after “to carry out this title”; and

18 (2) by striking “of the fiscal years 1999  
19 through 2003” and inserting “succeeding fiscal  
20 year”.

21 (f) TECHNICAL AMENDMENT.—Title II is further  
22 amended—

23 (1) by striking subtitle B;

24 (2) by striking the subtitle A designation; and

1           (3) by redesignating chapters 1 through 4 as  
2           subtitles A through D, respectively.

3 **SEC. 202. AMENDMENTS TO SUBTITLE A.**

4           (a) RESERVATION OF FUNDS, ELIGIBLE AGENCIES,  
5 ALLOTMENTS.—Section 211 is amended—

6           (1) by amending subsection (a) to read as fol-  
7           lows:

8           “(a) RESERVATION OF FUNDS.—From the sum ap-  
9           propriated under section 206 for a fiscal year, the Sec-  
10          retary—

11           “(1) shall reserve \$250,000,000 to carry out  
12          section 242(c)(1)(E);

13           “(2) shall reserve 1.5 percent to carry out the  
14          remainder of section 242, except that the amount so  
15          reserved shall not exceed \$15,000,000;

16           “(3) shall reserve 1.5 percent to carry out sec-  
17          tion 243, except that the amount so reserved shall  
18          not exceed \$12,000,000; and

19           “(4) shall reserve 12 percent of the amount  
20          that remains after reserving funds under paragraphs  
21          (1) and (2) to carry out section 244.”;

22          (2) in subsection (b)—

23           (A) by striking “section 205” and insert-  
24          ing “section 206”; and

1 (B) by striking “section 224” and insert-  
2 ing “section 112 or a State unified plan ap-  
3 proved under section 113”; and

4 (3) in subsection (c)—

5 (A) in paragraph (1)—

6 (i) by striking “section 205” and in-  
7 serting “section 206”;

8 (ii) by striking “section 224” and in-  
9 serting “section 112 or a State unified  
10 plan approved under section 113”; and

11 (iii) in subparagraph (A)—

12 (I) by striking “\$100,000” and  
13 inserting “\$250,000”; and

14 (II) by inserting “except as pro-  
15 vided in subsection (e)” after “out-  
16 lying area”; and

17 (iv) in subparagraph (B), by striking  
18 “\$250,000” and inserting “\$350,000”;

19 and

20 (B) in paragraph (2), by striking “section  
21 205” and inserting “section 206”;

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

24 “(f) HOLD-HARMLESS PROVISIONS.—

1           “(1) IN GENERAL.—Notwithstanding subsection  
2           (c), for fiscal year 2011 and each succeeding fiscal  
3           year, no eligible agency shall receive an allotment  
4           under this section that is less than 90 percent of the  
5           allotment the eligible agency received for the pre-  
6           ceding fiscal year under this section.

7           “(2) 100 PERCENT ALLOTMENT.—Notwith-  
8           standing paragraph (1) of subsection (e), for a fiscal  
9           year for which an eligible agency receives only an  
10          initial allotment under subsection (c)(1) (and no ad-  
11          ditional allotment under subsection (c)(2)) the eligi-  
12          ble agency shall receive an allotment under this sec-  
13          tion that is equal to 100 percent of the initial allot-  
14          ment under subsection (c)(1).

15          “(3) RATABLE REDUCTION.—If for any fiscal  
16          year the amount available for allotment under this  
17          title is insufficient to satisfy the provisions of para-  
18          graphs (1) and (2), the Secretary shall ratably re-  
19          duce the payments to all eligible agencies, as nec-  
20          essary.”; and

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

22           “(h) STUDY AND REPORT.—

23                 “(1) STUDY.—The Comptroller General of the  
24           United States shall conduct a study concerning the

1 formula described in this section and, in conducting  
2 the study, shall, at a minimum—

3 “(A) examine whether the formula results  
4 in a distribution of funds that sufficiently tar-  
5 gets the entire population of individuals eligible  
6 for adult education and literacy activities under  
7 this title;

8 “(B) examine whether the data used to  
9 count qualified adults, for purposes of the for-  
10 mula, accurately identify the population of indi-  
11 viduals eligible for the activities; and

12 “(C) develop recommendations, as nec-  
13 essary, for improving the formula so that the  
14 formula results in a distribution of funds that  
15 better serves that population and the data used  
16 to count qualified adults accurately measure  
17 that population.

18 “(2) REPORT.—Not later than 3 years after the  
19 date of enactment of the Workforce Investment Act  
20 of 2012, the Comptroller General shall submit to the  
21 Committee on Health, Education, Labor, and Pen-  
22 sions of the Senate and the Committee on Education  
23 and the Workforce of the House of Representatives  
24 a report containing the results of the study de-  
25 scribed in paragraph (1).”.

1 (b) PERFORMANCE ACCOUNTABILITY SYSTEM.—Sec-  
2 tion 212 is amended to read as follows:

3 **“SEC. 212. PERFORMANCE ACCOUNTABILITY SYSTEM.**

4 “Programs and activities authorized in this title are  
5 subject to the performance accountability provisions de-  
6 scribed in section 136. Additional indicators shall include  
7 the following:

8 “(1) Demonstrated improvements in literacy  
9 skill levels in reading, writing, and speaking the  
10 English language, numeracy, English language ac-  
11 quisition, and other literacy skills.

12 “(2) Receipt of a secondary school diploma or  
13 its equivalent.

14 “(3) Attainment of an industry-recognized  
15 workforce readiness credential or other recognized  
16 postsecondary credential, the attainment of which  
17 requires skills below the postsecondary level.

18 “(4) Placement in, retention in, or completion  
19 of a postsecondary education or training program.”.

20 **SEC. 203. AMENDMENTS TO SUBTITLE B.**

21 (a) STATE ADMINISTRATION.—Section 221 is amend-  
22 ed—

23 (1) in paragraph (1), by striking “submission,  
24 and implementation of the State plan” and inserting  
25 “implementation, and monitoring of the relevant



1 components of the State unified plan in section 112  
2 or the State unified plan in section 113”.

3 (b) STATE DISTRIBUTION AND MATCHING REQUIRE-  
4 MENT.—Section 222 is amended—

5 (1) in subsection (a)—

6 (A) in the matter preceding paragraph (1),  
7 by striking “ this subtitle” and inserting “sec-  
8 tion 211(b)”;

9 (B) in paragraph (1)—

10 (i) by striking “82.5 percent” and in-  
11 sserting “80 percent”;

12 (ii) by striking “10 percent” and in-  
13 sserting “not less than 10 percent”; and

14 (iii) by striking “of the 82.5 percent”;

15 (C) in paragraph (2), by striking “12.5  
16 percent” and inserting “15 percent”; and

17 (D) in paragraph (3), by striking  
18 “\$65,000” and inserting “\$75,000”; and

19 (2) in subsection (b)(1), by striking “equal to—  
20 ” and inserting “that is not less than—”.

21 (c) STATE LEADERSHIP ACTIVITIES.—Section 223 is  
22 amended by amending subsection (a) to read as follows:

23 “(a) ACTIVITIES.—

24 “(1) REQUIRED.—Each eligible agency shall  
25 use funds made available under section 222(a)(2)

1 and from other funds available to the State for such  
2 purposes, for the following adult education and lit-  
3 eracy activities to develop or enhance the adult edu-  
4 cation system of the State or outlying area:

5 “(A) The alignment of adult education and  
6 literacy activities with other core programs and  
7 one-stop partners, including eligible providers,  
8 to implement the strategy identified in the uni-  
9 fied State plan under section 112 or the State  
10 unified plan under section 113, including the  
11 development of career pathways to provide ac-  
12 cess to employment and training services for in-  
13 dividuals in adult education and literacy activi-  
14 ties.

15 “(B) The establishment or operation of  
16 high-quality professional development programs  
17 to improve the instruction provided pursuant to  
18 local activities required under section 231(b),  
19 including instruction incorporating the essential  
20 components of reading, writing, and numeracy  
21 instruction and instruction for English lan-  
22 guage learners as such components relate to  
23 adults, instruction related to the specific needs  
24 of adult learners, instruction provided by volun-  
25 teers or by personnel of a State or outlying

1 area, and dissemination of information about  
2 models and promising practices related to such  
3 programs.

4 “(C) The provision of technical assistance  
5 to eligible providers of adult education and lit-  
6 eracy activities, including technical assistance  
7 in—

8 “(i) the development and dissemina-  
9 tion of instructional and programmatic  
10 practices based on available evidence-based  
11 research, where appropriate, in reading,  
12 writing, speaking, mathematics, English  
13 language acquisition programs, distance  
14 education, and staff training;

15 “(ii) the role of eligible providers as a  
16 one-stop partner in providing access to em-  
17 ployment, education, and training services;

18 “(iii) the use of technology, including  
19 for staff training, to eligible providers, es-  
20 pecially the use of technology to improve  
21 system efficiencies;

22 “(iv) the development of content and  
23 models for career pathways, including inte-  
24 grated education and training, career

1 bridge programs or instruction, and post-  
2 secondary transition activities; and

3 “(v) the acquisition and implementa-  
4 tion of technology tools, applications, and  
5 other resources that will—

6 “(I) help in enhancing or rede-  
7 signing adult education, literacy, and  
8 workplace skills curricula to improve  
9 technology literacy for adult learners;

10 “(II) facilitate assessments for  
11 data analysis to enable individualized  
12 instruction; and

13 “(III) be employed in profes-  
14 sional development activities.

15 “(D) The monitoring and evaluation of the  
16 quality of, and the improvement in, adult edu-  
17 cation and literacy activities and the dissemina-  
18 tion of information about models and proven or  
19 promising practices within the State.

20 “(E) The assessment of the quality of the  
21 adult education teacher workforce in the State,  
22 which shall include taking actions to improve  
23 that quality, including by establishing a require-  
24 ment that all paid professionals have at least a  
25 bachelor’s degree and that volunteers be re-

1           quired to be supervised or supported by a paid  
2           professional with a bachelor’s degree, and  
3           through such actions as working in partnership  
4           with colleges and universities to improve the  
5           quality of adult education teacher preparation  
6           and increase access to high-quality preparation  
7           programs.

8           “(F) The development of rigorous content  
9           standards and aligned assessments for their  
10          adult education programs that reflect accepted  
11          standards for college- and career-readiness that  
12          are aligned with the college- and career-ready  
13          standards the State develops and implements in  
14          compliance with section 14006(d)(4) of the  
15          American Recovery and Reinvestment Act of  
16          2009.

17          “(2) PERMISSIBLE ACTIVITIES.—Each eligible  
18          agency may use funds made available under section  
19          222(a)(2) for 1 or more of the following adult edu-  
20          cation and literacy activities:

21               “(A) The support of State or regional net-  
22               works of literacy resource centers.

23               “(B) The development and implementation  
24               of technology applications, including online and  
25               on-air educational digital content, translation

1           technology, or distance education, including  
2           professional development to support the use of  
3           instructional technology.

4           “(C) The development and dissemination  
5           of curricula, including curricula incorporating  
6           the essential components of reading instruction  
7           as such components relate to adults.

8           “(D) The dissemination of content and  
9           models for integrated education and training  
10          and career pathways, including the provision of  
11          technical assistance to eligible providers in the  
12          State administering such programs.

13          “(E) The provision of assistance to eligible  
14          providers in developing and implementing pro-  
15          grams that achieve the objectives of this title  
16          and in measuring the progress of those pro-  
17          grams in achieving such objectives, including  
18          meeting the State adjusted levels of perform-  
19          ance described in section 136(b)(3).

20          “(F) The provision of assistance to eligible  
21          providers in the development of new data man-  
22          agement systems required by the performance  
23          accountability system described in section  
24          136(b).

1           “(G) The development and implementation  
2 of a system to assist in the transition from  
3 adult education to postsecondary education, in-  
4 cluding linkages with postsecondary educational  
5 institutions or institutions of higher education.

6           “(H) The integration of literacy and  
7 English language instruction with occupational  
8 skill training, including promoting linkages with  
9 employers.

10           “(I) Activities to promote workplace adult  
11 education and literacy activities.

12           “(J) Activities to promote and complement  
13 local outreach initiatives described in section  
14 243(b)(3)(G).

15           “(K) In cooperation with efforts funded  
16 under sections 242 and 243, development and  
17 piloting of—

18                   “(i) promising and proven assessment  
19 tools and strategies that—

20                           “(I) are based on evidence-based  
21 research, where available and appro-  
22 priate; and

23                           “(II) identify the needs and cap-  
24 ture the gains of students at all levels,  
25 with particular emphasis on—

1                   “(aa) students at the lowest  
2                   achievement level;

3                   “(bb) students who are  
4                   English language learners; and

5                   “(cc) adults with learning  
6                   disabilities;

7                   “(ii) strategies for improving teacher  
8                   quality and retention;

9                   “(iii) assistance in converting evi-  
10                  dence-based research into practice; and

11                  “(iv) strategies in the use of tech-  
12                  nology, including online and on-air edu-  
13                  cational digital content to improve tech-  
14                  nology literacy for adult learners.

15                  “(L) The development and implementation  
16                  of programs and services to meet the needs of  
17                  adult learners with learning disabilities who are  
18                  English language learners.

19                  “(M) Family literacy activities that pro-  
20                  mote adult education and help parents become  
21                  their child’s first teacher.

22                  “(N) Support for recruitment and outreach  
23                  for instructors, students, and employers.

24                  “(O) Other activities of statewide signifi-  
25                  cance that promote the purpose of this title.



1           “(3) DIGITAL LEARNING.—Each eligible agency  
2           may reserve up to 10 percent of the funds made  
3           available under section (222)(a)(2) for grants to an  
4           entity that owns and operates a television public  
5           broadcast station, as defined in section 397(6) of the  
6           Communications Act of 1934 (47 U.S.C. 397(6))  
7           (including a partnership of such entities), in part-  
8           nership with an eligible agency, State Board de-  
9           scribed in section 111, or institution of higher edu-  
10          cation to develop, disseminate, and provide online  
11          and on-air education and training services for  
12          adults, including:

13                   “(A) the development, training and use of  
14                   innovative, high-quality tools, products, and  
15                   educational digital content and services for—

16                           “(i) adult education and literacy,  
17                           GED preparation, workforce training, and  
18                           related outreach (including community and  
19                           family) services;

20                           “(ii) professional development; and

21                           “(iii) English language education and  
22                           services for non-English speakers;

23                   “(B) the development and implementation  
24                   of technology applications, including online and  
25                   on-air education digital content, translation

1 technology, or distance education, including  
2 professional development to support the use of  
3 instructional technology; and

4 “(C) developing and piloting strategies in  
5 the use of technology through online and on-air  
6 educational digital content, including to improve  
7 technology literacy for adult learners.”.

8 (d) STATE PLAN.—Section 224 is amended to read  
9 as follows:

10 **“SEC. 224. STATE PLAN.**

11 “Each State desiring to receive funds under this title  
12 for any fiscal year shall submit and have approved by the  
13 Secretary and the Secretary of Labor a State plan in ac-  
14 cordance with section 112 or a State unified plan in ac-  
15 cordance with section 113.”.

16 (e) PROGRAMS FOR CORRECTIONS EDUCATION AND  
17 OTHER INSTITUTIONALIZED INDIVIDUALS.—Section 225  
18 is amended—

19 (1) in subsection (b)—

20 (A) in paragraph (1), by striking “basic  
21 education” and inserting “adult education and  
22 literacy activities”;

23 (B) in paragraph (2), by striking “edu-  
24 cation programs” and inserting “education,”;  
25 and

1 (C) by striking paragraphs (3) and (4) and  
2 inserting the following:

3 “(3) secondary school credit;

4 “(4) integrated education and training;

5 “(5) career pathways;

6 “(6) concurrent enrollment;

7 “(7) postsecondary correctional education  
8 linked to employment;

9 “(8) peer tutoring; and

10 “(9) transition to re-entry initiatives and other  
11 post-release services with the goal of reducing recidi-  
12 vism.”; and

13 (2) by striking subsection (d) and inserting the  
14 following:

15 “(d) REPORT.—In addition to any report required  
16 under section 136, each eligible agency that receives as-  
17 sistance provided under this section shall annually prepare  
18 and submit to the Secretary a report on the progress, as  
19 described in section 136, of the eligible agency with re-  
20 spect to the programs and activities carried out under this  
21 section, including the rate of recidivism for the criminal  
22 offenders served.

23 “(e) DEFINITIONS.—In this section:

24 “(1) CORRECTIONAL INSTITUTION.—The term  
25 ‘correctional institution’ means any—

1           “(A) prison;  
2           “(B) jail;  
3           “(C) reformatory;  
4           “(D) work farm;  
5           “(E) detention center; or  
6           “(F) halfway house, community-based re-  
7           habilitation center, or any other similar institu-  
8           tion designed for the confinement or rehabilita-  
9           tion of criminal offenders.

10           “(2) CRIMINAL OFFENDER.—The term ‘crimi-  
11           nal offender’ means any individual who is charged  
12           with or convicted of any criminal offense.”.

13 **SEC. 204. AMENDMENTS TO SUBTITLE C.**

14           (a) GRANTS AND CONTRACTS FOR ELIGIBLE PRO-  
15           VIDERS.—Section 231 is amended—

16           (1) in subsection (b), by striking “one or more  
17           programs that provide” and all that follows and in-  
18           serting “programs that provide adult education and  
19           literacy activities, programs that provide such activi-  
20           ties concurrently with postsecondary education or  
21           training or employment activities, and credit-bearing  
22           postsecondary coursework.”;

23           (2) in subsection (c)—

24           (A) by striking “Each eligible” and insert-  
25           ing:

1 “(1) IN GENERAL.—Each eligible”;

2 (B) by redesignating paragraphs (1) and  
3 (2) as subparagraphs (A) and (B), respectively,  
4 and moving such subparagraphs 2 ems to the  
5 right;

6 (C) in subparagraph (A) (as so redesign-  
7 nated), by inserting “and compete” after  
8 “apply”; and

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

10 “(2) GAO STUDY.—Not later than the second  
11 program year following the date of enactment of the  
12 Workforce Investment Act of 2012, the Comptroller  
13 General shall conduct a study to determine how the  
14 provisions of paragraph (1) have been implemented  
15 and whether such provisions accomplished the pur-  
16 poses of such paragraph.”;

17 (3) in subsection (d)—

18 (A) by striking “section 203(1)” and in-  
19 serting “section 203(4)”; and

20 (B) by striking “other than adult edu-  
21 cation activities” and inserting “other than ac-  
22 tivities for eligible individuals”; and

23 (4) in subsection (e)—

1 (A) in paragraph (1), by striking “will es-  
2 tablish measurable goals for participant out-  
3 comes” and insert “would be responsive to—

4 “(A) regional needs as identified in the  
5 local plan under section 118; and

6 “(B) serving individuals in the community  
7 who were identified in such plan as most in  
8 need of adult education and literacy activities,  
9 including individuals—

10 “(i) who have low levels of literacy  
11 skills;

12 “(ii) who have learning disabilities; or

13 “(iii) who are English language learn-  
14 ers;”;

15 (B) by amending paragraphs (2) through  
16 (8) to read as follows:

17 “(2) capacity, including past effectiveness in  
18 improving the English language, reading, and  
19 mathematic skills of eligible individuals of the eligi-  
20 ble provider, to meet and exceed State-adjusted lev-  
21 els of performance for the primary indicators of per-  
22 formance described in section 136 for eligible indi-  
23 viduals, especially with respect to eligible individuals  
24 who have low levels of literacy;

1           “(3) the extent to which the eligible provider  
2 demonstrates alignment between proposed activities  
3 and services and the strategy and goals of the local  
4 plan under section 118, as well as with the activities  
5 and services of the one-stop partners;

6           “(4) whether the eligible provider’s program  
7 uses instructional practices that include the essential  
8 components of reading instruction;

9           “(5) whether the eligible provider’s activities  
10 are built on a strong foundation of evidence-based  
11 research on available and effective educational prac-  
12 tices;

13           “(6) whether the eligible provider’s activities ef-  
14 fectively employ advances in technology and delivery  
15 systems, including distance education;

16           “(7) whether the eligible provider’s activities  
17 provide learning in context, including through inte-  
18 grated education and training, so that an individual  
19 acquires the skills needed to transition to and suc-  
20 cess in completing postsecondary education and  
21 training programs, obtain and advance in employ-  
22 ment leading to economic self-sufficiency, and exer-  
23 cise the rights and responsibilities of citizenship;

24           “(8) whether the eligible provider’s activities  
25 are delivered by instructors, counselors, and admin-

1 administrators who meet minimum qualifications estab-  
2 lished by the State, and who have access to profes-  
3 sional development, including through electronic  
4 means;”;

5 (C) in paragraph (9)—

6 (i) by inserting “eligible provider’s”  
7 after “whether the”;

8 (ii) by inserting “education, training,  
9 and social service” after “other available”;

10 (iii) by inserting “local workforce in-  
11 vestment boards,” after “postsecondary  
12 educational institutions,”; and

13 (iv) by inserting “, business, industry,  
14 labor organizations, community-based or-  
15 ganizations, nonprofit organizations, and  
16 intermediaries, for the development of ca-  
17 reer pathways” before the semicolon;

18 (D) in paragraph (10)—

19 (i) by inserting “eligible provider’s”  
20 after “whether the”;

21 (ii) by inserting “coordination with  
22 Federal, State, and local” after “schedules  
23 and”; and



1 (iii) by striking “and transportation”  
2 and inserting “transportation, mental  
3 health services, and career planning”; and  
4 (E) by striking paragraphs (11) and (12)  
5 and inserting the following:

6 “(11) the capacity of the eligible provider to  
7 provide integrated education and training;

8 “(12) whether the eligible provider maintains  
9 an information management system that has the ca-  
10 pacity to report measurable participant outcomes  
11 (consistent with section 136) and monitor program  
12 performance;

13 “(13) the capacity of the eligible provider to  
14 offer or connect individuals with career pathways  
15 that will lead to economic self-sufficiency;

16 “(14) whether the local areas in which the eligi-  
17 ble provider is located have demonstrated need for  
18 additional English language acquisition programs,  
19 integrated English literacy, and civics education pro-  
20 grams; and

21 “(15) the capacity of the eligible provider to  
22 serve eligible individuals with disabilities, including  
23 individuals with learning disabilities.”.

24 (b) LOCAL APPLICATION.—Section 232 is amend-  
25 ed—

1           (1) in the matter preceding paragraph (1), by  
2 striking “under this subtitle” and inserting “from  
3 an eligible agency”;

4           (2) in paragraph (1), by striking “; and” and  
5 inserting “consistent with the requirements of this  
6 title;”; and

7           (3) by striking the period at the end of para-  
8 graph (2) and inserting a semicolon, and after such  
9 paragraph inserting the following:

10           “(3) a description of how the eligible provider  
11 will provide services in alignment with the local plan  
12 under section 118, including how such provider will  
13 promote concurrent enrollment in programs and ac-  
14 tivities under titles I and II, as appropriate, to assist  
15 eligible individuals in accessing and succeeding in  
16 postsecondary education and job training services  
17 and how such provider will promote access to career  
18 pathways;

19           “(4) a description of how the eligible provider  
20 will meet the State adjusted levels of performance  
21 described in section 136(b)(3), including how such  
22 provider will collect data to report on such perform-  
23 ance indicators;

1           “(5) a description of how the eligible provider  
2 will fulfill one-stop partner responsibilities as de-  
3 scribed in section 121(b)(1)(A), as appropriate;

4           “(6) a description of how the eligible provider  
5 will provide services in a manner that meets the  
6 needs of eligible individuals; and

7           “(7) information that addresses the consider-  
8 ations described under section 231(e), as applica-  
9 ble.”.

10       (c) LOCAL ADMINISTRATIVE COST LIMITS.—Section  
11 233 is amended—

12           (1) in subsection (a)(2), by striking “personnel  
13 development and interagency coordination” and in-  
14 serting “(including carrying out the requirements of  
15 section 136), professional development, and the ac-  
16 tivities described in paragraphs (3) and (5) of sec-  
17 tion 232”; and

18           (2) in subsection (b), by striking “adequate  
19 planning, administration, personnel development,  
20 and interagency coordination” and inserting “the eli-  
21 gible provider to carry out the activities described in  
22 subsection (a)(2)”.

23 **SEC. 205. AMENDMENTS TO SUBTITLE D.**

24       (a) ADMINISTRATIVE PROVISIONS.—Section 241(b)  
25 is amended—

1           (1) in paragraph (1)(A), by striking “adult edu-  
2           cation and literacy activities” and inserting “activi-  
3           ties under this title”; and

4           (2) in paragraph (4), by striking “1 fiscal year  
5           only” and inserting “not more than 1 fiscal year”.

6           (b) NATIONAL INSTITUTE FOR ADULT EDUCATION  
7           AND LITERACY.—Section 242 is amended—

8           (1) in subsection (a)—

9                   (A) in the matter preceding paragraph (1),  
10                   by inserting “Adult Education and” after “In-  
11                   stitute for”;

12                   (B) in paragraph (1), by striking “lit-  
13                   eracy” and inserting “effective adult education  
14                   and literacy activities for adults and families,  
15                   including the identification of research topics”;

16                   (C) by redesignating paragraphs (2) and  
17                   (3) as paragraphs (3) and (4), respectively, and  
18                   inserting after paragraph (1) the following:

19                   “(2) supports the development and replication  
20                   of promising and proven approaches to adult edu-  
21                   cation and literacy activities and programs of dem-  
22                   onstrated effectiveness;”;

23                   (D) in paragraph (3) (as so redesignated),  
24                   by striking “literacy” and inserting “and dis-

1           seminates information on adult education and  
2           literacy activities,”; and

3           (E) in paragraph (4) (as so redesignated),  
4           by striking “programs by—” and all that fol-  
5           lows through subparagraph (A) and inserting  
6           “activities by—

7           “(A) providing advice on the efforts of the  
8           Department of Education, Department of  
9           Labor, and the Department of Health and  
10          Human Services and other relevant agencies to  
11          achieve the goals of adult education and literacy  
12          programs and programs consistent with title I,  
13          within and across such agencies;

14          “(B) coordinating and participating in the  
15          Federal effort to identify, produce, and dissemi-  
16          nate information on adult education and lit-  
17          eracy activities that are derived from available  
18          evidence-based research and effective programs  
19          that serve adults and families, including individ-  
20          uals with learning disabilities; and

21          “(C) providing current information annu-  
22          ally on effective practices and research in adult  
23          education and literacy activities to the Com-  
24          mittee on Health, Education, Labor, and Pen-  
25          sions of the Senate and the Committee on Edu-

1 cation and the Workforce of the House of Rep-  
2 resentatives, and the relevant Federal agen-  
3 cies.”;

4 (2) in subsection (b)—

5 (A) in paragraph (1), by inserting “Adult  
6 Education and” after “Institute for”; and

7 (B) in paragraph (2), by striking “sepa-  
8 rate” and inserting “independent”;

9 (3) by amending subsection (c) to read as fol-  
10 lows:

11 “(c) DUTIES.—

12 “(1) IN GENERAL.—In order to reinforce and  
13 support the alignment of activities and programs  
14 consistent with provisions under title I, the Institute  
15 is authorized—

16 “(A) to maintain a national electronic  
17 database of information that disseminates infor-  
18 mation to the broadest possible audience within  
19 the adult education and literacy field, and that  
20 includes—

21 “(i) best practices and research re-  
22 garding the provision of adult education  
23 and literacy activities, including instruction  
24 in the essential components of reading in-  
25 struction, integrated education and train-

1                   ing, and the integration of English literacy  
2                   and civics education;

3                   “(ii) public and private adult edu-  
4                   cation and literacy activities and programs,  
5                   and Federal, State, and local policies, af-  
6                   fecting the provision of adult education  
7                   and literacy activities at the national,  
8                   State, and local levels;

9                   “(iii) opportunities for technical as-  
10                  sistance, meetings, conferences, and other  
11                  opportunities that lead to the improvement  
12                  of adult education and literacy activities;

13                  “(iv) a list of eligible providers; and

14                  “(v) best practices in reading re-  
15                  search, numeracy instruction, and service  
16                  to English language learners;

17                  “(B) to coordinate the support of prom-  
18                  ising and proven research, as defined by the In-  
19                  stitute of Education Sciences, and development  
20                  on adult education and literacy activities for  
21                  adults and for employers across Federal agen-  
22                  cies, and to carry out basic and applied re-  
23                  search and development on topics that are not  
24                  being investigated by other organizations or

1 agencies, such as the special literacy needs of  
2 individuals with learning disabilities;

3 “(C) to provide policy and technical assist-  
4 ance to Federal, State, and local entities for the  
5 improvement of policy and programs relating to  
6 adult education and literacy activities;

7 “(D) to fund a network of State or re-  
8 gional adult education and literacy resource  
9 centers to assist State eligible agencies, eligible  
10 providers, and private nonprofit efforts to im-  
11 prove adult education and literacy activities  
12 by—

13 “(i) encouraging the coordination of  
14 adult education and literacy activities;

15 “(ii) enhancing the capacity of State  
16 eligible agencies and eligible providers to  
17 deliver adult education and literacy activi-  
18 ties; and

19 “(iii) serving as a link between the In-  
20 stitute and eligible providers of adult edu-  
21 cation and literacy activities for the pur-  
22 pose of sharing information, data, re-  
23 search, expertise, and literacy resources,  
24 and for soliciting research needs;



1           “(E) to establish and maintain a national  
2 adult learning and technology resource center  
3 to—

4           “(i) develop frameworks for tech-  
5 nology-based learning and professional de-  
6 velopment materials for adult education,  
7 literacy, and workplace skills;

8           “(ii) support distance education for  
9 professional development for eligible enti-  
10 ties and eligible providers of adult edu-  
11 cation, literacy, and workplace skills serv-  
12 ices;

13           “(iii) coordinate and share informa-  
14 tion on the innovative uses of technology,  
15 such as the use of assistive technology to  
16 deliver digital content to adult learners;  
17 and

18           “(iv) be accessible to the public  
19 through the website of the center;

20           “(F) to advise Congress and Federal de-  
21 partments and agencies regarding the develop-  
22 ment of policy with respect to adult education  
23 and literacy activities;

24           “(G) to undertake other activities that lead  
25 to the improvement of the Nation’s adult edu-

1 cation and literacy delivery system and that  
2 complement other such efforts being undertaken  
3 by public and private agencies and organiza-  
4 tions, including activities that relate to the ac-  
5 quisition of skills in reading, writing, English  
6 language acquisition, and mathematics;

7 “(H) to assist States that are pursuing the  
8 implementation of standards-based educational  
9 improvements and related standards-based as-  
10 sessment instruments for eligible providers  
11 through the dissemination of training, technical  
12 assistance, and related support; and

13 “(I) to develop and disseminate best prac-  
14 tices on the education, training, professional de-  
15 velopment, certification, and credentialing of  
16 adult education instructors, including how the  
17 use of technology can contribute to such efforts.

18 “(2) GRANTS, CONTRACTS, AND COOPERATIVE  
19 AGREEMENTS.—The Institute may award competi-  
20 tive grants to, or enter into contracts or cooperative  
21 agreements with, individuals, public or private insti-  
22 tutions, agencies, organizations, or consortia of such  
23 institutions, agencies, or organizations to carry out  
24 the activities of the Institute.

1           “(3) COORDINATION.—In identifying and sup-  
2           porting promising and proven research the Institute  
3           shall use standards for research quality that are con-  
4           sistent with those of the Institute of Education  
5           Sciences.”;

6           (4) in subsection (d)(1), by striking “research,  
7           or innovation” and inserting “or research”;

8           (5) in subsection (e)—

9           (A) in the subsection heading, by inserting  
10          “ADULT EDUCATION AND” after “INSTITUTE  
11          FOR”;

12          (B) in paragraph (1)—

13           (i) in subparagraph (A), by inserting  
14           “Adult Education and” after “Institute  
15           for”;

16           (ii) in subparagraph (B)(i)—

17           (I) by inserting “adult education  
18           and” after “organizations and pro-  
19           viders of”; and

20           (II) by striking “English lit-  
21           eracy” and inserting “English lan-  
22           guage acquisition”;

23           (iii) in subparagraph (B)(ii), by strik-  
24           ing “literacy programs” and inserting “or  
25           have participated in or partnered with

1 workplace adult education and literacy ac-  
2 tivities”;

3 (iv) in subparagraph (B)(iii), by strik-  
4 ing “literacy” both places it appears and  
5 inserting “adult education and literacy”;

6 (v) in subparagraph (B)(iv), by insert-  
7 ing “adult education and literacy research,  
8 including adult” after “area of”;

9 (vi) in subparagraph (B)(vi), by strik-  
10 ing “and”;

11 (vii) in subparagraph (B)(vii), by  
12 striking the period and inserting “; and”;  
13 and

14 (viii) by adding at the end the fol-  
15 lowing:

16 “(viii) institutions of higher education  
17 or postsecondary educational institutions.”;

18 (C) in paragraph (2)—

19 (i) in subparagraph (B), by striking  
20 “and”;

21 (ii) in subparagraph (C), by striking  
22 the period at the end and inserting “;  
23 and”; and

24 (iii) by adding at the end the fol-  
25 lowing:

1           “(D) review the biennial report submitted  
2 to Congress pursuant to subsection (k).”; and  
3           (D) in paragraph (5)—  
4           (i) by striking “Any” and inserting  
5           “A”; and  
6           (ii) by inserting “at a meeting for  
7 which there is a quorum” before the pe-  
8 riod;  
9           (6) in subsection (k)—  
10          (A) in the matter preceding paragraph  
11          (1)—  
12           (i) by striking “The” and inserting  
13           “Not later than 1 year after the date of  
14 enactment of the Workforce Investment  
15 Act of 2012, and biennially thereafter,  
16 the”; and  
17           (ii) by striking “Committee on Labor  
18 and Human Resources of the Senate” and  
19 inserting “Committee on Health, Edu-  
20 cation, Labor and Pensions of the Senate  
21 and the relevant agencies”;  
22          (B) in paragraph (1), by inserting “adult  
23 education and” after “field of”; and  
24          (C) in paragraph (2), by striking “adult  
25 education and” after “goals of the”; and

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

2 “(m) NATIONAL INSTITUTE FOR LITERACY.—Any  
3 reference in any other Federal law, Executive order, rule,  
4 regulation, or delegation of authority, or any document of  
5 or pertaining to—

6 “(1) the head of the National Institute for Lit-  
7 eracy shall be treated as a reference to the head of  
8 the National Institute for Adult Education and Lit-  
9 eracy; and

10 “(2) the National Institute for Literacy shall be  
11 treated as a reference to the National Institute for  
12 Adult Education and Literacy.”.

13 (c) NATIONAL LEADERSHIP ACTIVITIES.—Section  
14 243 is amended—

15 (1) in the matter preceding paragraph (1)—

16 (A) by striking “The Secretary” and in-  
17 sserting:

18 “(a) IN GENERAL.—The Secretary”;

19 (B) by inserting “and outcomes” after  
20 “the quality”;

21 (C) by striking “programs” and inserting  
22 “activities and programs”; and

23 (D) by striking “Such activities may in-  
24 clude the following:” and inserting:

1       “(b) ALLOWABLE ACTIVITIES.—The national leader-  
2 ship activities described in subsection (a) may include the  
3 following:”;

4           (2) in paragraph (1)—

5           (A) by redesignating subparagraphs (A)  
6 through (C) as subparagraphs (B) through (D),  
7 respectively and inserting before subparagraph  
8 (B) (as so redesignated) the following:

9           “(A) assistance to help States meet the re-  
10 quirements of section 136;”;

11           (B) in subparagraph (B) (as so redesi-  
12 gnated)—

13           (i) by striking “developing and using  
14 performance measures” and inserting  
15 “using performance accountability meas-  
16 ures based on indicators described in sec-  
17 tion 136, and data systems”; and

18           (ii) by striking “, including family lit-  
19 eracy services”;

20           (C) in subparagraph (C) (as so redesi-  
21 gnated), by striking “including family literacy  
22 services” and all that follows and inserting  
23 “utilizing evidence-based research where avail-  
24 able;”;

1 (D) in subparagraph (D) (as so redesignig-  
2 nated)—

3 (i) by striking “learning” and insert-  
4 ing “education”; and

5 (ii) by striking the period and insert-  
6 ing the following: “, including through the  
7 use of instructional models that blend in-  
8 person and online instruction; and”; and

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

10 “(E) assistance in the development and  
11 dissemination of promising and proven models  
12 for addressing the digital literacy needs of  
13 adults, including older adults.”;

14 (3) by redesignating paragraph (2) as para-  
15 graph (3), and inserting after paragraph (1) the fol-  
16 lowing:

17 “(2) A program of grants, contracts, or cooper-  
18 ative agreements awarded on a competitive basis to  
19 national, regional, or local networks of private non-  
20 profit organizations, public libraries, or institutions  
21 of higher education to build the capacity of such net-  
22 works’ members to—

23 “(A) meet the performance requirements,  
24 described in section 136, of eligible providers  
25 under this title; and



1           “(B) involve eligible individuals in program  
2 improvement.”; and

3 (4) in paragraph (3) (as so redesignated)—

4           (A) in the matter preceding subparagraph  
5 (A), by inserting “institutions of higher edu-  
6 cation,” after “postsecondary educational insti-  
7 tutions,”;

8           (B) in subparagraph (A), by striking “pho-  
9 nemic awareness” and all that follows through  
10 “reading comprehension” and inserting “the es-  
11 sential components of reading instruction”;

12           (C) in subparagraph (B), by striking “, in-  
13 cluding family literacy services”;

14           (D) in subparagraph (C), by striking “re-  
15 search, such as” and inserting: “research, in-  
16 cluding evidence-based research where available,  
17 on national literacy basic skill acquisition for  
18 adult learning, including”;

19           (E) in subparagraph (D)—

20           (i) in clause (i), by striking the semi-  
21 colon and inserting “, which may include  
22 programs that—

23                   “(I) accelerate learning outcomes  
24                   for eligible individuals with the lowest  
25                   literacy levels;

1 “(II) promote career pathways  
2 for eligible individuals;

3 “(III) promote concurrent enroll-  
4 ment programs in adult education and  
5 credit bearing postsecondary  
6 coursework; and

7 “(IV) develop high-quality profes-  
8 sional development activities for eligi-  
9 ble providers;”; and

10 (ii) in clause (ii), by striking “such as  
11 the development” and all that follows and  
12 inserting “such as—

13 “(I) programs for skill certifi-  
14 cation;

15 “(II) the identification of effec-  
16 tive strategies for working with adults  
17 with learning disabilities and with  
18 adults who are English language  
19 learners;

20 “(III) integrated education and  
21 training programs;

22 “(IV) programs providing adult  
23 education and literacy activities co-  
24 ordinated with employment services;

1           “(V) family literacy activities  
2           that promote adult education and help  
3           parents become their child’s first  
4           teacher; and

5           “(VI) postsecondary education  
6           and training transition programs;”;

7           (F) in subparagraph (E)—

8           (i) in the matter preceding clause (i),  
9           by striking “through studies and analyses  
10          conducted independently”;

11          (ii) in clause (i)—

12           (I) by inserting “accountability”  
13           after “performance”;

14           (II) by inserting “, including in-  
15           terim measures connected to increas-  
16           ing advancement along a career path-  
17           way,” after “measures of account-  
18           ability”; and

19           (III) by striking “, including  
20           family literacy services”;

21          (iii) in clause (ii)—

22           (I) by striking “including family  
23           literacy services”; and

24           (II) by striking “adults (and of  
25           children” and all that follows through

1 “in such activities” and inserting “eli-  
2 gible individuals, lead”;

3 (iv) in clause (iii)—

4 (I) by striking “adults” and in-  
5 serting “eligible individuals”;

6 (II) by striking “family”; and

7 (III) by striking “programs” and  
8 inserting “activities”; and

9 (v) in clause (iv), by striking “eligible  
10 agencies have distributed” and all that fol-  
11 lows and inserting “different types of pro-  
12 viders measurably improve the skills of eli-  
13 gible individuals in adult education and lit-  
14 eracy activities;”;

15 (G) by redesignating subparagraphs (F),  
16 (G) and (H) as subparagraphs (G), (H), and  
17 (K), respectively;

18 (H) by inserting after subparagraph (E)  
19 the following:

20 “(F) carrying out research on the relation-  
21 ship between instructional quality, including  
22 education levels, certification status, and experi-  
23 ence of instructors, and the performance out-  
24 comes of eligible providers consistent with sec-  
25 tion 136;”;

1 (I) in subparagraph (G) (as so redesignated)—  
2

3 (i) by inserting “of programs” after  
4 “building”; and

5 (ii) by striking “subtitle” and inserting  
6 “title”; and

7 (J) in subparagraph (H) (as so redesignated), by striking “; and” and inserting a  
8 semicolon and inserting after such subparagraph the following:  
9  
10

11 “(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;  
12  
13  
14  
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16  
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19

20 “(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”.  
21  
22  
23  
24  
25

1 (d) INTEGRATED ENGLISH LITERACY AND CIVICS  
2 EDUCATION.—Subtitle D, as redesignated by section  
3 201(f), is further amended by adding after section 243  
4 the following new section:

5 **“SEC. 244. INTEGRATED ENGLISH LITERACY AND CIVICS**  
6 **EDUCATION.**

7 “(a) IN GENERAL.—From funds made available  
8 under section 211(a)(1)(C) for each fiscal year, the Sec-  
9 retary shall award grants to States, from allotments under  
10 subsection (b), for integrated English literacy and civics  
11 education.

12 “(b) ALLOTMENT.—

13 “(1) IN GENERAL.—Subject to paragraph (2),  
14 from amounts made available under section  
15 211(a)(1)(C) for a fiscal year, the Secretary shall al-  
16 locate—

17 “(A) 65 percent to the States on the basis  
18 of a State’s need for integrated English literacy  
19 and civics education, as determined by calcu-  
20 lating each State’s share of a 10-year average  
21 of the data of the Office of Immigration Statis-  
22 tics of the Department of Homeland Security  
23 for immigrants admitted for legal permanent  
24 residence for the 10 most recent years; and

1           “(B) 35 percent to the States on the basis  
2           of whether the State experienced growth, as  
3           measured by the average of the 3 most recent  
4           years for which the data of the Office of Immi-  
5           gration Statistics of the Department of Home-  
6           land Security for immigrants admitted for legal  
7           permanent residence are available.

8           “(2) MINIMUM.—No State shall receive an al-  
9           lotment under paragraph (1) in an amount that is  
10          less than \$60,000.

11          “(c) STUDY TO DETERMINE CONTINUED NEED.—  
12          Not later than 2 years after the date of the enactment  
13          of the Workforce Investment Act of 2012 and every 2  
14          years thereafter, the Secretaries of Education, Labor, and  
15          Homeland Security shall submit a report to Congress  
16          about the English-language instruction needs of adult im-  
17          migrants. It shall include changes in national, State and  
18          county-level approaches and requirements in English-lan-  
19          guage instruction; data on the composition of recent immi-  
20          gration flows and immigrant settlement patterns across  
21          States; and estimated instructional needs based on the  
22          English ability and educational attainment of recent immi-  
23          grants from top immigrant-sending countries. Such study  
24          shall be commissioned by the Institute of Education

1 Sciences, with its design conducted in collaboration with  
2 the Departments of Labor and Homeland Security.”.

3 **TITLE III—AMENDMENTS TO**  
4 **THE WAGNER-PEYSER ACT**

5 **SEC. 301. EMPLOYMENT SERVICE OFFICES.**

6 Section 1 of the Wagner-Peyser Act (29 U.S.C. 49)  
7 is amended by inserting “service” before “offices”.

8 **SEC. 302. DEFINITIONS.**

9 Section 2 of the Wagner-Peyser Act (29 U.S.C. 49a)  
10 is amended—

11 (1) by redesignating paragraphs (2) through  
12 (5) as paragraphs (3) through (6), respectively;

13 (2) by inserting after paragraph (1) the fol-  
14 lowing:

15 “(2) the term ‘employment service office’ means  
16 a local office of a State agency;”;

17 (3) in paragraph (3) (as so redesignated)—

18 (A) by striking “investment board” each  
19 place it appears and inserting “development  
20 board”; and

21 (B) by striking “of 1998” and inserting  
22 “of 2011”;

23 (4) in paragraph (4) (as so redesignated)—

24 (A) by striking “134(c)” and inserting  
25 “221(e)”; and



1 (B) by striking “1998” and inserting  
2 “2011”;

3 (5) in paragraph (5) (as so redesignated), by  
4 striking “and” at the end;

5 (6) in paragraph (6) (as so redesignated), by  
6 striking the period and inserting “; and”; and

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

8 “(7) except in section 15, the term ‘State agen-  
9 cy’, used without further description, means an  
10 agency designated or authorized under section 4;  
11 and

12 “(8) the term ‘workplace learning advisor’, has  
13 the meaning given the terms in section 101 of the  
14 Workforce Investment Act of 1998.”.

15 **SEC. 303. FEDERAL AND STATE EMPLOYMENT SERVICE OF-**  
16 **FICES.**

17 (a) COORDINATION.—Section 3(a) of the Wagner-  
18 Peyser Act (29 U.S.C. 49b(a)) is amended by striking  
19 “services” and inserting “service offices”.

20 (b) PUBLIC LABOR EXCHANGE SERVICES SYSTEM.—  
21 Section 3(c)(2) of the Wagner-Peyser Act (29 U.S.C.  
22 49b(c)(2)) is amended by inserting “, and identify and dis-  
23 seminate information on best practices for such system”  
24 before the semicolon.

1           (c) ONE-STOP CENTERS.—Section 3 of the Wagner-  
2 Peyser Act (29 U.S.C. 49b) is amended by inserting after  
3 subsection (c) the following:

4           “(d) In order to improve service delivery, avoid dupli-  
5 cation of services, and enhance coordination of services,  
6 the employment service offices in each State and the one-  
7 stop centers shall be collocated to the extent practicable.

8           “(e) The Secretary, in consultation with States, is au-  
9 thorized to assist the States in the development of national  
10 electronic tools that may be used to improve access to  
11 workforce information for individuals through—

12                   “(1) the one-stop delivery systems established  
13 as described in section 121(e) of the Workforce In-  
14 vestment Act of 2012; and

15                   “(2) such other delivery systems as the Sec-  
16 retary determines to be appropriate.”.

17 **SEC. 304. ALLOTMENT OF SUMS.**

18           Section 6 of the Wagner-Peyser Act (29 U.S.C. 49e)  
19 is amended—

20                   (1) in subsection (a)—

21                           (A) by striking “From” and inserting  
22 “After making the reservation required by sub-  
23 section (c), from”; and

24                           (B) by striking “amounts appropriated  
25 pursuant to section 5” and inserting “funds ap-

1           appropriated and (except for Guam) certified  
2           under section 5 and made available for allot-  
3           ments under this section”; and

4           (2) in subsection (b)(1)—

5                 (A) in the matter preceding subparagraph

6           (A)—

7                         (i) by inserting before “the Secretary”  
8                         the following “after making the allotments  
9                         required by subsection (a),”; and

10                        (ii) by striking “sums” and all that  
11                        follows through “this Act” and inserting  
12                        “funds described in subsection (a)”;

13                        (B) in each of subparagraphs (A) and (B),  
14                        by striking “sums” and inserting “remainder”;  
15                        and

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

17                        “For purposes of this paragraph, the term  
18                        ‘State’ does not include Guam or the Virgin Is-  
19                        lands.”.

20   **SEC. 305. USE OF SUMS.**

21           (a) **RESOURCES FOR UNEMPLOYMENT INSURANCE**  
22   **CLAIMANTS.**—Section 7(a)(3) of the Wagner-Peyser Act  
23   (29 U.S.C. 49f(a)(3)) is amended—

24                        (1) by striking “and” at the end of subpara-  
25                        graph (E);

1           (2) by striking the period at the end of sub-  
2 paragraph (F) and inserting “; and”; and

3           (3) by inserting after subparagraph (F) the fol-  
4 lowing:

5           “(G) providing unemployment insurance  
6 claimants and other unemployed individuals  
7 with referrals to, and application assistance for,  
8 training and education resources and programs,  
9 including Federal Pell Grants under subpart 1  
10 of part A of title IV of the Higher Education  
11 Act of 1965 (20 U.S.C. 1070a et seq.), edu-  
12 cational assistance under chapter 30 of title 38,  
13 United States Code (commonly referred to as  
14 the Montgomery GI Bill), and chapter 33 of  
15 that title (Post-9/11 Veterans Educational As-  
16 sistance), student assistance under title IV of  
17 the Higher Education Act of 1965 (20 U.S.C.  
18 1070 et seq.), State student higher education  
19 assistance, and training and education pro-  
20 grams provided under titles I and II of the  
21 Workforce Investment Act of 2012, and title I  
22 of the Rehabilitation Act of 1973 (29 U.S.C.  
23 720 et seq.).”.

24           (b) STATE ACTIVITIES.—Section 7(b) of the Wagner-  
25 Peyser Act (29 U.S.C. 49f(b)) is amended—

1           (1) in paragraph (1), by striking “performance  
2 standards established by the Secretary” and insert-  
3 ing “the performance accountability measures that  
4 are based on indicators described in section  
5 136(b)(2)(A)(i) of the Workforce Investment Act of  
6 2012”; and

7           (2) in paragraph (2), by inserting “offices”  
8 after “employment service”.

9           (c) PROVIDING ADDITIONAL FUNDS.—Section  
10 7(c)(2) of the Wagner-Peyser Act (29 U.S.C. 49f(c)(2))  
11 is amended by striking “1998” and inserting “2011”.

12           (d) OTHER SERVICES AND ACTIVITIES.—Section  
13 7(d) of the Wagner-Peyser Act (29 U.S.C. 49f(d)) is  
14 amended by striking “1998” and inserting “2011”.

15           (e) CONFORMING AMENDMENT.—Section 7(e) of the  
16 Wagner-Peyser Act (29 U.S.C. 49f(e)) is amended by  
17 striking “labor employment statistics” and inserting  
18 “labor market information”.

19 **SEC. 306. STATE PLAN.**

20           Section 8 of the Wagner-Peyser Act (29 U.S.C. 49g)  
21 is amended to read as follows:

22           “SEC. 8. Any State desiring to receive assistance  
23 under section 6 shall prepare and submit to, and have ap-  
24 proved by, the Secretary and the Secretary of Education,

1 a State plan in accordance with section 112 or 113 of the  
2 Workforce Investment Act of 2011.”.

3 **SEC. 307. PERFORMANCE ACCOUNTABILITY MEASURES.**

4 Section 13(a) of the Wagner-Peyser Act (29 U.S.C.  
5 491(a)) is amended to read as follows:

6 “(a) The activities carried out pursuant to section 7  
7 shall be subject to the performance accountability meas-  
8 ures that are based on indicators described in section  
9 136(b)(2)(A)(i) of the Workforce Investment Act of  
10 2011.”.

11 **SEC. 308. PILOT PROJECTS.**

12 The Wagner-Peyser Act is amended by inserting after  
13 section 13 (29 U.S.C. 491) the following:

14 **“SEC. 13A. PILOT PROJECTS.**

15 “(a) GRANTS.—From funds appropriated under sub-  
16 section (f), the Secretary, in consultation with the Sec-  
17 retary of Education, shall establish and carry out a pilot  
18 program. In carrying out the program, the Secretary shall  
19 annually make grants, on a competitive basis, to State  
20 agencies to cooperate in the administration of this Act by  
21 carrying out pilot projects that enhance the professional  
22 development and provision of services by the staff of such  
23 State agencies.

24 “(b) USE OF FUNDS.—Funds made available under  
25 this section may be used to enable a State agency to—

1           “(1) make available a broad range of career  
2           guidance services, including career planning, apti-  
3           tude and interest assessments, provision of labor  
4           market information, job placement services, and  
5           evaluations of the outcomes for recipients of such  
6           services;

7           “(2) strengthen the capacity of the State agen-  
8           cy to identify job openings through the use of tech-  
9           nology, and through intensive outreach to small- and  
10          medium-size employers while using and enhancing  
11          the business and employer services authorized under  
12          this Act;

13          “(3) provide professional development and ca-  
14          reer advancement opportunities for staff of a State  
15          agency in order to upgrade their skills and com-  
16          petencies in the provision of career development ac-  
17          tivities, employer outreach, job placement, and other  
18          services authorized under this Act, including upgrad-  
19          ing those skills and competencies through the train-  
20          ing of such staff to improve their knowledge of, and  
21          ability to effectively interact with, staff and pro-  
22          grams of one-stop partners and other entities admin-  
23          istering workforce development programs;

24          “(4) identify and implement strategies for State  
25          agency staff to provide technical assistance and

1 training to assist other providers of workforce devel-  
2 opment activities, including workplace learning advi-  
3 sors, in providing counseling and employment-related  
4 services to workers and job seekers, and employers;  
5 and

6 “(5) identify and implement new strategies for  
7 integrating counseling and technology to enhance the  
8 provision of employment-related services under this  
9 Act.

10 “(c) APPLICATIONS.—A State agency that seeks a  
11 grant under this section shall submit an application to the  
12 Secretary at such time, in such manner, and containing  
13 such information as the Secretary may require.

14 “(d) PRIORITY.—In awarding grants under this sec-  
15 tion, the Secretary, in consultation with the Secretary of  
16 Education, shall—

17 “(1) give priority to a State agency that—

18 “(A) demonstrates participation by em-  
19 ployees of the agency and their organized rep-  
20 resentatives in the planning of the proposed  
21 pilot project;

22 “(B) demonstrates participation by the  
23 employees, or provides an assurance that the  
24 employees will participate, in the implementa-  
25 tion of the pilot project; and



1           “(C) demonstrates that the State agency  
2           has established a partnership, or provides an  
3           assurance that the agency will establish a part-  
4           nership, with a relevant professional organiza-  
5           tion, or with an institution of higher education;  
6           and

7           “(2) ensure geographic diversity and diversity  
8           with respect to the population density of the States  
9           in which projects under this section will be carried  
10          out.

11          “(e) AUTHORIZATION OF APPROPRIATIONS.—There  
12          is authorized to be appropriated to carry out this section  
13          such sums as may be necessary for each of fiscal years  
14          2012 through 2016.”.

15          **SEC. 309. LABOR MARKET INFORMATION SYSTEM.**

16          (a) HEADING.—The section heading for section 15 of  
17          the Wagner-Peyser Act (29 U.S.C. 491–2) is amended by  
18          striking “**EMPLOYMENT STATISTICS**” and inserting  
19          “**LABOR MARKET INFORMATION SYSTEM**”.

20          (b) NAME OF SYSTEM.—Section 15(a)(1) of the Wag-  
21          ner-Peyser Act (29 U.S.C. 491–2(a)(1)) is amended by  
22          striking “employment statistics system of employment sta-  
23          tistics” and inserting “labor market information system”.

1           (c) SYSTEM RESPONSIBILITIES.—Section 15(b) of  
2 the Wagner-Peyser Act (29 U.S.C. 491–2(b)) is amend-  
3 ed—

4           (1) by striking paragraph (1) and inserting the  
5 following:

6           “(1) IN GENERAL.—

7           “(A) STRUCTURE.—The labor market in-  
8 formation system described in subsection (a)  
9 shall be evaluated and improved by the Sec-  
10 retary, in consultation with the Workforce In-  
11 formation Advisory Council established in sub-  
12 section (d).

13           “(B) GRANTS AND RESPONSIBILITIES.—

14           “(i) IN GENERAL.—The Secretary  
15 shall carry out the provisions of this sec-  
16 tion in a timely manner, through grants to  
17 or agreements with States.

18           “(ii) DISTRIBUTION OF FUNDS.—

19 Using amounts appropriated under sub-  
20 section (g), the Secretary shall provide  
21 funds through those grants and agree-  
22 ments. In distributing the funds (relating  
23 to labor market information funding) for  
24 fiscal years 2012 through 2016, the Sec-  
25 retary shall continue to distribute the

1 funds to States in the manner in which the  
2 Secretary distributed funds to the States  
3 under this section for fiscal years 2004  
4 through 2008.”; and

5 (2) by striking paragraph (2) and inserting the  
6 following:

7 “(2) DUTIES.—The Secretary, with respect to  
8 data collection, analysis, and dissemination of labor  
9 market information for the system, shall carry out  
10 the following duties:

11 “(A) Assign responsibilities within the De-  
12 partment of Labor for elements of the labor  
13 market information system described in sub-  
14 section (a) to ensure that the statistical and ad-  
15 ministrative data collected is consistent with ap-  
16 propriate Bureau of Labor Statistics standards  
17 and definitions, and that the information is ac-  
18 cessible and understandable to users of such  
19 data.

20 “(B) Actively seek the cooperation of heads  
21 of other Federal agencies to establish and main-  
22 tain mechanisms for ensuring complementarity  
23 and nonduplication in the development and op-  
24 eration of statistical and administrative data  
25 collection activities.

1           “(C) Solicit, receive, and evaluate the rec-  
2           ommendations from the Workforce Information  
3           Advisory Council established in subsection (d)  
4           concerning the evaluation and improvement of  
5           the labor market information system described  
6           in subsection (a) and respond in writing to the  
7           Council regarding the recommendations.

8           “(D) Through the Bureau of Labor Statis-  
9           tics and the Employment and Training Admin-  
10          istration, and in collaboration with States, de-  
11          velop and maintain the elements of the labor  
12          market information system described in sub-  
13          section (a), including the development of con-  
14          sistent procedures and definitions for use by the  
15          States in collecting the data and information  
16          described in subparagraphs (A) and (B) of sub-  
17          section (a)(1).

18          “(E) Establish procedures for the system  
19          to ensure that—

20                  “(i) such data and information are  
21                  timely; and

22                  “(ii) paperwork and reporting for the  
23                  system are reduced to a minimum.”.

1 (d) TWO-YEAR PLAN.—Section 15 of the Wagner-  
2 Peyser Act (29 U.S.C. 491–2) is amended by striking sub-  
3 section (c) and inserting the following:

4 “(c) TWO-YEAR PLAN.—The Secretary, acting  
5 through the Commissioner of Labor Statistics and the As-  
6 sistant Secretary for Employment and Training, and in  
7 consultation with the Workforce Information Advisory  
8 Council described in subsection (d) and heads of other ap-  
9 propriate Federal agencies, shall prepare a 2-year plan for  
10 the labor market information system. The plan shall be  
11 developed and implemented in a manner that takes into  
12 account the activities described in State plans submitted  
13 by States under section 112 or 113 of the Workforce In-  
14 vestment Act of 2012 and shall be submitted to the Com-  
15 mittee on Education and the Workforce of the House of  
16 Representatives and the Committee on Health, Education,  
17 Labor, and Pensions of the Senate. The plan shall in-  
18 clude—

19 “(1) a description of how the Secretary will  
20 work with the States to manage the nationwide labor  
21 market information system described in subsection  
22 (a) and the statewide workforce and labor market  
23 information systems that comprise the nationwide  
24 system;

1           “(2) a description of the steps to be taken in  
2           the following 2 years to carry out the duties de-  
3           scribed in subsection (b)(2);

4           “(3) an evaluation of the performance of the  
5           system, with particular attention to the improve-  
6           ments needed at the State and local levels;

7           “(4) a description of the involvement of States  
8           in the development of the plan, through consultation  
9           by the Secretary with the Workforce Information  
10          Advisory Council in accordance with subsection (d);  
11          and

12          “(5) a description of the written recommenda-  
13          tions received from the Workforce Information Advi-  
14          sory Council established under subsection (d), and  
15          the extent to which those recommendations were in-  
16          corporated into the plan.”.

17          (e) WORKFORCE INFORMATION ADVISORY COUN-  
18          CIL.—Section 15 of the Wagner-Peyser Act (29 U.S.C.  
19          491–2) is amended by striking subsection (d) and inserting  
20          the following:

21          “(d) WORKFORCE INFORMATION ADVISORY COUN-  
22          CIL.—

23                 “(1) IN GENERAL.—The Secretary, through the  
24                 Commissioner of Labor Statistics and the Assistant  
25                 Secretary of Labor for Employment and Training,

1 shall formally consult at least twice annually with  
2 the Workforce Information Advisory Council estab-  
3 lished in accordance with paragraph (2). Such con-  
4 sultations shall address the evaluation and improve-  
5 ment of the nationwide labor market information  
6 system described in subsection (a) and the statewide  
7 labor market information systems that comprise the  
8 nationwide system and how the Department of  
9 Labor and the States will cooperate in the manage-  
10 ment of such systems. The Council shall provide  
11 written recommendations to the Secretary con-  
12 cerning the evaluation and improvement of the na-  
13 tionwide system, including any recommendations re-  
14 garding the 2-year plan described in subsection (c).

15 “(2) ESTABLISHMENT OF COUNCIL.—

16 “(A) ESTABLISHMENT.—The Secretary  
17 shall establish an advisory council that shall be  
18 known as the Workforce Information Advisory  
19 Council (referred to in this section as the  
20 ‘Council’) to participate in the consultations  
21 and provide the recommendations described in  
22 paragraph (1).

23 “(B) MEMBERSHIP.—The Secretary shall  
24 appoint the members of the Council, which shall  
25 consist of—

1           “(i) 4 members who are representa-  
2           tives of lead State agencies with responsi-  
3           bility for workforce investment activities,  
4           or State agencies described in section 4,  
5           who have been nominated by such agencies  
6           or by a national organization that rep-  
7           resents such agencies;

8           “(ii) 4 members who are representa-  
9           tives of the State labor market information  
10          directors affiliated with the State agencies  
11          that perform the duties described in sub-  
12          section (e)(2), who have been nominated by  
13          the directors;

14          “(iii) 1 member who is a representa-  
15          tive of providers of training services under  
16          section 122 of the Workforce Investment  
17          Act of 2012;

18          “(iv) 1 member who is a representa-  
19          tive of economic development entities;

20          “(v) 1 member who is a representative  
21          of businesses, who has been nominated by  
22          national business organizations or trade  
23          associations;



1           “(vi) 1 member who is a representa-  
2           tive of labor organizations, who has been  
3           nominated by a national labor federation;

4           “(vii) 1 member who is a representa-  
5           tive of local workforce investment boards,  
6           who has been nominated by a national or-  
7           ganization representing such boards; and

8           “(viii) 1 member who is a representa-  
9           tive of research entities that utilize labor  
10          market information.

11          “(C) GEOGRAPHIC DIVERSITY.—The Sec-  
12          retary shall ensure that the membership of the  
13          Council is geographically diverse and that no 2  
14          of the members appointed under clauses (i),  
15          (ii), and (vii) represent the same State.

16          “(D) PERIOD OF APPOINTMENT; VACAN-  
17          CIES.—

18                 “(i) IN GENERAL.—Each member of  
19                 the Council shall be appointed for a term  
20                 of 3 years, except that the initial terms for  
21                 members may be 1, 2, or 3 years in order  
22                 to establish a rotation in which one-third  
23                 of the members are selected each year. Any  
24                 such member may be appointed for not  
25                 more than 2 consecutive terms.

1                   “(ii) VACANCIES.—Any member ap-  
2                   pointed to fill a vacancy occurring before  
3                   the expiration of the term for which the  
4                   member’s predecessor was appointed shall  
5                   be appointed only for the remainder of that  
6                   term. A member may serve after the expi-  
7                   ration of that member’s term until a suc-  
8                   cessor has taken office.

9                   “(E) TRAVEL EXPENSES.—The members  
10                  of the Council shall not receive compensation  
11                  for the performance of services for the Council,  
12                  but shall be allowed travel expenses, including  
13                  per diem in lieu of subsistence, at rates author-  
14                  ized for employees of agencies under subchapter  
15                  I of chapter 57 of title 5, United States Code,  
16                  while away from their homes or regular places  
17                  of business in the performance of services for  
18                  the Council. Notwithstanding section 1342 of  
19                  title 31, United States Code, the Secretary may  
20                  accept the voluntary and uncompensated serv-  
21                  ices of members of the Council.”.

22                  (f) STATE RESPONSIBILITIES.—Section 15(e) of the  
23                  Wagner-Peyser Act (29 U.S.C. 491–2(e)) is amended—

1           (1) by striking “employment statistics” each  
2           place it appears and inserting “labor market infor-  
3           mation”;

4           (2) in paragraph (1)(A) by striking “annual  
5           plan” and inserting “plan described in subsection  
6           (c)”; and

7           (3) in paragraph (2)—

8                 (A) in subparagraph (G), by inserting  
9                 “and” at the end;

10                (B) by striking subparagraph (H);

11                (C) in subparagraph (I), by striking “sec-  
12                tion 136(f)(2) of the Workforce Investment Act  
13                of 1998” and inserting “section 131(i)(2) of the  
14                Workforce Investment Act of 2012”; and

15                (D) by redesignating subparagraph (I) as  
16                subparagraph (H).

17           (g) AUTHORIZATION OF APPROPRIATIONS.—Section  
18           15(g) of the Wagner-Peyser Act (29 U.S.C. 491–2(g)) is  
19           amended by striking “1999 through 2004” and inserting  
20           “2012 through 2016”.

1 **TITLE IV—AMENDMENTS TO THE**  
2 **REHABILITATION ACT OF 1973**  
3 **Subtitle A—Introductory**  
4 **Provisions**

5 **SEC. 401. REFERENCES.**

6 Except as otherwise specifically provided, whenever in  
7 this title an amendment or repeal is expressed in terms  
8 of an amendment to, or repeal of, a provision, the amend-  
9 ment or repeal shall be considered to be made to a provi-  
10 sion of the Rehabilitation Act of 1973 (29 U.S.C. 701 et  
11 seq.).

12 **SEC. 402. FINDINGS, PURPOSE, POLICY.**

13 (a) FINDINGS.—Section 2(a) is amended—

14 (1) in paragraph (5), by striking “and” at the  
15 end;

16 (2) in paragraph (6), by striking the period and  
17 inserting “; and”; and

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

19 “(7)(A) a high proportion of students are leav-  
20 ing secondary education without being employed in  
21 competitive integrated employment, or being enrolled  
22 in postsecondary education; and

23 “(B) there is a substantial need to support such  
24 students as they transition from school to postsec-  
25 ondary life.”.

1 (b) PURPOSE.—Section 2(b) (29 U.S.C. 701(b)) is  
2 amended—

3 (1) in paragraph (1)—

4 (A) in the matter preceding subparagraph  
5 (A), by striking “with disabilities” and all that  
6 follows through “economic” and inserting “with  
7 disabilities, including individuals with the most  
8 significant disabilities, to maximize opportuni-  
9 ties for competitive integrated employment and  
10 to achieve economic”; and

11 (B) at the end of subparagraph (F), by  
12 striking “and”;

13 (2) in paragraph (2), by striking the period at  
14 the end and inserting a semicolon; and

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

16 “(3) to increase employment opportunities and  
17 employment outcomes for individuals with disabili-  
18 ties, including through encouraging meaningful in-  
19 volvement by employers and vocational rehabilitation  
20 service providers on successful and prospective em-  
21 ployment and placement strategies; and

22 “(4) to ensure, to the greatest extent possible,  
23 that youth with disabilities and students with dis-  
24 abilities who are transitioning from receipt of special  
25 education services under the Individuals with Dis-

1 abilities Education Act (20 U.S.C. 1400 et seq.) and  
2 receiving accommodations and supports consistent  
3 with section 504 of the Rehabilitation Act of 1973  
4 (29 U.S.C. 794) are either continuing their edu-  
5 cation or employed in competitive integrated employ-  
6 ment.”.

7 **SEC. 403. REHABILITATION SERVICES ADMINISTRATION.**

8 Section 3 (29 U.S.C. 702) is amended—

9 (1) in subsection (a)—

10 (A) in the first sentence, by striking “Of-  
11 fice of the Secretary” and inserting “Office of  
12 Special Education and Rehabilitative Services”;

13 (B) in the second sentence, by striking “IV  
14 and V” and inserting “IV, V, VII, and VIII”;  
15 and

16 (C) by striking the last 3 sentences and in-  
17 serting “The functions of the Commissioner  
18 shall not be delegated to any officer, unless the  
19 officer is directly responsible to the Assistant  
20 Secretary for Special Education and Rehabilita-  
21 tive Services.”;

22 (2) by redesignating subsection (b) as sub-  
23 section (c);

24 (3) by inserting after subsection (a) the fol-  
25 lowing:

1 “(b) The Secretary shall ensure that—

2 “(1) the Rehabilitation Services Administration  
3 provides oversight of, conducts monitoring of, and  
4 provides technical assistance to, the designated State  
5 agencies funded under this Act; and

6 “(2) the staff providing such oversight, moni-  
7 toring, and technical assistance includes individuals  
8 who have training in and experience with the pro-  
9 grams administered by the Rehabilitation Services  
10 Administration.”; and

11 (4) in subsection (c), as redesignated by para-  
12 graph (2), by striking “for the programs” and all  
13 that follows and insert “in a manner that is con-  
14 sistent with the purposes of the program for which  
15 the funds are appropriated and of this Act, as enu-  
16 merated in section 2(b)”.

17 **SEC. 404. DEFINITIONS.**

18 Section 7 (29 U.S.C. 705) is amended—

19 (1) in paragraph (2)—

20 (A) in the matter preceding subparagraph  
21 (A), by inserting after “means” the following:  
22 “an assessment that presumes the attainment  
23 of an employment outcome for all individuals  
24 with disabilities (including individuals with sig-  
25 nificant disabilities and individuals with the

1 most significant disabilities), and that relies  
2 on”; and

3 (B) in subparagraph (B)—

4 (i) in clause (iii), by striking “and” at  
5 the end;

6 (ii) in clause (iv), by striking the  
7 semicolon and inserting “; and”; and

8 (iii) by adding at the end the fol-  
9 lowing:

10 “(v) to the maximum extent possible,  
11 relies on information obtained from experi-  
12 ences in integrated employment settings in  
13 the community, and other integrated com-  
14 munity settings;”;

15 (2) in paragraph (5)—

16 (A) in the matter preceding subparagraph  
17 (A), by striking “for employment, including ca-  
18 reer advancement” and inserting “for competi-  
19 tive integrated employment and for career ad-  
20 vancement, including”;

21 (B) by redesignating subparagraphs (O)  
22 through (Q) as subparagraphs (P) through (R);

23 (C) by inserting after subparagraph (N)  
24 the following:



1 “(O) customized employment services;”;

2 and

3 (D) in subparagraph (R), as redesignated  
4 by subparagraph (B) of this paragraph, by  
5 striking “(P)” and inserting “(Q)”;

6 (3) by redesignating paragraphs (6) as para-  
7 graph (7) and inserting after paragraph (5) the fol-  
8 lowing new paragraph:

9 “(6) COMPETITIVE INTEGRATED EMPLOY-  
10 MENT.—

11 “(A) IN GENERAL.—The term ‘competitive  
12 integrated employment’ means work by an em-  
13 ployee who is an individual with a disability—

14 “(i) that is compensated at a rate  
15 that—

16 “(I) is the same rate as the rate  
17 for other employees who are not indi-  
18 viduals with disabilities, and who are  
19 similarly situated in similar occupa-  
20 tions by the same employer and who  
21 have similar training, experience, and  
22 skills; and

23 “(II) shall be in accordance with  
24 the applicable law, but in no event  
25 less than the higher of the rate speci-

1                   fied in section 6(a)(1) of the Fair  
2                   Labor Standards Act of 1938 (29  
3                   U.S.C. 206(a)(1)) or the applicable  
4                   State or local minimum wage law;

5                   “(ii) for which the employee receives  
6                   health and employment benefits com-  
7                   parable to those of other employees;

8                   “(iii) that is at a location typically  
9                   found in the community where the em-  
10                  ployee interacts frequently with other em-  
11                  ployees and individuals who are not indi-  
12                  viduals with disabilities to the same extent  
13                  that non-disabled employees in comparable  
14                  positions interact with others; and

15                  “(iv) that provides opportunities for  
16                  advancement that are equivalent to those  
17                  for other employees who are not individ-  
18                  uals with disabilities and who have com-  
19                  parable positions.

20                  “(B) INCLUSION OF CUSTOMIZED OR SUP-  
21                  PORTED EMPLOYMENT.—The term ‘competitive  
22                  integrated employment’ includes integrated em-  
23                  ployment resulting from the provision of cus-  
24                  tomized employment strategies or supported  
25                  employment services, provided the work in-

1           involved satisfies the criteria described in sub-  
2           paragraph (A).

3           “(C) INCLUSION OF SELF-EMPLOYMENT  
4           OR MICRO-ENTERPRISES.—The term ‘competi-  
5           tive integrated employment’ includes self-em-  
6           ployment or micro-enterprises, as long as the  
7           work involved satisfies the criteria described in  
8           subparagraph (A).”;

9           (4) by redesignating paragraphs (8) through  
10          (28) as paragraphs (9) through (29), respectively,  
11          and inserting after paragraph (7) the following:

12          “(8) CUSTOMIZED EMPLOYMENT.—The term  
13          ‘customized employment’ means an employment out-  
14          come in competitive integrated employment, for an  
15          individual with a significant disability, that is based  
16          on an individualized determination of the strengths,  
17          needs, and interests of the individual with a signifi-  
18          cant disability, is designed to meet the specific abili-  
19          ties of the individual with a significant disability and  
20          the business needs of the employer, and is carried  
21          out through flexible strategies, such as—

22                  “(A) job exploration by the individual; and

23                  “(B) working with an employer to facili-  
24          tate placement, including—

1           “(i) customizing a job description  
2           based on current employer needs or on pre-  
3           viously unidentified and unmet employer  
4           needs;

5           “(ii) developing a set of job duties (in-  
6           cluding a work schedule) and specifics of  
7           supervision (including performance evalua-  
8           tion and review), and determining job loca-  
9           tion;

10          “(iii) representation by a professional  
11          chosen by the individual, or self-represen-  
12          tation by the individual, in working with  
13          an employer to facilitate placement; and

14          “(iv) providing services and supports  
15          at the job location.”;

16          (5) in paragraph (12) (as so redesignated)—

17                 (A) in subparagraph (A), by striking  
18                 “competitive employment in the integrated  
19                 labor market” and inserting “competitive inte-  
20                 grated employment”; and

21                 (B) in subparagraph (C), by inserting  
22                 “customized employment,” after “outcome of”;

23          (6) in paragraph (18) (as so redesignated)—

24                 (A) by striking the “and” at the end of  
25                 subparagraph (C);

1 (B) in subparagraph (D), by striking the  
2 period at the end and inserting a semicolon;  
3 and

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

5 “(E) transition and prevention services  
6 that—

7 “(i) facilitate the transition of individ-  
8 uals with significant disabilities from nurs-  
9 ing homes and other institutions to home  
10 and community-based residences, with the  
11 required supports and services;

12 “(ii) provide assistance to individuals  
13 with significant disabilities who are at risk  
14 of entering institutions so that the individ-  
15 uals may remain in the community; and

16 “(iii) facilitate the transition of youth  
17 (including students) who are individuals  
18 with significant disabilities, who were eligi-  
19 ble for individualized education programs  
20 under section 614(d) of the Individuals  
21 with Disabilities Education Act (20 U.S.C.  
22 1414(d)), and who have completed their  
23 secondary education or otherwise left  
24 school, to postsecondary life, including em-  
25 ployment; and

1           “(F) services to promote full access to  
2           community life.”;

3           (7) in paragraph (21)(B), by striking “and  
4           VII” and inserting “VII, and VIII”;

5           (8) by redesignating paragraphs (29) through  
6           (34) as paragraphs (32) through (37), respectively;

7           (9) by inserting after paragraph (29) the fol-  
8           lowing:

9           “(30) POST-EMPLOYMENT SERVICE.—The term  
10          ‘post-employment service’ means a service identified  
11          under section 103(a) that is—

12                 “(A) provided subsequent to the achieve-  
13                 ment of an employment outcome; and

14                 “(B) necessary for an individual to main-  
15                 tain or regain an employment outcome in com-  
16                 petitive integrated employment, consistent with  
17                 the individual’s strengths, resources, priorities,  
18                 concerns, abilities, capabilities, interests, and  
19                 informed choice.

20          “(31) PRE-EMPLOYMENT TRANSITION SERV-  
21          ICES.—

22                 “(A) IN GENERAL.—The term ‘pre-employ-  
23                 ment transition services’ means a coordinated  
24                 set activities for an eligible student with a dis-  
25                 ability, designed within an outcome-oriented

1 process, that promotes movement from school  
2 to any of the following post-school activities:  
3 postsecondary education, vocational training,  
4 competitive integrated employment (including  
5 supported employment), adult education, adult  
6 services, independent living, or community par-  
7 ticipation.

8 “(B) SPECIFIC SERVICES.—The term ‘pre-  
9 employment transition services’ means a set of  
10 services, that is available to students with dis-  
11 abilities, and that makes available, at a min-  
12 imum—

13 “(i) career counseling;

14 “(ii) work-based learning experience,  
15 including in-school and after school work  
16 experience, or work experience outside the  
17 traditional school setting (such as experi-  
18 ence through job training or internships),  
19 that is provided in an integrated environ-  
20 ment to the maximum extent possible;

21 “(iii) counseling on opportunities for  
22 enrollment in a comprehensive transition  
23 or postsecondary educational program at  
24 an institution of higher education;

1           “(iv) school-based preparatory em-  
2           ployment experiences such as role playing,  
3           social skills development, and independent  
4           living training, coordinated with any tran-  
5           sition services provided by the local edu-  
6           cational agency under the Individuals with  
7           Disabilities Education Act (20 U.S.C.  
8           1400 et seq.); and

9           “(v) training in self-advocacy, indi-  
10          vidual rights, self-determination skills, and  
11          the informed consent process, as well as  
12          peer mentoring.

13          “(C) COORDINATED SET OF ACTIVITIES.—  
14          For purposes of subparagraph (A), the coordi-  
15          nated set of activities shall be based on the in-  
16          dividual student’s needs, taking into account  
17          the student’s preferences and interests, and  
18          shall include education and training, community  
19          experiences, the development of employment  
20          and other adult living objectives, and, when ap-  
21          propriate, acquisition of daily living skills and  
22          functional vocational evaluation.”;

23          (10) by redesignating paragraphs (35) through  
24          (39) as paragraphs (39) through (43), respectively,



1 and inserting after paragraph (37) (as so redesignig-  
2 nated) the following:

3 “(38) STUDENT WITH A DISABILITY.—

4 “(A) IN GENERAL.—The term ‘student  
5 with a disability’ means an individual with a  
6 disability who—

7 “(i) attends a secondary school;

8 “(ii)(I) is not younger than the ear-  
9 liest age for the provision of transition  
10 services under section  
11 614(d)(1)(A)(i)(VIII) of the Individuals  
12 with Disabilities Education Act (20 U.S.C.  
13 1414(d)(1)(A)(i)(VIII)); and

14 “(II)(aa) is not older than 21 years of  
15 age; or

16 “(bb) if the State law for the State  
17 provides for a higher maximum age for re-  
18 ceipt of services under the Individuals with  
19 Disabilities Education Act (20 U.S.C.  
20 1400 et seq.), is not older than that max-  
21 imum age; and

22 “(iii)(I) is eligible for, and receiving,  
23 special education or related services under  
24 part B of the Individuals with Disabilities  
25 Education Act (20 U.S.C. 1411 et seq.); or

1                   “(II) is an individual with a disability,  
2                   for purposes of section 504.”;

3                   (11) by striking paragraphs (38) and (39), as  
4                   redesignated by paragraph (12), and inserting the  
5                   following:

6                   “(38) SUPPORTED EMPLOYMENT.—The term  
7                   ‘supported employment’ means an employment out-  
8                   come in competitive integrated employment, includ-  
9                   ing customized employment, that is consistent with  
10                  the strengths, resources, priorities, concerns, abili-  
11                  ties, capabilities, interests, and informed choice of  
12                  the individuals involved, for individuals with the  
13                  most significant disabilities—

14                  “(A)(i) for whom competitive integrated  
15                  employment has not historically occurred; or

16                  “(ii) for whom competitive integrated em-  
17                  ployment has been interrupted or intermittent  
18                  as a result of a significant disability;

19                  “(B) who, because of the nature and sever-  
20                  ity of their disability—

21                  “(i) need intensive supported employ-  
22                  ment services for the period described in  
23                  paragraph (39); and

24                  “(ii) need extended services described  
25                  in paragraph (13) in order to continue to

1 perform in such work beyond the period  
2 described in paragraph (39); and

3 “(C) to the extent that on-going extended  
4 services, as described in paragraph (13) of this  
5 section, are needed, the designated State unit  
6 will assist the individual in identifying providers  
7 of those services.

8 “(39) SUPPORTED EMPLOYMENT SERVICES.—

9 The term ‘supported employment services’ means  
10 ongoing support services, including customized em-  
11 ployment, needed to support and maintain an indi-  
12 vidual with a most significant disability in an em-  
13 ployment, outcome that—

14 “(A) are provided singly or in combination  
15 and organized and made available in such a  
16 way as to assist an eligible individual to succeed  
17 in competitive integrated employment;

18 “(B) are based on a determination of the  
19 needs of an eligible individual, as specified in an  
20 individualized plan for employment; and

21 “(C) are provided by the designated State  
22 unit for a period of not more than 24 months,  
23 except that the period may be extended, if nec-  
24 essary, in order to achieve the employment out-

1           come identified in the individualized plan for  
2           employment.”; and

3           (12) by inserting after paragraph (43) (as so  
4           redesignated) the following:

5           “(44) YOUTH WITH A DISABILITY.—The term  
6           ‘youth with a disability’ means an individual with a  
7           disability who—

8                   “(A) is not younger than 14 years of age;  
9           and

10                   “(B) is not older than 24 years of age.”.

11 **SEC. 405. ADMINISTRATION OF THE ACT.**

12           Section 12(a)(1) (29 U.S.C. 709) is amended—

13                   (1) by striking “(1)” and inserting “(1)(A)”;  
14           and

15                   (2) by adding at the end the following:

16                   “(B) provide technical assistance to the des-  
17           ignated State units on developing successful partner-  
18           ships with local and multi-State businesses to in-  
19           crease the employment of individuals with disabil-  
20           ities; and

21                   “(C) provide technical assistance to providers  
22           and organizations on developing self-employment op-  
23           portunities and outcomes for individuals with dis-  
24           abilities.”.

1 **SEC. 406. REPORTS.**

2 Section 13 (29 U.S.C. 710) is amended—

3 (1) in section (c)—

4 (A) by striking “(c)” and inserting  
5 “(c)(1)”; and

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

7 “(2) The ILA Director described in section 701A  
8 shall include, in the annual report, information on the ex-  
9 tent to which centers for independent living receiving  
10 funds under part C of title VII have complied with the  
11 standards and assurances set forth in section 725. The  
12 ILA Director may identify individual centers for inde-  
13 pendent living in the analysis contained in that informa-  
14 tion. The ILA Director shall include in the report the re-  
15 sults of onsite compliance reviews, identifying individual  
16 centers for independent living and other recipients of as-  
17 sistance under part C of title VII.”; and

18 (2) by adding at the end the following:

19 “(d)(1)(A) The Commissioner shall ensure that the  
20 reports, information, and data described in subparagraph  
21 (B) are made publicly available in a timely and accessible  
22 manner, including through electronic means, in order to  
23 inform the public about the administration and perform-  
24 ance of programs in each State under this Act.

25 “(B) The reports, information, and data referred to  
26 in subparagraph (A) shall consist of—

1           “(i) reports submitted by a designated State  
2 agency or designated State unit under this Act;

3           “(ii) accountability information, including State  
4 performance information relating to evaluation  
5 standards and performance indicators, and addi-  
6 tional performance accountability indicators, under  
7 section 106, including information on compliance  
8 with such standards, indicators, and measures, relat-  
9 ing to individuals with disabilities, submitted by a  
10 designated State agency or designated State unit  
11 under this Act, or submitted by a State to the Sec-  
12 retary of Labor or the Secretary of Education under  
13 section 136 of the Workforce Investment Act of  
14 1998;

15           “(iii) data collected from each designated State  
16 unit under this Act; and

17           “(iv) reports from monitoring conducted under  
18 this Act, including relevant reports required under  
19 section 136 of the Workforce Investment Act of  
20 1998 and other relevant reports, information, and  
21 data required under title I of such Act.

22           “(C)(i) The Commissioner shall ensure that the infor-  
23 mation described in clause (ii) is made publicly available  
24 in a timely and accessible manner, including through elec-  
25 tronic means.

1 “(ii) The information referred to in clause (i) is—

2 “(I) the reports, information, and data required  
3 to be submitted by designated State units or des-  
4 ignated State agencies under this Act;

5 “(II) evaluations, studies, and audits conducted  
6 by Federal agencies, concerning programs carried  
7 out under this Act; and

8 “(III) a list that specifies the designated State  
9 unit or designated State agency for each State, in-  
10 cluding a link to the website maintained by each  
11 such unit or agency.

12 “(2) The Commissioner shall maintain public use  
13 read-only access to the State and aggregated reports, and  
14 analyzed data, concerning programs carried out under this  
15 Act, that are filed and maintained in the Rehabilitation  
16 Services Administration management information system  
17 or a system maintained by the Department of Edu-  
18 cation.”.

19 **SEC. 407. EVALUATION.**

20 Section 14(f)(2) (29 U.S.C. 711(f)(2)) is amended by  
21 striking “nonintegrated to integrated employment” and  
22 inserting “nonintegrated to competitive integrated employ-  
23 ment”.

24 **SEC. 408. CARRYOVER.**

25 Section 19 (29 U.S.C. 716) is amended—

1           (1) in subsection (a), by striking “part B of  
2 title I” and all that follows through “including” and  
3 inserting “part B of title I (except the client assist-  
4 ance program funded under section 112), part B of  
5 title VI, or chapter 2 and 4 of title VII including”;  
6 and

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

8           “(c) CLIENT ASSISTANCE PROGRAM; PROTECTION  
9 AND ADVOCACY OF INDIVIDUAL RIGHTS.—

10           “(1) APPROPRIATED AMOUNTS.—Notwith-  
11 standing any other provision of law, any funds ap-  
12 propriated for a fiscal year to carry out a grant pro-  
13 gram under section 112 or 509 (except as provided  
14 in section 509(b)), including any funds reallocated  
15 during that fiscal year under such grant program,  
16 that are not obligated and expended by a recipient  
17 prior to the beginning of the succeeding fiscal year,  
18 shall remain available for obligation and expenditure  
19 by such recipient during such succeeding fiscal year.

20           “(2) PROGRAM INCOME.—Notwithstanding any  
21 other provision of law, any amount of program in-  
22 come received by a recipient under a grant program  
23 under section 112 or 509 in a fiscal year that is not  
24 obligated and expended by the recipient prior to the



1 beginning of the succeeding fiscal year, shall remain  
2 available until expended.”.

3 **SEC. 409. TRADITIONALLY UNDERSERVED POPULATIONS.**

4 Section 21 (29 U.S.C. 718) is amended in subsection  
5 (a), by striking paragraphs (1) and (2) and inserting the  
6 following:

7 “(1) RACIAL PROFILE.—The demographic pro-  
8 file of the United States is changing at an unprece-  
9 dented rate, with the population of the Nation be-  
10 coming far more ethnically diverse than in the past.  
11 Within the United States, while the rate of increase  
12 from 2000 to 2010 for White Americans was 7.9  
13 percent, the rate of increase during that period for  
14 racial and ethnic minorities was much higher: 42.0  
15 percent for Latinos, 11.4 percent for African-Ameri-  
16 cans, and 34.9 percent for Asian-Americans.

17 “(2) RATE OF DISABILITY.—Ethnic and racial  
18 minorities tend to have disabling conditions at a dis-  
19 proportionately high rate. In 2005—

20 “(A) among Americans ages 25 through  
21 64, the rate of disability was 17.3 percent;

22 “(B) among African-Americans in that age  
23 range, the disability rate was more than twice  
24 as high, at 21.3 percent; and

1           “(C) for American Indians in the same age  
2 range, the disability rate was 25.6 percent of  
3 the general population.”.

4           **Subtitle B—Vocational**  
5           **Rehabilitation Services**

6 **SEC. 411. DECLARATION OF POLICY; AUTHORIZATION OF**  
7           **APPROPRIATIONS.**

8           (a) FINDINGS; PURPOSE; POLICY.—Section 100(a)  
9 (29 U.S.C. 720(a)) is amended—

10           (1) in paragraph (1)(C), by striking “gainful  
11 employment in integrated settings” and inserting  
12 “gainful employment in competitive integrated em-  
13 ployment settings”;

14           (2) in paragraph (2)(B), by striking “gainful  
15 employment” and inserting “high quality employ-  
16 ment that will increase opportunities for economic  
17 self-sufficiency”; and

18           (3) in paragraph (3)—

19           (A) in subparagraph (B), by striking  
20 “gainful employment in integrated settings”  
21 and inserting “competitive integrated employ-  
22 ment”;

23           (B) in subparagraph (C)(ii), by striking  
24 “for the individuals”; and

1 (C) in subparagraph (E), by inserting  
2 “should” before “facilitate”.

3 (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
4 100(b)(1) (29 U.S.C. 720(b)(1)) is amended by striking  
5 “fiscal years 1999 through 2003” and inserting “fiscal  
6 years 2012 through 2016”.

7 **SEC. 412. STATE PLANS.**

8 (a) PLAN REQUIREMENTS.—Section 101(a) (29  
9 U.S.C. 721(a)) is amended—

10 (1) in paragraph (1)—

11 (A) in subparagraph (A), by striking “to  
12 participate” and all that follows and inserting  
13 “to receive funds under this title for a fiscal  
14 year, a State shall submit, and have approved  
15 by the Secretary and the Secretary of Labor a  
16 State plan in accordance with section 112, or a  
17 State unified plan in accordance with section  
18 113. The State plan or State unified plan shall  
19 include the provisions of a State plan for voca-  
20 tional rehabilitation services, described in this  
21 subsection.”;

22 (B) in subparagraph (B)—

23 (i) by striking “in the State plan for  
24 vocational rehabilitation services,” and in-  
25 serting “as part of the vocational rehabili-

1           tation services portion of the State plan or  
2           State unified plan submitted in accordance  
3           with subparagraph (A),”); and

4           (ii) by striking “Rehabilitation Act  
5           Amendments of 1998” and inserting  
6           “Workforce Investment Act of 2012”; and  
7           (C) in subparagraph (C)—

8           (i) by striking “The State plan shall  
9           remain in effect subject to the submission  
10          of such modifications” and inserting “The  
11          vocational rehabilitation services portion of  
12          the State plan or State unified plan sub-  
13          mitted in accordance with subparagraph  
14          (A) shall remain in effect until the State is  
15          required to submit the plan in accordance  
16          with subparagraph (A) or until the submis-  
17          sion of such modifications”; and

18          (ii) by striking “, until the State sub-  
19          mits and receives approval of a new State  
20          plan”;

21       (2) in paragraph (2)—

22           (A) in subparagraph (A), by striking “The  
23           State plan” and inserting “The State plan for  
24           vocational rehabilitation services”;

25           (B) in subparagraph (B)(ii)—

1 (i) in subclause (III), by striking  
2 “and” at the end;

3 (ii) in subclause (IV), by striking the  
4 period and inserting “; and”; and

5 (iii) by adding at the end the fol-  
6 lowing:

7 “(V)(aa) has the authority and  
8 responsibility within the State to en-  
9 sure that the funds appropriated  
10 under this title are expended only in  
11 a manner that is consistent with the  
12 purposes of this title; and

13 “(bb) the authority and responsi-  
14 bility described in subparagraph (aa)  
15 may not be delegated to or performed  
16 by another agency, including the des-  
17 ignated State agency for the voca-  
18 tional rehabilitation program, and or  
19 individual.”;

20 (3) in paragraph (5)—

21 (A) in subparagraph (C), by striking  
22 “and” at the end;

23 (B) by redesignating subparagraph (D) as  
24 subparagraph (E); and

1 (C) by inserting after subparagraph (C)  
2 the following:

3 “(D) notwithstanding subparagraph (C),  
4 assure that the designated State unit may give  
5 priority for the provision of services to those eli-  
6 gible individuals who require specific services or  
7 equipment in accordance with an approved indi-  
8 vidualized plan for employment to maintain an  
9 employment outcome under the vocational reha-  
10 bilitation program; and”;

11 (4) in paragraph (6)(B), by striking “to employ  
12 and advance in employment” and inserting “to re-  
13 cruit, employ, and advance in competitive integrated  
14 employment”;

15 (5) in paragraph (7)(A)(v)—

16 (A) by striking subclause (I) and inserting  
17 the following:

18 “(I) a system for the continuing  
19 education of rehabilitation profes-  
20 sionals and paraprofessionals within  
21 the designated State unit, particularly  
22 with respect to rehabilitation tech-  
23 nology, including training imple-  
24 mented in coordination with entities  
25 carrying out State programs under

1 section 4 of the Assistive Technology  
2 Act of 1998 (29 U.S.C. 3003); and”;

3 (6) in paragraph (8)—

4 (A) in subparagraph (A), by striking  
5 “(5)(D)” and inserting “(5)(E)”;

6 (B) in subparagraph (B)—

7 (i) in the matter preceding clause (i)  
8 by striking “(5)(D)” and inserting  
9 “(5)(E)”;

10 (ii) in clause (iv), by striking  
11 “(5)(D)” and inserting “(5)(E)”;

12 (C) in subparagraph (C)(i), by striking  
13 “(5)(D)” and inserting “(5)(E)”;

14 (7) in paragraph (10)—

15 (A) in subparagraph (B), by striking “an-  
16 nual” and all that follows through “of 1998”  
17 and inserting “annual reporting of information,  
18 on eligible individuals receiving the services,  
19 that is necessary to assess the State’s perform-  
20 ance on those primary indicators of perform-  
21 ance (described in section 136(b)(2)(A) of the  
22 Workforce Investment Act of 2012)”;

23 (B) in subparagraph (C)—

1 (i) in the matter preceding clause (i),  
2 by inserting “, from each individual  
3 State,” after “additional data”;

4 (ii) in clause (i)(II), by striking “de-  
5 termined” and all that follows and insert-  
6 ing “determined to be ineligible for voca-  
7 tional rehabilitation services, and the rea-  
8 son for such determination of ineligibility  
9 (disaggregated by type of disability, and  
10 age);”;

11 (iii) in clause (ii)—

12 (I) in subclause (I), by striking  
13 “(5)(D)” and inserting “(5)(E)”;

14 (II) in subclause (II), by striking  
15 “and” at the end; and

16 (III) by adding at the end the  
17 following:

18 “(IV) the total number of indi-  
19 viduals with ongoing open cases  
20 (disaggregated by individuals who are  
21 in training settings, and individuals  
22 who are in postsecondary education),  
23 and the services individuals described  
24 in this subclause are receiving;



1           “(V) the total number of stu-  
2           dents with disabilities that are receiv-  
3           ing pre-employment transition serv-  
4           ices, and the total cost for providing  
5           those services for each full fiscal year  
6           after the date of enactment of the  
7           Workforce Investment Act of 2012;

8           “(VI) the total number of stu-  
9           dents with disabilities that are receiv-  
10          ing transition services, and the total  
11          cost for providing those services for  
12          each full fiscal year after the date of  
13          enactment of the Workforce Invest-  
14          ment Act of 2012;

15          “(VII) the number of individuals  
16          referred to one-stop centers, as de-  
17          fined in section 134(c) of the Work-  
18          force Investment Act of 1998; and

19          “(VIII) the number of individuals  
20          referred from such one-stop centers to  
21          designated State units and the out-  
22          comes of such referrals;”;

23          (iv) by striking all of clause (iii) and  
24          inserting the following:

1           “(iii) the number of applicants and el-  
2           igible recipients, including the numbers of  
3           individuals with significant disabilities, who  
4           exited the program carried out under this  
5           title and the number who achieved employ-  
6           ment outcomes after receiving vocational  
7           rehabilitation services, including—

8                   “(I) the number of youth with  
9                   disabilities who—

10                           “(aa) entered postsecondary  
11                           education and the earnings of  
12                           such youth who completed post-  
13                           secondary education, by academic  
14                           fields;

15                           “(bb) attained academic lev-  
16                           els and job skills needed for em-  
17                           ployment, such as a high school  
18                           diploma, certificate, or other edu-  
19                           cational credential required for  
20                           the employment outcome speci-  
21                           fied in the individual’s individual-  
22                           ized plan for employment;

23                           “(cc) entered postsecondary  
24                           training or programs for appren-  
25                           ticeships registered under the Act

1 of August 16, 1937 (commonly  
2 known as the ‘National Appren-  
3 ticeship Act’; 50 Stat. 664, chap-  
4 ter 663; 29 U.S.C. 50 et seq.);  
5 and

6 “(dd) the number of youth  
7 with disabilities who entered em-  
8 ployment;

9 “(II) for individuals who obtained  
10 an employment outcome with wages—

11 “(aa) the average length of  
12 time for obtaining employment;

13 “(bb) the average earnings  
14 of individuals who obtained an  
15 employment outcome;

16 “(cc) the number who  
17 earned the minimum wage rate  
18 specified in section 6(a)(1) of the  
19 Fair Labor Standards Act of  
20 1938 (29 U.S.C. 206(a)(1)) or  
21 another wage level set by the  
22 Commissioner, during such em-  
23 ployment; and

24 “(dd) the number who re-  
25 ceived employment benefits from

1 an employer during such employ-  
2 ment;

3 “(III) a comparison, among indi-  
4 viduals who obtained employment, of  
5 the number of individuals who no  
6 longer used public benefits; and

7 “(IV) for those individuals who  
8 received supported employment serv-  
9 ices—

10 “(aa) the number of individ-  
11 uals who were employed 6  
12 months after receiving such serv-  
13 ices;

14 “(bb) the number of individ-  
15 uals who were employed 12  
16 months after receiving such serv-  
17 ices; and

18 “(cc) the number of individ-  
19 uals who earned wages at not  
20 less than the minimum wage rate  
21 determined under section 6(a)(1)  
22 of the Fair Labor Standards Act  
23 of 1938 (29 U.S.C. 206(a)(1))  
24 during their employment; and”;  
25 and

1 (v) by striking clause (iv) and insert-  
2 ing the following:

3 “(iv)(I) the transition from school to  
4 postsecondary life, including employment,  
5 and achievement of the postsecondary vo-  
6 cational goals, of students with disabilities  
7 served under the program carried out  
8 under this title; and

9 “(II) the provision of supported em-  
10 ployment services; and”;

11 (C) in subparagraph (E)(ii), by striking  
12 “of the State” and all that follows and inserting  
13 “of the State in meeting the standards and in-  
14 dicators established pursuant to section 106.”;  
15 and

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

17 “(G) RULES FOR REPORTING OF DATA.—  
18 The disaggregation of data under this section  
19 shall not be required within a category if the  
20 number of participants in a category is insuffi-  
21 cient to yield statistically reliable information,  
22 or required if the results would reveal person-  
23 ally identifiable information about an individual  
24 participant.

1           “(H) COMPREHENSIVE REPORT.—The  
2 State plan shall specify that the Commissioner  
3 will provide an annual comprehensive report  
4 that includes the reports and data required  
5 under this section, as well as a summary of the  
6 reports and data, for each fiscal year. The  
7 Commissioner shall submit the report to the  
8 Committee on Education and the Workforce of  
9 the House of Representatives, the Committee  
10 on Appropriations of the House of Representa-  
11 tives, the Committee on Health, Education,  
12 Labor, and Pensions of the Senate, and the  
13 Committee on Appropriations of the Senate, not  
14 later than 180 days after the end of the fiscal  
15 year involved.”;

16           (8) in paragraph (11)—

17           (A) in subparagraph (A)(i)(II), by insert-  
18 ing “(including programmatic accessibility and  
19 physical accessibility)” after “program accessi-  
20 bility”;

21           (B) in subparagraph (C)—

22           (i) by inserting “the State programs  
23 carried out under section 4 of the Assistive  
24 Technology Act of 1998 (29 U.S.C.  
25 3003),” after “including”;

1           (ii) by inserting “noneducational  
2 agencies serving out-of-school youth,” after  
3 “Agriculture”; and

4           (iii) by striking “such agencies and  
5 programs” and inserting “such Federal,  
6 State, and local agencies and programs”;

7 (C) in subparagraph (D)—

8           (i) in clause (ii), by striking “comple-  
9 tion” and inserting “implementation”;

10           (ii) by redesignating clauses (iii) and  
11 (iv) as clauses (iv) and (v), respectively;  
12 and

13           (iii) by inserting after clause (ii) the  
14 following:

15           “(iii) identifying options for additional  
16 education and training, in order to facili-  
17 tate the provision of services for youth  
18 with disabilities, including transition serv-  
19 ices for students with disabilities, such as  
20 services provided under section 114;”;

21 (D) by redesignating subparagraphs (E)  
22 and (F) as subparagraphs (F) and (H), respec-  
23 tively;

24 (E) by inserting after subparagraph (D)  
25 the following:

1           “(E) COORDINATION WITH EMPLOYERS.—  
2           The State plan shall contain plans, policies, and  
3           procedures for coordination between the des-  
4           ignated State units, State workforce investment  
5           boards, local workforce investment boards, and  
6           employers that provide for building relation-  
7           ships with employers and identifying commu-  
8           nity-based competitive integrated employment  
9           opportunities and career exploration opportuni-  
10          ties, in order to facilitate the provision of tran-  
11          sition services for youth with disabilities and  
12          students with disabilities, such as services pro-  
13          vided under section 114;”;

14                 (F) in subparagraph (F), as redesignated  
15          by subparagraph (E) of this paragraph—

16                         (i) by inserting “chapter 1 of” after  
17                         “part C of”; and

18                         (ii) by inserting “, as appropriate” be-  
19                         fore the period;

20                 (G) by inserting after subparagraph (F),  
21          as redesignated by subparagraph (E) of this  
22          paragraph, the following:

23                 “(G) COOPERATIVE AGREEMENT REGARD-  
24          ING INDIVIDUALS ELIGIBLE FOR HOME AND  
25          COMMUNITY-BASED WAIVER PROGRAMS.—The



1 State plan shall include an assurance that the  
2 designated State unit has entered into a formal  
3 cooperative agreement with the State agency re-  
4 sponsible for administering the State Medicaid  
5 plan under title XIX of the Social Security Act  
6 (42 U.S.C. 1396 et seq.) and the State des-  
7 ignated agency described in section 125(d) of  
8 the Developmental Disabilities Assistance and  
9 Bill of Rights Act of 2000 (42 U.S.C. 15025)  
10 with respect to the delivery of vocational reha-  
11 bilitation services, including extended services,  
12 for individuals with the most significant disabili-  
13 ties who have been determined to be eligible for  
14 home- and community-based services under a  
15 Medicaid waiver, Medicaid State plan amend-  
16 ment, or other authority related to a State  
17 Medicaid program. The agreement shall de-  
18 scribe strategies for collaboration and coordina-  
19 tion in providing vocational rehabilitation serv-  
20 ices to such individuals receiving Medicaid  
21 home- and community-based services in a man-  
22 ner consistent with the person-centered plan-  
23 ning process required by Medicaid.”;

24 (H) in subparagraph (H), as redesignated  
25 by subparagraph (E) of this paragraph—

1 (i) in clause (ii)—

2 (I) by inserting “on or” before  
3 “near”; and

4 (II) by striking “and” at the end;

5 (ii) by redesignating clause (iii) as  
6 clause (iv); and

7 (iii) by inserting after clause (ii) the  
8 following:

9 “(iii) strategies for the provision of  
10 transition planning, by personnel of the  
11 designated State unit, the State edu-  
12 cational agency, and the recipient of funds  
13 under part C, that will facilitate the devel-  
14 opment and implementation of the individ-  
15 ualized education programs under section  
16 614(d) of the Individuals with Disabilities  
17 Education Act (20 U.S.C. 1414(d)) and,  
18 as appropriate, the development and com-  
19 pletion of the individualized plans for em-  
20 ployment under section 102, in order to  
21 enable students with disabilities to achieve  
22 employment outcomes;” and

23 (I) by adding at the end the following:

24 “(I) COORDINATION WITH ASSISTIVE  
25 TECHNOLOGY PROGRAMS.—The State plan shall

1 include an assurance that the designated State  
2 unit, and the lead agency and implementing en-  
3 tity (if any) designated by the Governor of the  
4 State under section 4 of the Assistive Tech-  
5 nology Act of 1998 (29 U.S.C. 3003), have de-  
6 veloped working relationships and will enter  
7 into agreements for the coordination of their ac-  
8 tivities, including the referral of individuals  
9 with disabilities to programs and activities de-  
10 scribed in that section.

11 “(J) COORDINATION WITH TICKET TO  
12 WORK AND SELF-SUFFICIENCY PROGRAM.—The  
13 State plan shall include an assurance that the  
14 designated State unit will coordinate activities  
15 with any other State agency that is functioning  
16 as an employment network under the Ticket to  
17 Work and Self-Sufficiency Program established  
18 under section 1148 of the Social Security Act  
19 (42 U.S.C. 1320b–19).”;

20 (9) in paragraph (14)—

21 (A) in the paragraph header, by striking  
22 “ANNUAL” and inserting “SEMIANNUAL”;

23 (B) in subparagraph (A)—

24 (i) by striking “annual” and inserting  
25 “semiannual”;

1           (ii) by striking “(and thereafter” and  
2           all that follows through “representative)”  
3           and inserting “, and annually thereafter”;  
4           and

5           (iii) by striking “to competitive” and  
6           all that follows and inserting the following:  
7           “to competitive integrated employment or  
8           training for competitive integrated employ-  
9           ment;”;

10          (C) in subparagraph (B), by striking  
11          “and” at the end;

12          (D) in subparagraph (C), by striking “the  
13          individuals described” and all that follows and  
14          inserting “individuals in attaining competitive  
15          integrated employment; and”;

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

17          “(D) an assurance that the State will re-  
18          port the information generated under subpara-  
19          graphs (A), (B), and (C), for each of the indi-  
20          viduals, to the Administrator of the Wage and  
21          Hour Division of the Department of Labor for  
22          each fiscal year, not later than 60 days after  
23          the end of the fiscal year.”;

24          (10) in paragraph (15)—

25          (A) in subparagraph (A)—

1 (i) in clause (i)—

2 (I) in subclause (II), by striking  
3 “and” at the end; and

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

6 “(IV) individuals with disabilities  
7 receiving Medicaid home- and commu-  
8 nity-based waiver habilitation services  
9 (reference), including pre-vocational  
10 and supported employment services;  
11 and

12 “(V) youth with disabilities, and  
13 students with disabilities, including  
14 their need for pre-employment transi-  
15 tion services described in section 114  
16 or other transition services; and”;

17 (ii) by striking clauses (ii) and (iii)  
18 and inserting the following:

19 “(ii) include an assessment of the  
20 needs of individuals with disabilities for  
21 transition services and pre-employment  
22 transition services provided under this Act,  
23 and coordinated with transition services  
24 provided under the Individuals with Dis-  
25 abilities Education Act (20 U.S.C. 1400 et

1 seq.), and an assessment as to whether the  
2 transition and pre-employment transition  
3 services provided under those Acts meet  
4 the needs of individuals with disabilities.”;  
5 (B) in subparagraph (B)—

6 (i) by redesignating clause (iii) as  
7 clause (iv); and

8 (ii) by inserting after clause (ii) the  
9 following:

10 “(iii) the number of individuals who  
11 are eligible for services under this title, but  
12 are not receiving such services due to an  
13 order of selection; and”;

14 (C) in subparagraph (D)—

15 (i) by redesignating clauses (iii)  
16 through (v) as clauses (iv) through (vi);  
17 and

18 (ii) by inserting after clause (ii) the  
19 following:

20 “(iii) the methods to be used to im-  
21 prove and expand vocational rehabilitation  
22 services for students with disabilities, in-  
23 cluding the coordination of services de-  
24 signed to facilitate the transition of such  
25 students from the receipt of educational

1 services in school to postsecondary life (in-  
2 cluding the receipt of vocational rehabilita-  
3 tion services under this title, postsecondary  
4 education, employment, and pre-employ-  
5 ment transition services under section  
6 114);”;

7 (11) in paragraph (20)—

8 (A) by redesignating subparagraph (B) as  
9 subparagraph (C); and

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

12 “(B) INFORMATION ON ASSISTANCE FOR  
13 BENEFICIARIES OF ASSISTANCE UNDER TITLE  
14 II OR XVI OF THE SOCIAL SECURITY ACT.—The  
15 State plan shall include an assurance that the  
16 designated State unit will make available, to in-  
17 dividuals entitled to benefits under title II or  
18 XVI of the Social Security Act (42 U.S.C. 401  
19 et seq., 1381 et seq.) on the basis of a disability  
20 or blindness—

21 “(i) information on the availability of  
22 benefits and medical assistance authorized  
23 under the State Medicaid program under  
24 title XIX of the Social Security Act (42  
25 U.S.C. 1396 et seq.) or under the Medi-

1 care program under title XVIII of the So-  
2 cial Security Act (42 U.S.C. 1395 et seq.),  
3 and medical assistance authorized under  
4 other federally funded programs;

5 “(ii) information on the availability of  
6 assistance through benefits planning and  
7 assistance programs authorized under sec-  
8 tion 1149 of the Social Security Act (42  
9 U.S.C. 1320b–20) and services provided by  
10 the State protection and advocacy system  
11 and authorized under section 1150 of the  
12 Social Security Act (42 U.S.C. 1320b–21);  
13 and

14 “(iii) in the case of individuals who  
15 are also eligible for a ticket under the  
16 Ticket to Work and Self-Sufficiency Pro-  
17 gram established under section 1148 of the  
18 Social Security Act (42 U.S.C. 1320b–19),  
19 general information regarding the options  
20 for using the ticket and information on  
21 how to contact a program manager of the  
22 Ticket to Work and Self-Sufficiency Pro-  
23 gram to obtain information on approved  
24 employment networks, on providers for the  
25 benefits planning and assistance programs



1 described in clause (ii) in the State, and on  
2 the services provided by the State protec-  
3 tion and advocacy system and described in  
4 clause (ii).”; and

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

6 “(25) SERVICES FOR STUDENTS WITH DISABIL-  
7 ITIES.—The State plan shall provide an assurance  
8 satisfactory to the Secretary that, with respect to  
9 students with disabilities, the State—

10 “(A) has developed and will implement—

11 “(i) strategies to address the needs  
12 identified in the assessments described in  
13 paragraph (15); and

14 “(ii) strategies to achieve the goals  
15 and priorities identified by the State, in ac-  
16 cordance with paragraph (15), to improve  
17 and expand vocational rehabilitation serv-  
18 ices for students with disabilities on a  
19 statewide basis; and

20 “(B) has developed and will implement a  
21 plan to carry out the provision of pre-employ-  
22 ment transition services in accordance with sec-  
23 tion 114.

24 “(26) JOB GROWTH AND DEVELOPMENT.—The  
25 State plan shall provide an assurance describing how

1 the State will utilize initiatives involving in-demand  
2 industry sectors or occupations as defined in section  
3 101 of the Workforce Investment Act of 2012 to in-  
4 crease competitive integrated employment opportuni-  
5 ties for individuals with disabilities.”.

6 (b) APPROVAL.—Section 101(b) (29 U.S.C. 721(b))  
7 is amended to read as follows:

8 “(b) SUBMISSION; APPROVAL; MODIFICATION.—The  
9 State plan for vocational rehabilitation services shall be  
10 subject to—

11 “(1) section 112 of the Workforce Investment  
12 Act of 1998, in a case in which that plan is a por-  
13 tion of the State plan described in that section 112;  
14 and

15 “(2) section 113 of such Act in a case in which  
16 that State plan for vocational rehabilitation services  
17 is a portion of the State unified plan described in  
18 that section 113.”.

19 (c) CONSTRUCTION.—Section 101 (29 U.S.C. 721) is  
20 amended by adding at the end the following:

21 “(c) CONSTRUCTION.—Nothing in this part shall be  
22 construed to reduce the obligation of a local educational  
23 agency or any other agency to provide or pay for any tran-  
24 sition services that are allowable under the programs of  
25 the respective agencies.”.

1 **SEC. 413. ELIGIBILITY AND INDIVIDUALIZED PLAN FOR EM-**  
2 **PLOYMENT.**

3 (a) **ELIGIBILITY.**—Section 102(a) (29 U.S.C. 722(a))  
4 is amended—

5 (1) in paragraph (2)—

6 (A) in subparagraph (A)—

7 (i) in the subparagraph header, by  
8 striking “**DEMONSTRATION**” and inserting  
9 “**APPLICANTS**”; and

10 (ii) by striking “, unless” and all that  
11 follows and inserting a period; and

12 (B) in subparagraph (B)—

13 (i) in the subparagraph header, by  
14 striking “**METHODS**” and inserting “**RE-**  
15 **SPONSIBILITIES**”;

16 (ii) in the first sentence—

17 (I) by striking “In making the  
18 demonstration required under sub-  
19 paragraph (A),” and inserting “Prior  
20 to determining under this subsection  
21 that an applicant described in sub-  
22 paragraph (A) is unable to benefit due  
23 to the severity of the individual’s dis-  
24 ability or that the individual is ineli-  
25 gible for vocational rehabilitation serv-  
26 ices,”; and

1 (II) by striking “, except under”  
2 and all that follows and inserting a  
3 period; and

4 (iii) in the second sentence, by strik-  
5 ing “individual or to determine” and all  
6 that follows and inserting “individual. In  
7 providing the trial experiences, the des-  
8 ignated State unit shall provide the indi-  
9 vidual with the opportunity to try different  
10 employment experiences, including sup-  
11 ported employment, and the opportunity to  
12 become employed in competitive integrated  
13 employment.”;

14 (2) in paragraph (3)(A)(ii), by striking “out-  
15 come from” and all that follows and inserting “out-  
16 come, including supported employment, from voca-  
17 tional rehabilitation services due to the current (as  
18 of the date of the determination) severity of the dis-  
19 ability of the individual.”;

20 (3) in paragraph (5)—

21 (A) in the matter preceding subparagraph

22 (A)—

23 (i) by striking “If an individual” and  
24 inserting “If, after the designated State  
25 unit carries out the activities described in

1 paragraph (2)(B), a review of existing  
2 data, and, to the extent necessary, the as-  
3 sessment activities described in section  
4 7(2)(A)(ii), an individual”; and

5 (ii) by striking “is determined” and  
6 all that follows through “not to be” and in-  
7 serting “is determined not to be”;

8 (B) by redesignating subparagraphs (A)  
9 through (D) as subparagraphs (B) through (E),  
10 respectively;

11 (C) by inserting before subparagraph (B)  
12 the following:

13 “(A) the ineligibility determination shall be  
14 an individualized one, based on the available  
15 data, and shall not be based on disability cat-  
16 egory;”; and

17 (D) in clause (i) of subparagraph (C), as  
18 redesignated by subparagraph (B) of this para-  
19 graph, by inserting after “determination” the  
20 following: “, including clear and convincing evi-  
21 dence that forms the basis for the determina-  
22 tion of ineligibility”; and

23 (4) in paragraph (6), by striking “60 days”  
24 each place it appears and inserting “45 days”.

1 (b) DEVELOPMENT OF AN INDIVIDUALIZED PLAN  
2 FOR EMPLOYMENT, AND RELATED INFORMATION.—Sec-  
3 tion 102(b) (29 U.S.C. 722(b))—

4 (1) in paragraph (1)—

5 (A) by redesignating subparagraphs (B),  
6 (C), and (D) as subparagraphs (C), and (D),  
7 and (E), respectively; and

8 (B) by inserting after subparagraph (A)  
9 the following:

10 “(B) information on the availability of as-  
11 sistance from consumer organizations, as de-  
12 fined in section 106(a)(4) (including a listing of  
13 such organizations) that can assist an indi-  
14 vidual in the development of an individualized  
15 plan for employment;”;

16 (2) in paragraph (3), as redesignated by para-  
17 graph (2) of this subsection—

18 (A) in subparagraph (E)—

19 (i) in clause (i), by striking “and” at  
20 the end;

21 (ii) in clause (ii), by striking the pe-  
22 riod and inserting “; and”; and

23 (iii) by adding at the end the fol-  
24 lowing:

1           “(iii) amended, as necessary, to in-  
2           clude the post-employment services and  
3           service providers that are necessary for the  
4           individual to maintain or regain employ-  
5           ment, consistent with the individual’s  
6           strengths, resources, priorities, concerns,  
7           abilities, capabilities, interests, and in-  
8           formed choice.”; and

9           (B) by adding at the end the following:

10           “(F) TIMEFRAME FOR COMPLETING THE  
11           INDIVIDUALIZED PLAN FOR EMPLOYMENT.—  
12           The individualized plan for employment shall be  
13           developed as soon as possible, but not later  
14           than a deadline of 90 days after the date of the  
15           determination of eligibility described in para-  
16           graph (1), unless the designated State unit and  
17           the eligible individual agree to an extension of  
18           that deadline to a specific date by which the in-  
19           dividualized plan for employment shall be com-  
20           pleted.

21           “(G) FAILURE TO DEVELOP THE INDIVID-  
22           UALIZED PLAN FOR EMPLOYMENT WITHIN THE  
23           SPECIFIED TIMEFRAME.—In the event the indi-  
24           vidualized plan for employment is not completed  
25           by the deadline or extended deadline, as appro-

1           appropriate, under subparagraph (F), the eligible in-  
2           dividual shall have the right to request both me-  
3           diation and an impartial due process hearing  
4           according to the procedures described in sub-  
5           section (c). At such hearing, the hearing officer  
6           shall have the authority to order the designated  
7           State unit to complete the individualized plan  
8           for employment within a specific period of time,  
9           not to exceed 60 days from the date of the deci-  
10          sion, in addition to any other authority given to  
11          the officer under this section.”; and

12          (3) in paragraph (3)—

13                 (A) in subparagraph (A), by striking  
14                 “choice of the” and all that follows and insert-  
15                 ing “choice of the eligible individual, consistent  
16                 with the employment outcome of competitive in-  
17                 tegrated employment (except that in the case of  
18                 an eligible individual who is a student, the de-  
19                 scription may be a description of the student’s  
20                 projected employment outcome);”;

21                 (B) in subparagraph (B)(i)—

22                         (i) by redesignating subclause (II) as  
23                         subclause (III); and

24                         (ii) by striking subclause (I) and in-  
25                         serting the following:



1 “(I) needed to achieve the employ-  
2 ment outcome, including, as appropriate—

3 “(aa) the provision of assistive  
4 technology devices and assistive tech-  
5 nology services (including referrals de-  
6 scribed in section 103(a)(3) to the de-  
7 vice reutilization programs and dem-  
8 onstrations described in subpara-  
9 graphs (B) and (D) of section 4(e)(2)  
10 of the Assistive Technology Act of  
11 1998 (29 U.S.C. 3003(e)(2))) through  
12 agreements developed under section  
13 101(a)(11)(H); and

14 “(bb) personal assistance services  
15 (including training in the management  
16 of such services);

17 “(II) in the case of a plan for an eligi-  
18 ble individual that is a student, the specific  
19 transition services and supports (including  
20 work experience, mentoring activities, and  
21 supported employment) needed to achieve  
22 the student’s employment outcome or pro-  
23 jected employment outcome; and”;

24 (C) in subparagraph (F), by striking  
25 “and” at the end;

1 (D) in subparagraph (G), by striking the  
2 period and inserting “; and”; and

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

4 “(H) for an individual who also is receiving  
5 assistance from an employment network under  
6 the Ticket to Work and Self-Sufficiency Pro-  
7 gram established under section 1148 of the So-  
8 cial Security Act (42 U.S.C. 1320b–19), a list  
9 of the services that are listed in the individual  
10 work plan that the individual developed with  
11 the employment network under subsection (g)  
12 of that section, and a description of how re-  
13 sponsibility for service delivery will be divided  
14 between the employment network and the des-  
15 ignated State unit in accordance with the agree-  
16 ment between the two parties required under  
17 the Ticket to Work and Self-Sufficiency Pro-  
18 gram.”.

19 (c) PROCEDURES.—Section 102(c) (29 U.S.C.  
20 722(c)) is amended—

21 (1) in paragraph (1), by adding at the end the  
22 following: “These procedures also shall allow for the  
23 review of any delay in the vocational rehabilitation  
24 process.”;

25 (2) in paragraph (2)—

1 (A) in subparagraph (A)—

2 (i) in clause (ii), by striking “and” at  
3 the end;

4 (ii) in clause (iii), by striking the pe-  
5 riod and inserting “; and”; and

6 (iii) by adding at the end the fol-  
7 lowing:

8 “(iv) any applicable State limit on the  
9 time by which a request for mediation  
10 under paragraph (4) or a hearing under  
11 paragraph (5) shall be made, and any re-  
12 quired procedure by which the request  
13 shall be made.”; and

14 (B) in subparagraph (B)(iii), by inserting  
15 “the denial,” before “reduction,”; and

16 (3) in paragraph (5)—

17 (A) by striking subparagraph (A) and in-  
18 serting the following:

19 “(A) OFFICER.—A due process hearing de-  
20 scribed in paragraph (2) shall be conducted by  
21 an impartial hearing officer who, on reviewing  
22 all the evidence presented, shall issue a written  
23 decision based on the provisions of the approved  
24 State plan, requirements specified in this Act  
25 (including regulations implementing this Act),

1 and State regulations and policies that are con-  
2 sistent with the Federal requirements specified  
3 in this title. The officer shall provide the writ-  
4 ten decision to the applicant or eligible indi-  
5 vidual, or, as appropriate, the applicant’s rep-  
6 resentative or individual’s representative, and to  
7 the designated State unit. The impartial hear-  
8 ing officer shall have the authority to render a  
9 decision and require actions, consistent with the  
10 requirements specified in this title (including  
11 regulations implementing this title), regarding  
12 all aspects of the applicant’s or eligible individ-  
13 ual’s vocational rehabilitation services under  
14 this title.”; and

15 (B) in subparagraph (B), by striking “in  
16 laws (including regulations)” and inserting  
17 “about Federal and State laws (including regu-  
18 lations) and the approved State plan”.

19 **SEC. 414. VOCATIONAL REHABILITATION SERVICES.**

20 Section 103 (29 U.S.C. 723) is amended—

21 (1) in subsection (a)—

22 (A) by striking paragraph (15) and insert-  
23 ing the following:

24 “(15) transition services for students with dis-  
25 abilities, that facilitate the transition from school to

1 postsecondary life, such as achievement of an em-  
2 ployment outcome in competitive integrated employ-  
3 ment, or pre-employment transition services de-  
4 scribed in section 114;”;

5 (B) by redesignating paragraphs (17) and  
6 (18) as paragraphs (18) and (19), respectively;

7 (C) by inserting after paragraph (16) the  
8 following:

9 “(17) customized employment services;”;

10 (D) in paragraph (18), as redesignated by  
11 subparagraph (C) of this paragraph, by striking  
12 the “and” at the end;

13 (E) in paragraph (19), as redesignated by  
14 subparagraph (C) of this paragraph, by striking  
15 the period and inserting “; and”; and

16 (F) by adding at the end the following:

17 “(20) mentoring services.”; and

18 (2) in subsection (b)—

19 (A) in paragraph (2)(A), by striking the  
20 second sentence and inserting “Such programs  
21 shall be used to provide services that promote  
22 integration into the community and that result  
23 in competitive integrated employment, including  
24 supported employment and customized employ-  
25 ment.”; and

1 (B) by striking paragraph (6) and insert-  
2 ing the following:

3 “(6) Consultation and technical assistance serv-  
4 ices to assist State educational agencies and local  
5 educational agencies in planning for the transition of  
6 students with disabilities from school to postsec-  
7 ondary life, including employment.”.

8 **SEC. 415. STATE REHABILITATION COUNCIL.**

9 Section 105 (29 U.S.C. 725) is amended—

10 (1) in subsection (b)(1)—

11 (A) in subparagraph (A)—

12 (i) by striking clause (ix) and insert-  
13 ing the following:

14 “(ix) in a State in which one or more  
15 projects are funded under section 121 and  
16 in which such services are provided  
17 through those projects, at least one rep-  
18 resentative of the directors of the projects  
19 located in such State;”;

20 (ii) in clause (x), by striking “and” at  
21 the end;

22 (iii) in clause (xi), by striking the pe-  
23 riod and inserting “; and”; and

24 (iv) by adding at the end the fol-  
25 lowing:

1 “(xii) the director of the State’s com-  
2 prehensive statewide program of tech-  
3 nology-related assistance funded under sec-  
4 tion 4 of the Assistive Technology Act of  
5 1998 (29 U.S.C. 3003).”; and

6 (B) in subparagraph (B)—

7 (i) in clause (xi), by striking “and” at  
8 the end;

9 (ii) in clause (xii), by striking the pe-  
10 riod and inserting “; and”; and

11 (iii) by adding at the end the fol-  
12 lowing:

13 “(xiii) the director of the State’s com-  
14 prehensive statewide program of tech-  
15 nology-related assistance funded under sec-  
16 tion 4 of the Assistive Technology Act of  
17 1998 (29 U.S.C. 3003).”; and

18 (2) in subsection (c)(6), by striking “Service  
19 Act” and all that follows and inserting “Service Act  
20 (42 U.S.C. 300x–3(a)) and the State workforce in-  
21 vestment board, and with the activities of entities  
22 carrying out programs under the Assistive Tech-  
23 nology Act of 1998 (29 U.S.C. 3001 et seq.);”.

24 **SEC. 416. PERFORMANCE ACCOUNTABILITY MEASURES.**

25 Section 106 (29 U.S.C. 726) is amended—

1           (1) by striking subsection (a) and inserting the  
2 following:

3           “(a) IN GENERAL.—

4           “(1) STANDARDS AND INDICATORS.—The eval-  
5 uation standards and performance indicators for the  
6 vocational rehabilitation program carried out under  
7 this title shall be subject to the performance ac-  
8 countability provisions described in section 136(b) of  
9 the Workforce Investment Act of 2012.

10           “(2) ADDITIONAL PERFORMANCE ACCOUNT-  
11 ABILITY INDICATORS.—

12           “(A) IN GENERAL.—Subject to subpara-  
13 graph (B), the Commissioner may establish  
14 through regulation additional performance ac-  
15 countability indicators, which may include out-  
16 come and related measures of program perform-  
17 ance.

18           “(B) COMMENT.—Such additional per-  
19 formance accountability indicators shall be de-  
20 veloped with input from State vocational reha-  
21 bilitation agencies, related professional and con-  
22 sumer organizations, recipients of vocational re-  
23 habilitation services, and other interested par-  
24 ties.



1           “(3) REPORTS.—Each State that receives funds  
2 under this title shall submit a report to the Commis-  
3 sioner containing information on any additional per-  
4 formance accountability indicators established under  
5 paragraph (2).

6           “(4) CONSUMER ORGANIZATION.—In this sub-  
7 section, the term ‘consumer organization’ means a  
8 membership organization, or disability advocacy  
9 group, for which a majority of the members of the  
10 board of directors of the organization or group are  
11 individuals with disabilities or family members of in-  
12 dividuals with disabilities.”; and

13           (2) in subsection (b)(2)(B), by striking clause  
14 (i) and inserting the following:

15                   “(i) on a biannual basis, review the  
16 program improvement efforts of the State  
17 and, if the State has not improved its per-  
18 formance to acceptable levels, as deter-  
19 mined by the Commissioner, direct the  
20 State to make revisions to the plan to im-  
21 prove performance; and”.

22 **SEC. 417. MONITORING AND REVIEW.**

23           (a) IN GENERAL.—Section 107(a) (29 U.S.C.  
24 727(a)) is amended—

1           (1) in paragraph (3)(E), by inserting before the  
2 period the following: “, including personnel of a cli-  
3 ent assistance program under section 112, and past  
4 or current recipients of vocational rehabilitation  
5 services”; and

6           (2) in paragraph (4)—

7           (A) by striking subparagraphs (A) and (B)  
8 and inserting the following:

9           “(A)(i) the eligibility process to ensure  
10 compliance with the requirements set forth in  
11 section 102(a); and

12           “(ii) implementation of an order of selec-  
13 tion, if applicable, to ensure compliance with  
14 the requirements set forth in section 101(a)(5);  
15 and

16           “(B) the provision of services to ensure  
17 compliance with section 103;”;

18           (B) in subparagraph (C), by striking  
19 “and” at the end;

20           (C) by redesignating subparagraph (D) as  
21 subparagraph (E); and

22           (D) by inserting after subparagraph (C)  
23 the following:

24           “(D) data on individuals determined to be  
25 ineligible for services due to severity of their

1           disability, to determine if systematic changes  
2           could result in increased capacity to meet the  
3           needs of such individuals; and”.

4           (b) REVIEW.—Section 107(d) of the Rehabilitation  
5 Act of 1973 (29 U.S.C. 727(d)) is amended, in paragraphs  
6 (1) and (2), by striking “a final determination of the Com-  
7 missioner under section 101(b) or subsection (c)” and in-  
8 serting “a final determination on a State plan for voca-  
9 tional rehabilitation services under the procedures ref-  
10 erenced in section 101(b), or a final determination by the  
11 Commissioner under subsection (c)”.

12 **SEC. 418. TRAINING AND SERVICES FOR EMPLOYERS.**

13           Section 109 (29 U.S.C. 728a) is amended to read as  
14 follows:

15 **“SEC. 109. TRAINING AND SERVICES FOR EMPLOYERS.**

16           “A State may expend payments received under sec-  
17 tion 111 to educate and provide services to employers who  
18 have hired or are interested in hiring individuals with dis-  
19 abilities under programs carried out under this title, in-  
20 cluding—

21           “(1) providing training and technical assistance  
22           to employers regarding the employment of individ-  
23           uals with disabilities, including disability awareness,  
24           and the requirements of the Americans with Disabil-

1 ities Act of 1990 (42 U.S.C. 12101 et seq.) and  
2 other employment-related laws;

3 “(2) working with employers to—

4 “(A) provide opportunities for work-based  
5 learning experience (including internships,  
6 short-term employment, apprenticeships, and  
7 fellowships), such as opportunities in conjunc-  
8 tion with pre-employment transition services;

9 “(B) recruit qualified applicants with dis-  
10 abilities;

11 “(C) train employees with disabilities; and

12 “(D) promote retention of employees who  
13 are at risk of losing a job due to disability-re-  
14 lated barriers;

15 “(3) providing consultations, technical assist-  
16 ance, and support to employers on workplace accom-  
17 modations, assistive technology, and facilities and  
18 workplace access;

19 “(4) assisting employers with utilizing available  
20 financial support, including tax credits and deduc-  
21 tions available for hiring or accommodating individ-  
22 uals with disabilities; and

23 “(5) supporting the development of working re-  
24 lationships between State vocational rehabilitation  
25 agencies, the workforce investment system, their

1 community partners, and employers on multi-State  
2 and national levels, including—

3 “(A) encouraging employers to recruit  
4 qualified individuals with disabilities for avail-  
5 able employment opportunities;

6 “(B) facilitating such recruitment by dis-  
7 seminating information about specific available  
8 employment opportunities to qualified individ-  
9 uals who are recipients of vocational rehabilita-  
10 tion services under this subtitle, or who are ap-  
11 plicants for such services;

12 “(C) matching qualified individuals who  
13 are recipients of vocational rehabilitation serv-  
14 ices under this subtitle, or who are applicants  
15 for such services, with employers that have  
16 available employment opportunities on the local,  
17 regional, or national level; and

18 “(D) providing support services, as appro-  
19 priate, to employers to facilitate the hiring of  
20 qualified individuals who are recipients of voca-  
21 tional rehabilitation services under this subtitle,  
22 or who are applicants for such services.”.

23 **SEC. 419. STATE ALLOTMENTS.**

24 (a) IN GENERAL.—Section 110 (29 U.S.C. 730) is  
25 amended—

1           (1) in subsection (a)(1), by striking “Subject to  
2           the provisions of subsection (c)” and inserting “Sub-  
3           ject to the provisions of subsections (c), (d), and (e),  
4           and section 303(d)”; and

5           (2) by striking subsections (b) and (c) and in-  
6           serting the following:

7           “(b)(1) Not later than 45 days prior to the end of  
8           the fiscal year, the Commissioner shall determine, after  
9           reasonable opportunity for the submission to the Commis-  
10          sioner of comments by the State agency administering or  
11          supervising the program established under this title,  
12          whether any amount from the payment of an allotment  
13          to a State under section 111(a) for any fiscal year will  
14          not be utilized by such State in carrying out the purposes  
15          of this title.

16          “(2)(A) As soon as practicable but not later than the  
17          end of the fiscal year, the Commissioner shall reallocate the  
18          amount available under paragraph (1) to other States,  
19          consistent with subparagraphs (B) and (C), for carrying  
20          out the purposes of this title to the extent the Commis-  
21          sioner determines that another State will be able to use  
22          an additional amount, during that fiscal year or the subse-  
23          quent fiscal year for carrying out such purposes.

24          “(B)(i) The Commissioner shall reallocate a portion of  
25          the amount available under paragraph (1) for a fiscal year

1 to each State whose allotment under subsection (a) for  
2 such fiscal year is less than such State's allotment under  
3 subsection (a) for the immediately preceding fiscal year,  
4 adjusted by the percentage change in the funds available  
5 for subsection (a) from the immediately preceding fiscal  
6 year.

7       “(ii)(I) Subject to subclause (II), a State that is eligi-  
8 ble to receive a reallocation under clause (i) shall receive  
9 a portion for a fiscal year from the amount available for  
10 reallocation under paragraph (1) that is equal to the dif-  
11 ference between—

12               “(aa) the amount such State was allotted under  
13 subsection (a) for such fiscal year; and

14               “(bb) the amount such State was allotted under  
15 subsection (a) for the immediately preceding fiscal  
16 year, adjusted by the percentage change in the funds  
17 available for subsection (a) from the immediately  
18 preceding fiscal year.

19       “(II) If the amount available for reallocation under  
20 paragraph (1) is insufficient to provide each State eligible  
21 to receive a reallocation under clause (i) with the portion  
22 described in subclause (I), the amount reallocated to each  
23 eligible State shall be determined by the Commissioner.

24       “(C) If there are funds remaining after each State  
25 eligible to receive a reallocation under subparagraph (B)(i)

1 receives the portion described in subparagraph (B)(ii), the  
2 Commissioner shall reallocate the remaining funds among the  
3 States requesting a reallocation.

4 “(3) The Commissioner shall reallocate an amount to a  
5 State under this subsection only if the State will be able  
6 to make sufficient payments from non-Federal sources to  
7 pay for the non-Federal share of the cost of vocational  
8 rehabilitation services under the State plan for the fiscal  
9 year for which the amount was appropriated.

10 “(4) For the purposes of this part, any portion made  
11 available to a State for any fiscal year pursuant to this  
12 subsection shall be regarded as an increase of such State’s  
13 allotment (as determined under the preceding provisions  
14 of this section) for such year.

15 “(c)(1) For fiscal year 2012 and for each fiscal year  
16 thereafter, the Commissioner shall reserve, from the funds  
17 appropriated under section 100(b)(1) for each fiscal year,  
18 an amount that is not less than 1.23 percent and not more  
19 than 1.5 percent of those funds in order to carry out sec-  
20 tion 121, provided that the minimum percentage that may  
21 be reserved shall increase by 0.01 percent for each suc-  
22 ceeding fiscal year after fiscal year 2012.

23 “(2) Notwithstanding paragraph (1), there shall be  
24 no increase in the minimum percentage of funds reserved



1 under paragraph (1) unless there is an equivalent increase  
2 in the funds appropriated under section 100(b)(1).”.

3 (b) RESERVATION FOR TRANSITION AND PRE-EM-  
4 PLOYMENT TRANSITION SERVICES.—Section 110 (29  
5 U.S.C. 730) is amended by adding at the end the fol-  
6 lowing:

7 “(d) From any State allotment under subsection (a)  
8 for a fiscal year, the State shall reserve not less than 10  
9 percent of the allotted funds for the provision of transition  
10 services to assist students with disabilities and youth with  
11 disabilities in transitioning from education or training to  
12 employment, which includes pre-employment transition  
13 services under section 114.”.

14 **SEC. 420. CLIENT ASSISTANCE PROGRAM.**

15 Section 112 (29 U.S.C. 732) is amended—

16 (1) in subsection (a), in the first sentence—

17 (A) by striking “grants to States” and in-  
18 serting “grants to agencies designated under  
19 subsection (c) (referred to individually in this  
20 section as a ‘designated CAP agency’)”;

21 (B) by inserting “including under sections  
22 114,” after “all available benefits under this  
23 Act,”; and

24 (C) by inserting “and eligibility” after “to  
25 ensure the protection of the rights”;

1           (2) in subsection (b), by striking the matter  
2 preceding paragraph (1) and inserting “Neither an  
3 agency within the State, nor the State, may receive  
4 payments from an allotment under subsection (e) in  
5 any fiscal year unless the State has designated  
6 under subsection (c) an agency that—”;

7           (3) in subsection (c)—

8                 (A) in paragraph (2), by inserting “(as de-  
9 fined in section 106(a))” after “consumer orga-  
10 nizations”; and

11                (B) in paragraph (3), by striking “agency  
12 designated under this subsection” and inserting  
13 “designated CAP agency”;

14           (4) in subsection (d), by striking “agency des-  
15 igned under subsection (c) of this section” and in-  
16 serting “designated CAP agency”;

17           (5) in subsection (e)—

18                 (A) in paragraph (1)—

19                         (i) by striking subparagraph (A) and  
20 inserting the following:

21           “(A) After reserving funds under subparagraphs (E)  
22 and (F), the Secretary shall allot the remainder of the  
23 sums appropriated for each fiscal year under this section  
24 among the designated CAP agencies within the States on

1 the basis of relative population of each State, except that  
2 no such agency shall receive less than \$50,000.”;

3 (ii) in subparagraph (B), by inserting  
4 “the designated CAP agencies located in”  
5 before “American Samoa”; and

6 (iii) by striking subparagraph (D) and  
7 inserting the following:

8 “(D)(i) For any fiscal year for which the funds ap-  
9 propriated for such fiscal year under subsection (h) exceed  
10 \$7,500,000, the minimum allotment under this subsection  
11 shall be \$100,000 for the designated CAP agencies located  
12 in States and \$45,000 for the designated CAP agencies  
13 located in territories.

14 “(ii) For any fiscal year for which the total amount  
15 appropriated under subsection (h) exceeds the total  
16 amount appropriated under such subsection (or the cor-  
17 responding provision) for the preceding fiscal year, the  
18 Secretary shall increase each of the minimum allotments  
19 under clause (i) by a percentage that shall not exceed the  
20 percentage increase, calculated by dividing such total  
21 amount for the fiscal year involved by such total amount  
22 for the preceding fiscal year.

23 “(E)(i) For any fiscal year for which the amount ap-  
24 propriated under subsection (h) equals or exceeds  
25 \$13,000,000, the Secretary shall reserve funds appro-

1 priated under subsection (h) to make a grant to the pro-  
2 tection and advocacy system serving the American Indian  
3 Consortium, to provide designated CAP agency services in  
4 accordance with the requirements of this section. The  
5 amount of such a grant shall be the same amount as is  
6 provided to a territory under subparagraph (B), as in-  
7 creased under clauses (i) and, if applicable, (ii) of subpara-  
8 graph (D).

9 “(ii) In this subparagraph:

10 “(I) The term ‘American Indian Consortium’  
11 has the meaning given the term in section 102 of the  
12 Developmental Disabilities Assistance and Bill of  
13 Rights Act of 2000 (42 U.S.C. 15002).

14 “(II) The term ‘protection and advocacy sys-  
15 tem’ means a protection and advocacy system estab-  
16 lished under subtitle C of title I of the Develop-  
17 mental Disabilities Assistance and Bill of Rights Act  
18 of 2000 (42 U.S.C. 15041 et seq.).

19 “(F) For any fiscal year for which the amount appro-  
20 priated under subsection (h) equals or exceeds  
21 \$14,000,000, the Secretary shall reserve not less than 1.8  
22 percent and not more than 2.2 percent of such amount  
23 to provide a grant for training and technical assistance  
24 for the programs established under this section. Such

1 training and technical assistance shall be coordinated with  
2 activities provided under section 509(c)(1)(A).”;

3 (B) in paragraph (2)—

4 (i) except as provided in clause (ii), by  
5 striking “State” each place it appears and  
6 inserting “designated CAP agency”; and

7 (ii) by striking “States” each place it  
8 appears and inserting “designated CAP  
9 agencies”; and

10 (C) in paragraph (3), by striking “agency  
11 designated” and all that follows and inserting  
12 “designated CAP agency the amount specified  
13 in the application approved under subsection  
14 (f).”;

15 (6) in subsection (f), by striking “State” and  
16 inserting “designated CAP agency”;

17 (7) in paragraph (1) of subsection (g), by strik-  
18 ing “such programs” and inserting “the designated  
19 CAP agency of a State”; and

20 (8) in subsection (h), by striking “1999  
21 through 2003” and inserting “2012 through 2016”.

22 **SEC. 421. TECHNICAL ASSISTANCE FOR QUALITY SERVICES.**

23 Part B of title I (29 U.S.C. 730 et seq.), is amended  
24 by adding at the end the following:

1 **“SEC. 113. ADDITIONAL TECHNICAL ASSISTANCE.**

2 “The Commissioner shall provide technical assistance  
3 for programs provided under this title regarding improv-  
4 ing the quality of vocational rehabilitation services pro-  
5 vided through the programs, including—

6 “(1) consulting with the Department of Labor,  
7 the Small Business Administration, other appro-  
8 priate Federal agencies, State and local workforce  
9 investment boards, and businesses or business-led  
10 intermediaries;

11 “(2) based on information obtained through the  
12 consultations, providing—

13 “(A) technical assistance that improves  
14 quality by enabling designated State units to  
15 develop successful partnerships with local and  
16 multi-State businesses in an effort to employ in-  
17 dividuals with disabilities; and

18 “(B) technical assistance on developing  
19 self-employment opportunities and improving  
20 employment outcomes for individuals with dis-  
21 abilities; and

22 “(3) providing technical assistance to improve  
23 the quality of vocation rehabilitation services pro-  
24 grams carried out under section 121.”.

1 **SEC. 422. PRE-EMPLOYMENT TRANSITION SERVICES.**

2 Part B of title I (29 U.S.C. 730 et seq.), as amended  
3 by section 521, is further amended by adding at the end  
4 the following:

5 **“SEC. 114. PROVISION OF PRE-EMPLOYMENT TRANSITION**  
6 **SERVICES FOR STUDENTS WITH DISABIL-**  
7 **ITIES.**

8 “(a) IN GENERAL.—From the funds reserved under  
9 section 110(d), and funds made available from State,  
10 local, and private funding sources (consistent with require-  
11 ments that apply to the acceptance and use of such funds),  
12 each State shall ensure that—

13 “(1) the designated State unit shall provide, or  
14 arrange for the provision of, pre-employment transi-  
15 tion services for all students with disabilities who are  
16 in need of such services; and

17 “(2) the designated State unit will not expend  
18 more than 5 percent of the funds reserved to carry  
19 out this section to pay for the administrative costs  
20 associated with providing pre-employment transition  
21 services under this section.

22 “(b) LOCAL PRE-EMPLOYMENT TRANSITION COOR-  
23 DINATOR.—

24 “(1) COORDINATOR.—Each local office of a des-  
25 ignated State unit shall designate at least 1 staff  
26 person to carry out the responsibilities of a Local

1 Pre-Employment Transition Coordinator for stu-  
2 dents with disabilities, as well as appropriate staff to  
3 support the Coordinator in carrying out the respon-  
4 sibilities as described in paragraph (2).

5 “(2) RESPONSIBILITIES.—It shall be the re-  
6 sponsibility of a Local Pre-Employment Transition  
7 Coordinator to—

8 “(A) attend individualized education pro-  
9 gram meetings, as appropriate, for students  
10 with disabilities;

11 “(B) work with the local workforce invest-  
12 ment boards, one-stop centers, and employers to  
13 develop job opportunities for students with dis-  
14 abilities, including internships, summer employ-  
15 ment opportunities and other employment op-  
16 portunities available throughout the school year,  
17 and apprenticeships; and

18 “(C) work with schools, including those  
19 carrying out activities under section  
20 614(d)(1)(A)(i)(VIII) of the Individuals with  
21 Disabilities Education Act (20 U.S.C.  
22 1414(d)(1)(A)(i)(VIII)), to coordinate and en-  
23 sure the provision of pre-employment transition  
24 services for students with disabilities, including



1 services described in clauses (i) through (v) of  
2 section 7(30)(B).

3 “(c) NATIONAL PRE-EMPLOYMENT TRANSITION CO-  
4 ORDINATION.—

5 “(1) IN GENERAL.—The Secretary of Education  
6 and the Secretary of Labor shall each designate a  
7 lead staff person to fulfill the responsibilities of a  
8 National Pre-Employment Transition Coordinator  
9 for Students with Disabilities. The National Pre-  
10 Employment Transition Coordinators shall work co-  
11 operatively, and with other Federal agencies includ-  
12 ing the Corporation for National and Community  
13 Service, to develop and coordinate—

14 “(A) agency policies related to pre-employ-  
15 ment transition services; and

16 “(B) resources to increase job opportuni-  
17 ties for students with disabilities, including in-  
18 ternships, summer employment opportunities  
19 and other employment opportunities available  
20 throughout the school year, and apprentice-  
21 ships.

22 “(2) CONSTRUCTION.—Nothing in this sub-  
23 section shall be construed to prohibit either Sec-  
24 retary from assigning additional responsibilities,  
25 other than the responsibilities described in this sub-

1 section, to a staff person designated under this sub-  
2 section.”.

3 **SEC. 423. AMERICAN INDIAN VOCATIONAL REHABILITA-**  
4 **TION SERVICES.**

5 Section 121 (29 U.S.C. 741) is amended—

6 (1) in subsection (a), in the first sentence, by  
7 inserting before the period the following: “(referred  
8 to in this section as ‘eligible individuals’), consistent  
9 with such eligible individuals’ strengths, resources,  
10 priorities, concerns, abilities, capabilities, interests,  
11 and informed choice, so that such individuals may  
12 prepare for, and engage in, high quality employment  
13 that will increase opportunities for economic self-suf-  
14 ficiency”;

15 (2) in subsection (b)—

16 (A) in paragraph (1)—

17 (i) in subparagraph (B), by striking  
18 “and” at the end;

19 (ii) in subparagraph (C), by striking  
20 the period and inserting “; and”; and

21 (iii) by adding at the end the fol-  
22 lowing:

23 “(D) contains assurances that—

24 “(i) all decisions affecting eligibility  
25 for vocational rehabilitation services, the

1 nature and scope of available vocational re-  
2 habilitation services, and the provision of  
3 such services, will be made by a represent-  
4 ative of the tribal vocational rehabilitation  
5 program funded through the grant; and

6 “(ii) such decisions will not be dele-  
7 gated to another agency or individual.”;

8 and

9 (B) by striking paragraphs (3) and (4) and  
10 inserting the following:

11 “(3) If an application is approved under this part for  
12 a grant, the resulting grant shall be for 5 years, if the  
13 grant recipient complies with the program requirements  
14 for the program carried out under this part (including the  
15 regulations promulgated for the program). The grant shall  
16 be renewed for additional 5-year periods if the Commis-  
17 sioner determines that the grant recipient demonstrated  
18 acceptable past performance and the grant recipient sub-  
19 mits, and obtains approval by the Commissioner, for a  
20 plan, including a proposed budget, that identifies future  
21 performance criteria, goals, and objectives. The State shall  
22 continue to provide vocational rehabilitation services under  
23 the State plan to American Indians residing on or near  
24 a reservation whenever such State includes any such

1 American Indians in its State population under section  
2 110(a)(1).

3 “(4) In allocating funds for grants under this part,  
4 the Secretary shall give priority to paying the continuation  
5 costs of projects in existence on the date of the allocation  
6 and may provide for increases in funding for such projects  
7 that the Secretary determines to be necessary.”;

8 (3) by redesignating subsection (c) as sub-  
9 section (d); and

10 (4) by inserting after subsection (b) the fol-  
11 lowing:

12 “(c)(1) From the funds appropriated and made avail-  
13 able to carry out this part for any fiscal year, beginning  
14 with fiscal year 2012, the Commissioner shall first reserve  
15 not less than 1.8 percent and not more than 2 percent  
16 of the funds to provide training and technical assistance  
17 to governing bodies described in subsection (a) for such  
18 fiscal year.

19 “(2) From the funds reserved under paragraph (1),  
20 the Commissioner shall make grants to, and enter into  
21 contracts and other arrangements with, entities that have  
22 experience in the operation of vocational rehabilitation  
23 services programs under this section to provide such train-  
24 ing and technical assistance with respect to developing,  
25 conducting, administering, and evaluating such programs.

1       “(3) The Commissioner shall conduct a survey of the  
2 governing bodies regarding training and technical assist-  
3 ance needs in order to determine funding priorities for  
4 such grants, contracts, or other arrangements.

5       “(4) To be eligible to receive a grant or enter into  
6 a contract or other arrangement under this section, such  
7 an entity shall submit an application to the Commissioner  
8 at such time, in such manner, and containing a proposal  
9 to provide such training and technical assistance, and con-  
10 taining such additional information as the Commissioner  
11 may require. The Commissioner shall provide for peer re-  
12 view of grant applications by panels that include persons  
13 who are not government employees and who have experi-  
14 ence in the operation of vocational rehabilitation services  
15 programs under this section.”.

## 16 **Subtitle C—Research and Training**

### 17 **SEC. 431. PURPOSE.**

18       Section 200 (29 U.S.C. 760) is amended—

19               (1) in paragraph (1), by inserting “technical as-  
20 sistance,” after “training,”;

21               (2) in paragraph (2), by inserting “technical as-  
22 sistance,” after “training,”;

23               (3) in paragraph (3)—

24                       (A) in the matter preceding subparagraph

25                       (A)—

1 (i) by inserting “, use, and adoption”  
2 after “transfer”; and

3 (ii) by inserting “in a timely and effi-  
4 cient manner,” after “disabilities”; and

5 (B) in subparagraph (D), by inserting  
6 “and dissemination of research findings to indi-  
7 viduals with disabilities and other interested en-  
8 tities” after “technology”;

9 (4) in paragraph (5), by striking “and” after  
10 the semicolon;

11 (5) in paragraph (6), by striking the period and  
12 inserting “; and”; and

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

14 “(7) identify effective strategies for supporting  
15 the employment of individuals with disabilities in  
16 competitive integrated employment.”.

17 **SEC. 432. AUTHORIZATION OF APPROPRIATIONS.**

18 Section 201(a) (29 U.S.C. 761(a)) is amended—

19 (1) in paragraph (1), by striking “1999  
20 through 2003” and inserting “2012 through 2016”;  
21 and

22 (2) in paragraph (2), by striking “1999  
23 through 2003” and inserting “2012 through 2016”.

1 **SEC. 433. NATIONAL INSTITUTE ON DISABILITY AND REHA-**  
2 **BILITATION RESEARCH.**

3 Section 202 (29 U.S.C. 762) is amended—

4 (1) in subsection (a)(1)(A)—

5 (A) in clause (ii), by striking “and train-  
6 ing; and” and inserting “, training, and tech-  
7 nical assistance;”;

8 (B) by redesignating clause (iii) as clause  
9 (iv); and

10 (C) by inserting after clause (ii) the fol-  
11 lowing:

12 “(iii) knowledge translation and dis-  
13 semination; and”;

14 (2) in subsection (b)—

15 (A) in paragraph (3), by striking “in reha-  
16 bilitation” and inserting “on disability and re-  
17 habilitation”;

18 (B) in paragraph (4)—

19 (i) in the matter preceding subpara-  
20 graph (A), by inserting “education, health  
21 and health care,” after “independent liv-  
22 ing,”; and

23 (ii) by striking subparagraphs (A)  
24 through (D) and inserting the following:

25 “(A) public and private entities, includ-  
26 ing—

1           “(i) elementary schools and secondary  
2           schools (as defined in section 9101 of the  
3           Elementary and Secondary Education Act  
4           of 1965);

5           “(ii) institutions of higher education;  
6           and

7           “(iii) nongovernmental agencies and  
8           organizations;

9           “(B) rehabilitation practitioners;

10          “(C) employers and organizations rep-  
11          resenting employers with respect to employ-  
12          ment-based educational materials or research;

13          “(D) individuals with disabilities (espe-  
14          cially such individuals who are members of mi-  
15          nority groups or of populations that are  
16          unserved or underserved by programs under  
17          this Act);

18          “(E) the individuals’ representatives for  
19          the individuals described in subparagraph (D);  
20          and

21          “(F) the Committee on Health, Education,  
22          Labor, and Pensions of the Senate, the Com-  
23          mittee on Appropriations of the Senate, the  
24          Committee on Education and the Workforce of  
25          the House of Representatives, the Committee



1 on Appropriations of the House of Representa-  
2 tives, and the National Council on Disability;”.

3 (C) in paragraph (6)—

4 (i) by inserting “disability and” after  
5 “advances in”; and

6 (ii) by inserting “education, health  
7 and health care,” after “independent liv-  
8 ing,”;

9 (D) in paragraph (7), by striking “taking  
10 whatever action is necessary to keep the Con-  
11 gress fully and currently informed” and insert-  
12 ing “reporting to Congress on a continuing and  
13 yearly basis”;

14 (E) in paragraph (8), by striking “health,  
15 income,” and inserting “health and health care,  
16 income, education,”;

17 (F) in paragraph (10), by striking “and  
18 telecommuting; and” and inserting “, supported  
19 employment (including customized employ-  
20 ment), and telecommuting;”;

21 (G) in paragraph (11), by striking the pe-  
22 riod and inserting “; and”; and

23 (H) by adding at the end the following:

24 “(12) ensuring that the research activities and  
25 findings, demonstration projects, reports, evalua-

1 tions, studies, information described in this section,  
2 as well as information about any reports in progress,  
3 will be made publicly available in a timely manner,  
4 including through electronic means (such as the  
5 website of the Department of Education and other  
6 relevant government agency websites) in order to in-  
7 form the public about the research and activities  
8 performed under this title.”;

9 (3) in subsection (d)(1), in the second sentence,  
10 by inserting before the period the following: “, and  
11 shall not be an employee of the Department of Edu-  
12 cation during the 90-day period before such appoint-  
13 ment”;

14 (4) in subsection (f)(1), by striking the second  
15 sentence and inserting the following: “The scientific  
16 peer review shall be conducted by individuals who  
17 are not Department of Education employees, who  
18 are scientists or other experts in the disability and  
19 rehabilitation field (including the independent living  
20 field), including individuals with disabilities and the  
21 individuals’ representatives, and who have sufficient  
22 knowledge to review applications for the financial as-  
23 sistance. Such panel shall include a member of the  
24 covered school community (for any activity resulting  
25 in educational materials or a product to be used in

1 a covered school), a member of the business commu-  
2 nity (for an activity resulting in a product to be used  
3 in an employment activity), a member of the assist-  
4 ive technology community (for an activity relating to  
5 assistive technology), and an accessible electronic  
6 and information technology vendor or manufacturer  
7 (for an activity relating to accessible electronic and  
8 information technology). The peer review panel shall  
9 include a director of a designated State unit for a  
10 panel that considers research related to the oper-  
11 ation or administration of the vocational rehabilita-  
12 tion program.”;

13 (5) in subsection (h)—

14 (A) in paragraph (1)(A)—

15 (i) by inserting “disability and” after  
16 “priorities for”; and

17 (ii) by inserting “dissemination,” after  
18 “training,”; and

19 (B) in paragraph (2)(A), by striking “, es-  
20 pecially in the area of employment”;

21 (6) by redesignating subsections (i), (j), and  
22 (k), as subsections (j), (k), and (l), respectively;

23 (7) by inserting after subsection (h) the fol-  
24 lowing:

1       “(i)(1) The Director shall determine if entities that  
2 received financial assistance under this title are complying  
3 with the applicable requirements of this Act and achieving  
4 measurable goals, described in section 204(d)(2), that are  
5 consistent with the requirements of the programs under  
6 which the entities received the financial assistance.

7       “(2) To assist the Director in carrying out the re-  
8 sponsibilities described in paragraph (1), the Director  
9 shall require recipients of financial assistance under this  
10 title to submit relevant information to evaluate program  
11 outcomes with respect to the measurable goals described  
12 in section 204(d)(2) pursuant to section 75.118 of title  
13 34, Code of Federal Regulations.”;

14               (8) in subsection (k), as redesignated by para-  
15 graph (6), by striking paragraph (3); and

16               (9) by striking subsection (l), as redesignated  
17 by paragraph (6), and inserting the following:

18       “(l) The Director shall make grants to institutions  
19 of higher education for the training of rehabilitation re-  
20 searchers, including individuals with disabilities and tradi-  
21 tionally underserved populations of individuals with dis-  
22 abilities, as described in section 21, with particular atten-  
23 tion to research areas that—

24               “(1) support the implementation and objectives  
25 of this Act; and

1           “(2) improve the effectiveness of services au-  
2           thorized under this Act.

3           “(m)(1) Not later than December 31 of each year,  
4 the Director shall prepare, and submit to the Secretary,  
5 the Committee on Health, Education, Labor, and Pen-  
6 sions of the Senate, and the Committee on Education and  
7 the Workforce of the House of Representatives, a report  
8 on the activities funded under this title.

9           “(2) The report under paragraph (1) shall include—

10           “(A) a compilation and summary of the infor-  
11 mation provided by recipients of financial assistance  
12 for such activities under this title;

13           “(B) a summary of recipients of financial as-  
14 sistance received under this title and the progress of  
15 the recipients of financial assistance in achieving the  
16 measurable goals described in section 204(d)(2); and

17           “(C) a summary of practical implications of re-  
18 search outcomes and anticipated next steps.

19           “(n)(1) If the Director determines that an entity that  
20 receives financial assistance under this title fails to comply  
21 with the applicable requirements of this Act, or to make  
22 progress toward achieving the measurable goals described  
23 in section 204(d)(2), with respect to the covered activities  
24 involved, the Director shall enact monitoring and enforce-

1 ment measures pursuant to section 75.253 of title 34,  
2 Code of Federal Regulations.

3 “(2) As part of the annual report required under sub-  
4 section (m), the Secretary shall describe each action taken  
5 by the Secretary under paragraph (1) and the outcomes  
6 of such action.”.

7 **SEC. 434. INTERAGENCY COMMITTEE.**

8 Section 203 (29 U.S.C. 763) is amended—

9 (1) in subsection (a)(1)—

10 (A) by striking “and cooperation” and in-  
11 serting “, cooperation, and collaboration”;

12 (B) by inserting “disability and” after  
13 “agencies conducting”;

14 (C) by inserting “the Chairman of the Na-  
15 tional Council on Disability, the Assistant Sec-  
16 retary for Disability Employment Policy, the  
17 Secretary of Defense, the Director of the Office  
18 on Disability of the Department of Health and  
19 Human Services,” after “Assistant Secretary  
20 for Special Education and Rehabilitative Serv-  
21 ices,”; and

22 (D) by striking “and the Director of the  
23 National Science Foundation.” and inserting  
24 “the Director of the National Science Founda-  
25 tion, the Secretary of Commerce, and the Ad-

1            administrator of the Small Business Administra-  
2            tion.”;

3            (2) in subsection (b)—

4                    (A) in paragraph (1), by striking “from  
5                    targeted individuals” and inserting “individuals  
6                    with disabilities and their representatives”; and

7                    (B) in paragraph (2)—

8                            (i) by striking subparagraphs (A) and  
9                            (B) and inserting the following:

10                            “(A) share information regarding the  
11                            range of assistive technology research, rehabili-  
12                            tation research, and research that incorporates  
13                            the principles of universal design, that is being  
14                            carried out by members of the Committee and  
15                            other Federal departments and organizations;

16                            “(B) identify and make efforts to address,  
17                            gaps in assistive technology research, rehabili-  
18                            tation research, and research that incorporates  
19                            the principles of universal design, that are not  
20                            being adequately addressed;”;

21                            (ii) in subparagraph (D)—

22                                    (I) by striking “and research  
23                                    that incorporates the principles of uni-  
24                                    versal design” and inserting “, reha-  
25                                    bilitation research, and research that

1 incorporates the principles of uni-  
2 versal design”; and

3 (II) by striking “and” after the  
4 semicolon; and

5 (iii) in subparagraph (E), by striking  
6 “and research that incorporates the prin-  
7 ciples of universal design.” and inserting “,  
8 rehabilitation research, and research that  
9 incorporates the principles of universal de-  
10 sign; and”;

11 (3) by striking subsection (d);

12 (4) by redesignating subsection (c) as sub-  
13 section (d);

14 (5) by inserting after subsection (b) the fol-  
15 lowing:

16 “(c)(1) Not later than 2 years after the date of enact-  
17 ment of the Workforce Investment Act of 2012, and peri-  
18 odically thereafter, the Committee shall host a disability  
19 and rehabilitation research summit, for the purposes of  
20 establishing a research agenda to ensure projects are rel-  
21 evant and applicable, bringing together policymakers, rep-  
22 resentatives from Federal agencies conducting disability  
23 and rehabilitation research, nongovernmental funders of  
24 rehabilitation research, and organizations representing in-  
25 dividuals with disabilities, researchers, and providers.



1       “(2) Based on the proceedings of the summit de-  
2 scribed in paragraph (1), the Committee shall develop a  
3 comprehensive Government-wide strategic plan for dis-  
4 ability and rehabilitation research. The strategic plan shall  
5 include measurable goals and objectives, action-oriented  
6 measures, timetables, budgets, and assignment of respon-  
7 sible individuals and agencies for carrying out research ac-  
8 tivities. At a minimum, the strategic plan shall include—

9               “(A) research priorities and recommendations;

10              “(B) the development of a searchable Govern-  
11 ment-wide inventory of disability and rehabilitation  
12 research for trend and data analysis across Federal  
13 agencies;

14              “(C) a set of guiding principles and policies and  
15 procedures for conducting and administering dis-  
16 ability and rehabilitation research across Federal  
17 agencies; and

18              “(D) a summary of underemphasized and of  
19 duplicative areas of research.

20       “(3) Not later than 90 days after the conclusion of  
21 the summit described in paragraph (1), the strategic plan  
22 described in paragraph (2) shall be submitted to the Presi-  
23 dent and the Committee on Health, Education, Labor, and  
24 Pensions of the Senate and the Committee on Education  
25 and the Workforce of the House of Representatives.

1       “(4) The annual report prepared by the Committee  
2 under subsection (d) shall include an annual accounting  
3 of the progress made in implementing the strategic plan  
4 described in paragraph (2), including achievement of  
5 measurable goals and objectives, timetables, budgets, and  
6 the assignment of responsible individuals and agencies.

7       “(5) The Committee shall have the authority to facili-  
8 tate collaborative projects among Federal agencies by re-  
9 ceiving the transfer of funds from such agencies.”;

10           (6) in subsection (d), as redesignated by para-  
11 graph (4), by striking paragraph (1) and inserting  
12 the following:

13           “(1) describes the progress of the Committee in  
14 fulfilling the duties described in subsections (b) and  
15 (c), and including specifically for subsection (c)—

16                   “(A) a report of the progress made in im-  
17 plementing the strategic plan;

18                   “(B) a description of the achievement of  
19 measurable goals, objectives, and timetables;

20                   “(C) detailed budgetary information; and

21                   “(D) the assignment of responsible individ-  
22 uals and agencies.”; and

23           (7) in subsection (e)—

24                   (A) in paragraph (1), by striking “and”  
25 after the semicolon; and

1 (B) in paragraph (2), by striking the pe-  
2 riod at the end and inserting “; and”; and

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

4 “(3) the term ‘rehabilitation research’ means  
5 research on issues and topics related to attaining  
6 maximum self sufficiency and function by individuals  
7 with disabilities, including research on assistive tech-  
8 nology and universal design, employment, education,  
9 health and function, and community integration and  
10 participation.”.

11 **SEC. 435. RESEARCH AND OTHER COVERED ACTIVITIES.**

12 Section 204 (20 U.S.C. 764) is amended—

13 (1) in subsection (a)—

14 (A) in paragraph (1)—

15 (i) by inserting “have practical real  
16 life applications and” before “maximize”;  
17 and

18 (ii) by striking “employment, inde-  
19 pendent living,” and inserting “employ-  
20 ment, education, independent living, health  
21 and health care,”;

22 (B) in paragraph (2)—

23 (i) in subparagraph (A), by inserting  
24 “and from which the research findings can

1 be transferred to practice” after “State  
2 agencies”; and

3 (ii) in subparagraph (B)—

4 (I) by striking clause (ii) and in-  
5 serting the following:

6 “(ii) studies and analysis of policies and the  
7 interaction of how particular factors (industrial, vo-  
8 cational, educational, employment, social, rec-  
9 reational, psychiatric, psychological, economic, and  
10 health and health care), including for traditionally  
11 underserved populations as described in section 21,  
12 affect the rehabilitation of individuals with disabil-  
13 ities;”;

14 (II) in clause (iii), by striking  
15 “are homebound” and inserting “have  
16 significant challenges attempting to  
17 engage with community life outside of  
18 their homes”;

19 (III) in clause (iv), by inserting  
20 “, including the principles of universal  
21 design and the interoperability of  
22 products and services” after “disabil-  
23 ities”;

24 (IV) in clause (v), by inserting “,  
25 and to promote employment opportu-

1 nities in competitive integrated em-  
2 ployment” after “employment”;

3 (V) in clause (vi), by striking  
4 “and” after the semicolon;

5 (VI) in clause (vii), by striking  
6 “and assistive technology.” and in-  
7 serting “, assistive technology, and  
8 communications technology; and”;

9 (VII) by adding at the end the  
10 following:

11 “(viii) studies, analyses, and other activities af-  
12 fecting employment outcomes as defined in section  
13 7(11), including self-employment and telecommuting,  
14 of individuals with disabilities.”; and

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

16 “(3) In carrying out this section, the Director shall  
17 emphasize covered activities that include plans for—

18 “(A) dissemination of high quality materials,  
19 scientifically valid research results, or findings, con-  
20 clusions, and recommendations resulting from cov-  
21 ered activities, including through electronic means  
22 (such as the website of the Department of Edu-  
23 cation), so that such information is available in a  
24 timely manner to the general public; or

1           “(B) the commercialization of marketable prod-  
2           ucts, research results, or findings, resulting from the  
3           covered activities.”;

4           (2) in subsection (b)—

5           (A) in paragraph (1), by striking “(18)”  
6           both places the term appears and inserting  
7           “(17)”;

8           (B) in paragraph (2)—

9           (i) in subparagraph (A), by striking  
10           clauses (i) and (ii) and inserting the fol-  
11           lowing:

12           “(i) be operated in collaboration with institu-  
13           tions of higher education or providers of rehabilita-  
14           tion services, developers or providers of assistive  
15           technology devices, assistive technology services, or  
16           information technology devices or services, or pro-  
17           viders of other appropriate services; and

18           “(ii) serve as centers of national excellence and  
19           national or regional resources for individuals with  
20           disabilities, as well as providers, educators, and re-  
21           searchers.”;

22           (ii) in subparagraph (B)—

23           (I) in clause (i), by striking “al-  
24           leviate or stabilize” and all that fol-  
25           lows through the semicolon and in-

1                   serting “maximize health and function  
2                   (including alleviating or stabilizing  
3                   conditions, or preventing secondary  
4                   conditions), and promote maximum  
5                   social and economic independence of  
6                   individuals with disabilities, including  
7                   promoting the ability of the individ-  
8                   uals to prepare for, secure, retain, re-  
9                   gain, or advance in employment;”;

10                   (II) in clause (iii), by striking  
11                   “and” after the semicolon; and

12                   (III) by striking clause (iv) and  
13                   inserting the following:

14                   “(iv) serving as an informational and technical  
15                   assistance resource to individuals with disabilities, as  
16                   well as to providers, educators, and researchers,  
17                   through conferences, workshops, public education  
18                   programs, in-service training programs, and similar  
19                   activities and providing knowledge translation to  
20                   promote the use of research findings through train-  
21                   ing, technical assistance, and dissemination, includ-  
22                   ing identifying potential new areas of research; and

23                   “(v) developing practical applications for the  
24                   findings of the research of the Centers.”; and

25                   (iii) in subparagraph (C)—

1 (I) in clause (i), by inserting “,  
2 including research on assistive tech-  
3 nology devices, assistive technology  
4 services, and accessible electronic and  
5 information technology devices” after  
6 “research”;

7 (II) in clause (ii), by striking  
8 “and social” and inserting “, social,  
9 and economic”;

10 (III) by striking clauses (iii)  
11 through (vi) and inserting the fol-  
12 lowing:

13 “(iii) improving the evaluation process for de-  
14 termining the assistive technology needs of individ-  
15 uals with disabilities;

16 “(iv) research related to vocational rehabilita-  
17 tion, including the use of assistive technology devices  
18 and accessible electronic and information technology  
19 devices in employment;

20 “(v) continuation of research that promotes the  
21 emotional, social, educational, and functional growth  
22 of children who are individuals with disabilities, as  
23 well as their integration in school, employment, and  
24 community activities;





1 vices and services) shall be an important priority for each  
2 such Center.”;

3 (V) by striking subparagraph (I);

4 and

5 (VI) by redesignating subpara-  
6 graphs (J) through (O) as subpara-  
7 graphs (I) through (N), respectively;

8 (C) in paragraph (3)—

9 (i) in subparagraph (B)—

10 (I) in clause (ii)(II), by striking  
11 “employment” and inserting “edu-  
12 cational, employment,”; and

13 (II) in clause (iii)(II), by striking  
14 “employment” and inserting “edu-  
15 cational, employment,”;

16 (ii) in subparagraph (D)(ii), by add-  
17 ing at the end the following: “Each such  
18 Center conducting an activity relating to  
19 assistive technology or relating to acces-  
20 sible electronic and information technology  
21 shall include in the advisory committee a  
22 member of the assistive technology or ac-  
23 cessible electronic and information tech-  
24 nology community, respectively. Each such  
25 Center conducting an activity resulting in

1 educational materials or a product to be  
2 used in a covered school, or resulting in a  
3 product to be used in an employment activ-  
4 ity, shall include in the advisory committee  
5 a member of the covered school commu-  
6 nity, or a member of the business commu-  
7 nity, respectively.”; and

8 (iii) in subparagraph (G)(ii), by in-  
9 sserting “the success of any commercialized  
10 product researched or developed through  
11 the Center,” after “individuals with dis-  
12 abilities,”;

13 (D) in paragraph (4)(B)—

14 (i) in clause (i)—

15 (I) by striking “special” and in-  
16 sserting “unique”; and

17 (II) by inserting “social and  
18 functional needs, and” before “acute  
19 care”; and

20 (ii) in clause (iv), by inserting “edu-  
21 cation, health and health care,” after “em-  
22 ployment,”;

23 (E) in paragraph (8)—

24 (i) by striking “Veteran’s Administra-  
25 tion” and inserting “Department of Vet-

1 erans Affairs, the Department of Defense,  
2 the Substance Abuse and Mental Health  
3 Services Administration, the Federal Com-  
4 munications Commission,”; and

5 (ii) by inserting “the Department of  
6 Commerce, the Small Business Adminis-  
7 tration, the Department of Labor,” after  
8 “Space Administration,”;

9 (F) by striking paragraphs (9) and (11);

10 (G) by redesignating paragraphs (10),  
11 (12), (13), (14), (15), (16), (17), and (18), as  
12 paragraphs (9), (10), (11), (12), (13), (14),  
13 (15), and (16), respectively;

14 (H) in paragraph (11), as redesignated by  
15 subparagraph (G)—

16 (i) in the matter preceding subpara-  
17 graph (A), by striking “employment needs  
18 of individuals with disabilities,” and insert-  
19 ing “employment needs, opportunities, and  
20 outcomes (including those relating to self-  
21 employment, supported employment, and  
22 telecommuting) of individuals with disabil-  
23 ities, including older individuals with dis-  
24 abilities, students with disabilities who are  
25 transitioning from school to postsecondary

1 life, including employment, and out of  
2 school youth with disabilities.”;

3 (ii) in subparagraph (B), by inserting  
4 “and employment related” after “the em-  
5 ployment”;

6 (iii) in subparagraph (E), by striking  
7 “and” after the semicolon;

8 (iv) in subparagraph (F), by striking  
9 the period at the end and inserting “;  
10 and”;

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

12 “(G) develop models and alternatives to  
13 help transition sheltered workshops for individ-  
14 uals with disabilities to competitive integrated  
15 employment for such individuals, and develop  
16 recommendations for decreasing reliance on the  
17 special minimum wage certificate program  
18 under section 14(c) of the Fair Labor Stand-  
19 ards Act of 1938 (29 U.S.C. 214(c)).”;

20 (I) in paragraph (14), as redesignated by  
21 subparagraph (G), by striking “and access to  
22 gainful employment.” and inserting “, full par-  
23 ticipation, equal opportunity, and economic self-  
24 sufficiency.”; and

25 (J) by adding at the end the following:

1       “(17) Research grants may be used to provide for re-  
2 search and training concerning the delivery of vocational  
3 rehabilitation services. Such projects and activities may in-  
4 clude projects and activities designed to—

5           “(A) identify, develop, and evaluate evidence-  
6 based practices or policies that are effective in im-  
7 proving employment outcomes for individuals with  
8 disabilities;

9           “(B) conduct research related to improving the  
10 provision of services for underserved or special popu-  
11 lations, such as strategies to enhance employment  
12 services and outcomes for middle-aged and older  
13 workers with disabilities or American Indians with  
14 disabilities;

15           “(C) conduct research on the delivery of voca-  
16 tional rehabilitation services to rural areas;

17           “(D) demonstrate innovative models of service  
18 delivery or testing methods of service delivery that  
19 have the potential to improve the effectiveness of  
20 programs authorized under this Act, including the  
21 use of assistive technology devices and accessible  
22 electronic and information technology devices in em-  
23 ployment;

1           “(E) conduct research on ways to improve the  
2 performance of State vocational rehabilitation agen-  
3 cies;

4           “(F) disseminate and promote the implementa-  
5 tion of evidence-based practices identified through  
6 these activities; and

7           “(G) conduct rigorous evaluations of programs  
8 and activities administered by the Rehabilitation  
9 Services Administration or supported under this  
10 Act.”; and

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

12           “(d)(1) The Director shall award the grants, con-  
13 tracts, or other financial assistance under this title on a  
14 competitive basis.

15           “(2)(A) To be eligible to receive financial assistance  
16 under this section for a covered activity, an entity shall  
17 submit an application to the Director at such time, in such  
18 manner, and containing such information as the Director  
19 may require.

20           “(B) The application shall include information de-  
21 scribing—

22           “(i) measurable goals, as established through  
23 section 1115 of title 31, United States Code, and a  
24 timeline and specific plan for meeting the goals, that

1 the applicant has set for addressing priorities related  
2 to—

3 “(I) commercialization of a marketable  
4 product (including a marketable curriculum or  
5 research) resulting from the covered activity;

6 “(II) in the case of a covered activity relat-  
7 ing to technology, technology transfer;

8 “(III) in the case of research, dissemina-  
9 tion of research results to, as applicable, Gov-  
10 ernment entities, individuals with disabilities,  
11 covered schools, the business community, the  
12 assistive technology community, and the acces-  
13 sible electronic and information technology com-  
14 munity; and

15 “(IV) other priorities as required by the  
16 Director; and

17 “(ii) how the applicant will quantifiably meas-  
18 ure the goals to determine whether the goals have  
19 been accomplished.

20 “(3)(A) In the case of an application for financial as-  
21 sistance under this section to carry out a covered activity  
22 that results in the development of a marketable product,  
23 the application shall also include a commercialization and  
24 dissemination plan, as appropriate, containing commer-  
25 cialization and marketing strategies for the product in-



1 volved, and strategies for disseminating information about  
2 the product. The financial assistance shall not be used to  
3 carry out the commercialization and marketing strategies.

4 “(B) In the case of any other application for financial  
5 assistance to carry out a covered activity under this sec-  
6 tion, the application shall also include a dissemination  
7 plan, containing strategies for disseminating educational  
8 materials, research results, or findings, conclusions, and  
9 recommendations, resulting from the covered activity.”.

10 **SEC. 436. REHABILITATION RESEARCH ADVISORY COUNCIL.**

11 Section 205 (29 U.S.C. 765) is amended—

12 (1) in subsection (a), by inserting “not less  
13 than” after “composed of”; and

14 (2) by striking subsection (c) and inserting the  
15 following:

16 “(c) **QUALIFICATIONS.**—Members of the Council  
17 shall include representatives of rehabilitation profes-  
18 sionals, rehabilitation researchers, the directors of commu-  
19 nity rehabilitation programs, the business community (in-  
20 cluding a representative of the small business community)  
21 that has experience with the system of vocational rehabili-  
22 tation services carried out under this Act and with hiring  
23 individuals with disabilities, assistive technology devel-  
24 opers and manufacturers, information technology vendors  
25 and manufacturers, entities carrying out programs under

1 the Assistive Technology Act of 1998 (29 U.S.C. 3001 et  
2 seq.), covered school professionals, individuals with dis-  
3 abilities, and the individuals’ representatives. At least one-  
4 half of the members shall be individuals with disabilities  
5 or the individuals’ representatives.”.

6 **SEC. 437. DEFINITION OF COVERED SCHOOL.**

7 Title II (29 U.S.C. 760) is amended by adding at  
8 the end the following:

9 **“SEC. 206. DEFINITION OF COVERED SCHOOL.**

10 “In this title, the term ‘covered school’ means an ele-  
11 mentary school or secondary school (as such terms are de-  
12 fined in section 9101 of the Elementary and Secondary  
13 Education Act of 1965 (20 U.S.C. 7801)) or an institution  
14 of higher education.”.

15 **Subtitle D—Professional Develop-**  
16 **ment and Special Projects and**  
17 **Demonstration**

18 **SEC. 441. TRAINING.**

19 Section 302 (29 U.S.C. 772) is amended—

20 (1) in subsection (a)—

21 (A) in paragraph (1)—

22 (i) in subparagraph (E)—

23 (I) by striking all after “deliver”  
24 and inserting “supported employment  
25 services and customized employment

1 services to individuals with the most  
2 significant disabilities”; and

3 (II) by striking “and” after the  
4 semicolon;

5 (ii) in subparagraph (F), by striking  
6 “and” after the semicolon;

7 (iii) in subparagraph (G), by striking  
8 the period at the end and inserting “;  
9 and”; and

10 (iv) by adding at the end the fol-  
11 lowing:

12 “(H) personnel trained in providing assist-  
13 ive technology services.”;

14 (2) in subsection (b)(1)(B)(i), by striking “or  
15 prosthetics and orthotics” and inserting “prosthetics  
16 and orthotics, rehabilitation teaching for the blind,  
17 or orientation and mobility instruction”;

18 (3) in subsection (g)—

19 (A) in paragraph (1), by adding after the  
20 period the following: “Any technical assistance  
21 provided to community rehabilitation programs  
22 shall be focused on the employment outcome of  
23 competitive integrated employment for individ-  
24 uals with disabilities.”; and

25 (B) in paragraph (3)—

1 (i) in subparagraph (A), by striking  
2 clause (iv) and inserting the following:

3 “(iv) for the 2 years following the  
4 date of enactment of the Workforce Invest-  
5 ment Act of 2012, to provide training re-  
6 garding the amendments made to this  
7 Act.”; and

8 (ii) in subparagraph (B), by striking  
9 “on the date of enactment of the Rehabili-  
10 tation Act Amendments of 1998” and in-  
11 sserting “on the date of enactment of the  
12 Workforce Investment Act of 2012”; and

13 (4) in subsection (i), by striking “fiscal years  
14 1999 through 2003” and inserting “fiscal years  
15 2012 through 2016”.

16 **SEC. 442. DEMONSTRATION AND TRAINING PROGRAMS.**

17 Section 303 (29 U.S.C. 773) is amended—

18 (1) in subsection (b)—

19 (A) in paragraph (5)—

20 (i) in subparagraph (A)—

21 (I) by striking clause (i) and in-  
22 sserting the following:

23 “(i) special projects and demonstra-  
24 tion programs focused on improving transi-  
25 tion from education to competitive inte-

1                   grated employment for youth who are indi-  
2                   viduals with significant disabilities;” and

3                                 (II) by striking clause (iii) and  
4                   inserting the following:

5                   “(iii) increasing competitive integrated  
6                   employment for individuals with significant  
7                   disabilities.”; and

8                   (B) by striking paragraph (6);

9                   (2) in subsection (c)(2)—

10                   (A) in subparagraph (E), by striking  
11                   “and” after the semicolon;

12                   (B) by redesignating subparagraph (F) as  
13                   subparagraph (G); and

14                   (C) by inserting after subparagraph (E)  
15                   the following:

16                   “(F) to provide support and guidance in  
17                   helping individuals with significant disabilities,  
18                   including students with disabilities, transition  
19                   to competitive integrated employment; and”;  
20                   and

21                   (3) by striking subsection (i), as redesignated  
22                   by paragraph (2), and inserting the following:

23                   “(i) AUTHORIZATION OF APPROPRIATIONS.—For the  
24                   purpose of carrying out this section (other than sub-  
25                   sections (c) and (e)), there are authorized to be appro-

1 priated such sums as may be necessary for each of the  
2 fiscal years 2012 through 2016.”.

3 **SEC. 443. MIGRANT AND SEASONAL FARMWORKERS.**

4 Section 304(b) (29 U.S.C. 774(b)) is amended by  
5 striking “fiscal years 1999 through 2003” and inserting  
6 “fiscal years 2012 through 2016”.

7 **SEC. 444. RECREATIONAL PROGRAMS.**

8 Section 305 (29 U.S.C. 776) is amended—

9 (1) in subsection (a)(1)(B), by striking “con-  
10 struction of facilities for aquatic rehabilitation ther-  
11 apy,”; and

12 (2) in subsection (b), by striking “fiscal years  
13 1999 through 2003” and inserting “fiscal years  
14 2012 through 2016”.

15 **Subtitle E—National Council on**  
16 **Disability**

17 **SEC. 451. REPORT.**

18 Section 401 (29 U.S.C. 781) is amended by striking  
19 subsection (c).

20 **SEC. 452. AUTHORIZATION OF APPROPRIATIONS.**

21 Section 405 (29 U.S.C. 785) is amended by striking  
22 “fiscal years 1999 through 2003” and inserting “fiscal  
23 years 2012 through 2016”.

## 1     **Subtitle F—Rights and Advocacy**

### 2     **SEC. 456. BOARD AND COUNCIL.**

3           (a) ARCHITECTURAL AND TRANSPORTATION BAR-  
4     RIERS COMPLIANCE BOARD.—Section 502(j) (29 U.S.C.  
5     792(j)) is amended by striking “1999 through 2003” and  
6     inserting “2012 through 2016”.

7           (b) PROGRAM OR ACTIVITY.—Section 504(b)(2)(B)  
8     (29 U.S.C. 794(b)(2)(B)) is amended by striking “voca-  
9     tional education” and inserting “career and technical edu-  
10    cation”.

11          (c) INTERAGENCY DISABILITY COORDINATING COUN-  
12    CIL.—Section 507(a) (29 U.S.C. 794c(a)) is amended by  
13    inserting “the Chairperson of the National Council on Dis-  
14    ability,” before “and such other”.

### 15     **SEC. 457. PROTECTION AND ADVOCACY OF INDIVIDUAL** 16                                   **RIGHTS.**

17           Section 509 (29 U.S.C. 794e) is amended—

18                   (1) in subsection (c)(1)(A), by inserting “a  
19           grant or contract for” before “training”;

20                   (2) in subsection (f)—

21                           (A) in paragraph (2)—

22                                   (i) by striking “general” and all that  
23           follows through “records” and inserting  
24           “general authorities (including rights and

1 remedies), including the authority to access  
2 records”; and

3 (ii) by inserting “of title I” after  
4 “subtitle C”; and

5 (B) in paragraph (3), by striking “author-  
6 ity” and inserting “authority (including the  
7 right)”;

8 (3) in subsection (g)(2), by striking “was paid”  
9 and all that follows and inserting “was paid, except  
10 that program income generated from the amount  
11 paid to an eligible system for a fiscal year shall re-  
12 main available to such system in accordance with  
13 section 19 of this Act.”;

14 (4) in subsection (l), by striking “1999 through  
15 2003” and inserting “2012 through 2016”;

16 (5) by redesignating subsections (l) and (m) as  
17 subsections (m) and (n), respectively; and

18 (6) by inserting after subsection (k) the fol-  
19 lowing:

20 “(l) SYSTEM AUTHORITY.—For purposes of serving  
21 persons eligible for services under this section, an eligible  
22 system shall have the same general authorities, including  
23 access to records, as the system is afforded under subtitle  
24 C of title I of the Developmental Disabilities Assistance  
25 and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.),



1 as determined by the Commissioner of the Administration  
2 on Developmental Disabilities.”.

3 **SEC. 458. STANDARDS FOR ACCESSIBLE MEDICAL DIAG-**  
4 **NOSTIC EQUIPMENT.**

5 Section 510 (29 U.S.C. 794f) is amended—

6 (1) by redesignating subsection (c) as sub-  
7 section (d);

8 (2) by inserting after subsection (b) the fol-  
9 lowing:

10 “(c) REGULATIONS.—Not later than 6 months after  
11 the date of the issuance of the standards under subsection  
12 (a), each appropriate Federal agency authorized to pro-  
13 mulgate regulations under section 504 or the Americans  
14 with Disabilities Act of 1990 shall prescribe regulations  
15 in an accessible format, to the extent necessary to carry  
16 out the provisions of this section, section 504, and the  
17 Americans with Disabilities Act of 1990, as applicable,  
18 that include accessibility standards that are consistent  
19 with the standards issued under subsection (a).”; and

20 (3) in subsection (d), as redesignated by para-  
21 graph (1), by adding at the end the following: “Not  
22 later than 6 months after the date of the issuance  
23 of such amended standards, each Federal agency  
24 covered by subsection (c) shall prescribe revised reg-

1       ulations, in an accessible format, that are consistent  
2       with the amended standards.”.

3       **Subtitle G—Employment Opportu-**  
4       **nities for Individuals With Dis-**  
5       **abilities**

6       **SEC. 461. PROJECTS WITH INDUSTRY.**

7       Section 611 (29 U.S.C. 795) is amended—

8               (1) in subsection (a)—

9                       (A) in paragraph (1)—

10                               (i) by striking “in the competitive”  
11                               and inserting “in competitive integrated  
12                               employment in the”; and

13                               (ii) by inserting “locally” after “ca-  
14                               reer advancement”;

15                       (B) in paragraph (2)—

16                               (i) in the matter preceding subpara-  
17                               graph (A)—

18                                       (I) by inserting “local and na-  
19                                       tional” after “jointly financed”; and

20                                       (II) by inserting “in competitive  
21                                       integrated employment” after “career  
22                                       opportunities”;

23                       (ii) in subparagraph (A)—

24                                       (I) by striking clause (ii) and in-  
25                                       serting the following:

1           “(ii) identify job and career availability  
2 within the community in consultations with  
3 local workforce investment boards, consistent  
4 with the existing and emerging in-demand in-  
5 dustry sectors and occupations as defined in  
6 section 101 of the Workforce Investment Act of  
7 2012, and the employment needs of employers  
8 in those industry sectors and occupations;”;

9                         (II) in clause (iii), by striking  
10                        “and” after the semicolon;

11                       (III) in clause (iv), by inserting  
12                        “and” after the semicolon; and

13                       (IV) by adding at the end the fol-  
14                        lowing:

15           “(v) coordinate such training and job  
16 placement activities with the local workforce in-  
17 vestment boards described in clause (ii) as ap-  
18 propriate, and with the Job Corps center indus-  
19 try councils established under section 154 of  
20 the Workforce Investment Act of 2012.”; and

21                       (iii) in subparagraph (C)—

22                        (I) in clause (i), by striking  
23                        “and” after the semicolon;

24                        (II) by redesignating clause (ii)  
25                        as clause (iii); and

1 (III) by inserting after clause (i)  
2 the following:

3 “(ii) internship programs for individuals  
4 with disabilities who seek employment; and”;

5 (2) in subsection (e)(2), by striking “in States,  
6 portions of States, Indian tribes, or tribal organiza-  
7 tions” and inserting “nationally or in States, in por-  
8 tions of States, across multiple States, or in Indian  
9 tribes or tribal organizations”; and

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

11 “(i) PROHIBITED USE OF FUNDS.—Grant funds  
12 awarded under this section shall not be used to support  
13 services in sheltered workshops or segregated settings.”.

14 **SEC. 462. AUTHORIZATION OF APPROPRIATIONS.**

15 Section 612 (29 U.S.C. 795a) is amended by striking  
16 “fiscal years 1999 through 2003” and inserting “fiscal  
17 years 2012 through 2016”.

18 **SEC. 463. SUPPORTED EMPLOYMENT SERVICES.**

19 Part B of title VI (29 U.S.C. 795g) is amended to  
20 read as follows:

21 **“PART B—SUPPORTED EMPLOYMENT SERVICES**

22 **“SEC. 621. PURPOSE.**

23 “It is the purpose of this part to authorize allotments,  
24 in addition to grants for vocational rehabilitation services  
25 under title I, to assist States in developing collaborative

1 programs with appropriate entities to provide supported  
2 employment services for individuals with the most signifi-  
3 cant disabilities, including youth with the most significant  
4 disabilities, to enable such individuals to achieve an em-  
5 ployment outcome of supported employment in competitive  
6 integrated employment.

7 **“SEC. 622. ALLOTMENTS.**

8 “(a) IN GENERAL.—

9 “(1) STATES.—The Secretary shall allot the  
10 sums appropriated for each fiscal year to carry out  
11 this part among the States on the basis of relative  
12 population of each State, except that—

13 “(A) no State shall receive less than  
14 \$250,000, or  $\frac{1}{3}$  of 1 percent of the sums ap-  
15 propriated for the fiscal year for which the al-  
16 lotment is made, whichever amount is greater;  
17 and

18 “(B) if the sums appropriated to carry out  
19 this part for the fiscal year exceed the sums ap-  
20 propriated to carry out this part for fiscal year  
21 1992 by \$1,000,000 or more, no State shall re-  
22 ceive less than \$300,000, or  $\frac{1}{3}$  of 1 percent of  
23 the sums appropriated for the fiscal year for  
24 which the allotment is made, whichever amount  
25 is greater.

1           “(2) CERTAIN TERRITORIES.—

2                   “(A) IN GENERAL.—For the purposes of  
3           this subsection, Guam, American Samoa, the  
4           United States Virgin Islands, and the Common-  
5           wealth of the Northern Mariana Islands shall  
6           not be considered to be States.

7                   “(B) ALLOTMENT.—Each jurisdiction de-  
8           scribed in subparagraph (A) shall be allotted  
9           not less than  $\frac{1}{8}$  of 1 percent of the amounts  
10          appropriated for the fiscal year for which the  
11          allotment is made.

12          “(b) REALLOTMENT.—Whenever the Commissioner  
13          determines that any amount of an allotment to a State  
14          for any fiscal year will not be expended by such State for  
15          carrying out the provisions of this part, the Commissioner  
16          shall make such amount available for carrying out the pro-  
17          visions of this part to one or more of the States that the  
18          Commissioner determines will be able to use additional  
19          amounts during such year for carrying out such provi-  
20          sions. Any amount made available to a State for any fiscal  
21          year pursuant to the preceding sentence shall, for the pur-  
22          poses of this section, be regarded as an increase in the  
23          allotment of the State (as determined under the preceding  
24          provisions of this section) for such year.

1       “(c) LIMITATIONS ON ADMINISTRATIVE COSTS.—A  
2 State that receives an allotment under this part shall not  
3 use more than 5 percent of the funds made available  
4 through the allotment to pay for administrative costs.

5       “(d) SERVICES FOR YOUTH WITH THE MOST SIG-  
6 NIFICANT DISABILITIES.—A State that receives an allot-  
7 ment under this part shall expend half of the allotment  
8 for the provision of supported employment services, in-  
9 cluding extended services, to youth with the most signifi-  
10 cant disabilities in order to assist those youth to achieve  
11 an employment outcome in supported employment.

12 **“SEC. 623. AVAILABILITY OF SERVICES.**

13       “(a) SUPPORTED EMPLOYMENT SERVICES.—Funds  
14 provided under this part may be used to provide supported  
15 employment services to individuals who are eligible under  
16 this part.

17       “(b) EXTENDED SERVICES.—Except as provided in  
18 paragraph (c), funds provided under this part, or title I,  
19 may not be used to provide extended services to individuals  
20 who are eligible under this part or title I.

21       “(c) EXTENDED SERVICES FOR YOUTH WITH THE  
22 MOST SIGNIFICANT DISABILITIES.—Funds allotted under  
23 this part, or title I, and used for the provision of services  
24 under this part to youth with the most significant disabil-  
25 ities pursuant to section 622(d) of this part, may be used

1 to provide extended services to youth with the most signifi-  
2 cant disabilities for a period not to exceed four years.

3 **“SEC. 624. ELIGIBILITY.**

4 “An individual, including a youth with a disability,  
5 shall be eligible under this part to receive supported em-  
6 ployment services authorized under this part if—

7 “(1) the individual, including a youth with a  
8 disability, is eligible for vocational rehabilitation  
9 services under title I;

10 “(2) the individual, including a youth, is deter-  
11 mined to be an individual with a most significant  
12 disability; and

13 “(3) a comprehensive assessment of rehabilita-  
14 tion needs of the individual or youth described in  
15 section 7(2)(B), including an evaluation of rehabili-  
16 tation, career, and job needs, identifies supported  
17 employment as the appropriate employment outcome  
18 for the individual or youth.

19 **“SEC. 625. STATE PLAN.**

20 “(a) STATE PLAN SUPPLEMENTS.—To be eligible for  
21 an allotment under this part, a State shall submit to the  
22 Commissioner, as part of the State plan under section  
23 101, a State plan supplement for providing supported em-  
24 ployment services authorized under this Act to individuals,  
25 including youth with the most significant disabilities, who



1 are eligible under this Act to receive the services. Each  
2 State shall make such annual revisions in the plan supple-  
3 ment as may be necessary.

4 “(b) CONTENTS.—Each such plan supplement  
5 shall—

6 “(1) indicate each designated State agency as  
7 the agency to administer the program assisted under  
8 this part;

9 “(2) summarize the results of the comprehen-  
10 sive, statewide assessment conducted under section  
11 101(a)(15)(A)(i), with respect to the rehabilitation  
12 needs of individuals, including youth, with signifi-  
13 cant disabilities and the need for supported employ-  
14 ment services, including needs related to coordina-  
15 tion;

16 “(3) describe the quality, scope, and extent of  
17 supported employment services authorized under this  
18 Act to be provided to individuals, including youth  
19 with the most significant disabilities, who are eligible  
20 under this Act to receive the services and specify the  
21 goals and plans of the State with respect to the dis-  
22 tribution of funds received under section 622;

23 “(4) demonstrate evidence of the efforts of the  
24 designated State agency to identify and make ar-  
25 rangements (including entering into cooperative

1 agreements) with other State agencies and other ap-  
2 propriate entities to assist in the provision of sup-  
3 ported employment services;

4 “(5) demonstrate evidence of the efforts of the  
5 designated State agency to identify and make ar-  
6 rangements (including entering into cooperative  
7 agreements) with other public or nonprofit agencies  
8 or organizations within the State, employers, natural  
9 supports, and other entities with respect to the pro-  
10 vision of extended services;

11 “(6) a description of the activities to be con-  
12 ducted under this part, using the funds specified in  
13 section 622(d) of this title, for providing supported  
14 employment services to youth with the most signifi-  
15 cant disabilities, including—

16 “(A) the provision of extended services for  
17 a period not to exceed four years; and

18 “(B) how the State will use the funds spec-  
19 ified in section 622(d) to leverage other public  
20 and private funds to increase resources for ex-  
21 tended services and expand supported employ-  
22 ment opportunities for youth with the most sig-  
23 nificant disabilities;

24 “(7) provide assurances that—

1           “(A) funds made available under this part  
2 will only be used to provide supported employ-  
3 ment services authorized under this Act to indi-  
4 viduals, including youth, who are eligible under  
5 this part to receive the services;

6           “(B) the comprehensive assessments of in-  
7 dividuals with significant disabilities, including  
8 youth with the most significant disabilities, con-  
9 ducted under section 102(b)(1) and funded  
10 under title I will include consideration of sup-  
11 ported employment as an appropriate employ-  
12 ment outcome;

13           “(C) an individualized plan for employ-  
14 ment, as required by section 102, will be devel-  
15 oped and updated using funds under title I in  
16 order to—

17                   “(i) specify the supported employment  
18 services to be provided, including as appro-  
19 priate for youth with the most significant  
20 disabilities, transition services and pre-em-  
21 ployment transition services provided in ac-  
22 cordance with sections 101(a)(25) and  
23 114;

24                   “(ii) specify the expected extended  
25 services needed, including the extended

1 services that may be provided to youth  
2 with the most significant disabilities under  
3 this part, in accordance with an approved  
4 individualized plan for employment, for a  
5 period not to exceed four years; and

6 “(iii) identify, as appropriate, the  
7 source of extended services, which may in-  
8 clude natural supports, or to the extent  
9 that it is not possible to identify the source  
10 of extended services at the time the indi-  
11 vidualized plan for employment is devel-  
12 oped;

13 “(D) the State will use funds provided  
14 under this part only to supplement, and not  
15 supplant, the funds provided under title I, in  
16 providing supported employment services speci-  
17 fied in the individualized plan for employment;

18 “(E) services provided under an individual-  
19 ized plan for employment will be coordinated  
20 with services provided under other individual-  
21 ized plans established under other Federal or  
22 State programs;

23 “(F) to the extent jobs skills training is  
24 provided, the training will be provided onsite;

1           “(G) supported employment services will  
2 include placement in an integrated setting  
3 based on the unique strengths, resources, prior-  
4 ities, concerns, abilities, capabilities, interests,  
5 and informed choice of individuals with the  
6 most significant disabilities;

7           “(H) the State agencies designated under  
8 paragraph (1) will expend not more than 5 per-  
9 cent of the allotment of the State under this  
10 part for administrative costs of carrying out  
11 this part; and

12           “(I) with respect to supported employment  
13 services provided to youth with the most signifi-  
14 cant disabilities with the funds described in sec-  
15 tion 622(d), the designated State agency will  
16 provide, directly or indirectly through public or  
17 private entities, non-Federal contributions to-  
18 wards the grant award in an amount that is not  
19 less than 10 percent of such costs; and

20           “(8) contain such other information and be sub-  
21 mitted in such manner as the Commissioner may re-  
22 quire.

1 **“SEC. 626. RESTRICTION.**

2 “Each State agency designated under section  
3 625(b)(1) shall collect the information required by section  
4 101(a)(10) separately for eligible—

5 “(1)(A) individuals receiving supported employ-  
6 ment services under this part; and

7 “(B) individuals receiving supported employ-  
8 ment services under title I; and

9 “(2)(A) youth receiving supported employment  
10 services under this part; and

11 “(B) youth receiving supported employment  
12 services under title I.

13 **“SEC. 627. SAVINGS PROVISION.**

14 “(a) SUPPORTED EMPLOYMENT SERVICES.—Noth-  
15 ing in this Act shall be construed to prohibit a State from  
16 providing supported employment services in accordance  
17 with the State plan submitted under section 101 by using  
18 funds made available through a State allotment under sec-  
19 tion 110.

20 “(b) POST-EMPLOYMENT SERVICES.—Nothing in  
21 this part shall be construed to prohibit a State from pro-  
22 viding discrete post-employment services in accordance  
23 with the State plan submitted under section 101 by using  
24 funds made available through a State allotment under sec-  
25 tion 110 to an individual who is eligible under this sub-  
26 part.

1 **“SEC. 628. AUTHORIZATION OF APPROPRIATIONS.**

2 “There is authorized to be appropriated to carry out  
3 this part, including for technical assistance, such sums as  
4 may be necessary for each of the fiscal years 2012 through  
5 2016.”.

6 **Subtitle H—Independent Living  
7 Services and Centers for Inde-  
8 pendent Living**

9 **CHAPTER 1—GENERAL PROVISIONS**

10 **SEC. 471. PURPOSE.**

11 Section 701 (29 U.S.C. 796) is amended, in para-  
12 graph (3), by inserting before the period the following: “,  
13 with the goal of improving the independence of and equal  
14 opportunity for individuals with disabilities”.

15 **SEC. 472. INDEPENDENT LIVING ADMINISTRATION.**

16 Title VII (29 U.S.C. 796 et seq.) is amended by in-  
17 serting after section 701 the following:

18 **“SEC. 701A. INDEPENDENT LIVING ADMINISTRATION.**

19 “(a) ESTABLISHMENT.—In order to promote the phi-  
20 losophy and purpose of section 701, there is established  
21 within the Department of Education an Independent Liv-  
22 ing Administration, independent of the Rehabilitation  
23 Services Administration.

24 “(b) DIRECTOR.—The Independent Living Adminis-  
25 tration shall be headed by a Director (referred to in this  
26 title as the ‘ILA Director’) appointed by the Secretary.

1 The ILA Director shall not have been an employee of the  
2 Department of Education during the 90-day period before  
3 such appointment, and shall have substantial knowledge  
4 of independent living services. The Independent Living  
5 Administration shall be the principal agency, and the ILA  
6 Director shall be the principal officer, of the Department  
7 for carrying out this title. The ILA Director shall have  
8 the same reporting relationship as is outlined in section  
9 202(a)(2), and shall be a different individual than the  
10 Commissioner.

11       “(c) GENERAL COUNSEL.—The Office of the General  
12 Counsel of the Department of Education shall designate  
13 1 or more individuals, with substantial background in and  
14 knowledge of independent living services and centers for  
15 independent living under this title, to provide advice, sup-  
16 port, and technical assistance to the ILA Director.

17       “(d) INPUT.—The ILA Director shall have the au-  
18 thority to seek such input and advice, including convening  
19 meetings, as the ILA Director determines to be appro-  
20 priate with respect to the policies and conduct of the Inde-  
21 pendent Living Administration.

22       “(e) STAFF.—The Secretary shall ensure that—

23               “(1) the Independent Living Administration has  
24 sufficient staff to provide oversight of, conduct au-  
25 diting of, and provide technical assistance to, the



1 centers for independent living and Statewide Inde-  
2 pendent Living Councils funded under this Act; and

3 “(2) such staff includes qualified individuals  
4 who have significant experience with centers for  
5 independent living or Statewide Independent Living  
6 Councils described in section 705.”.

7 **SEC. 473. DEFINITIONS.**

8 Section 702 (29 U.S.C. 796a) is amended—

9 (1) in paragraph (1)—

10 (A) in the matter before subparagraph (A),  
11 by inserting “for individuals with significant  
12 disabilities (regardless of age or income)” be-  
13 fore “that—”;

14 (B) in subparagraph (A), by striking  
15 “and” at the end;

16 (C) in subparagraph (B), by striking the  
17 period and inserting “, including, at a min-  
18 imum, independent living core services as de-  
19 fined in section 7(17); and”;

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

21 “(C) has sufficient staff to provide the  
22 services described in subparagraph (B).”; and

23 (2) in paragraph (2), by striking the period and  
24 inserting the following: “, both in terms of—

1           “(A) the management, staffing, decision-  
2           making, and operation of the center; and

3           “(B) the center’s establishment of policies,  
4           direction, and provision of services.”.

5 **SEC. 474. STATE PLAN.**

6           Section 704 (29 U.S.C. 796c) is amended—

7           (1) in subsection (a)—

8           (A) in paragraph (1)—

9           (i) by inserting after “State plan” the  
10           following: “developed and signed in accord-  
11           ance with paragraph (2),”; and

12           (ii) by striking “Commissioner” each  
13           place it appears and inserting “ILA Direc-  
14           tor”;

15           (B) in paragraph (2)—

16           (i) in the matter preceding subpara-  
17           graph (A), by striking “developed and  
18           signed by”; and

19           (ii) by striking subparagraphs (A) and  
20           (B) and inserting the following:

21           “(A) developed by the chairperson of the  
22           Statewide Independent Living Council, the di-  
23           rector of the designated State entity described  
24           in subsection (c), and the directors of the cen-  
25           ters for independent living in the State, after

1 receiving public input from individuals with dis-  
2 abilities throughout the State; and

3 “(B) signed by—

4 “(i) the chairperson of the Statewide  
5 Independent Living Council, acting on be-  
6 half of and at the direction of the Council;

7 “(ii) the director of the designated  
8 State entity described in subsection (c);  
9 and

10 “(iii) not less than 51 percent of the  
11 directors of the centers for independent liv-  
12 ing in the State.”;

13 (C) in paragraph (3)—

14 (i) in subparagraph (A), by striking  
15 “State independent living services” and in-  
16 sserting “independent living services in the  
17 State”;

18 (ii) in subparagraph (B), by striking  
19 “and” at the end; and

20 (iii) by striking subparagraph (C) and  
21 inserting the following:

22 “(C) working relationships and collabora-  
23 tion between—

24 “(i) centers for independent living;  
25 and

1           “(ii)(I) entities carrying out programs  
2           that provide independent living services, in-  
3           cluding those serving older individuals;

4           “(II) other community-based organi-  
5           zations that provide or coordinate the pro-  
6           vision of housing, transportation, employ-  
7           ment, information and referral assistance,  
8           services, and supports for individuals with  
9           significant disabilities; and

10          “(III) entities carrying out the voca-  
11          tional rehabilitation program established  
12          under title I, and other programs providing  
13          services for individuals with disabilities;  
14          and

15          “(D) cooperative agreements and partner-  
16          ships to provide a seamless model for provision  
17          of services to individuals with disabilities and to  
18          avoid duplication of services.”;

19          (D) in paragraph (4), by striking “Com-  
20          missioner” each place it appears and inserting  
21          “ILA Director”; and

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

23          “(5) STATEWIDE BASIS.—The State plan shall  
24          provide for the provision of independent living serv-  
25          ices on a statewide basis, to the greatest extent pos-

1 sible, including through the establishment of addi-  
2 tional centers for independent living or focused out-  
3 reach to serve underserved populations.”;

4 (2) in subsection (b), by striking the period and  
5 inserting the following: “, as well as a plan for fund-  
6 ing the administrative costs of the Council.”;

7 (3) in subsection (c)—

8 (A) in the subsection heading, by striking  
9 “UNIT” and inserting “ENTITY”;

10 (B) in the matter preceding paragraph (1),  
11 by striking “the designated State unit of such  
12 State” and inserting “a State entity of such  
13 State (referred to in this title as the ‘designated  
14 State entity’), which may be the designated  
15 State unit, an entity within the designated  
16 State agency, or an entity within a different  
17 State agency,”;

18 (C) in paragraphs (3) and (4), by striking  
19 “Commissioner” each place it appears and in-  
20 serting “ILA Director”;

21 (D) in paragraph (3), by striking “and” at  
22 the end; and

23 (E) in paragraph (4), by striking the pe-  
24 riod and inserting “; and”;

1 (4) in subsection (i), by striking paragraphs (1)  
2 and (2) and inserting the following:

3 “(1) the Statewide Independent Living Council;

4 “(2) centers for independent living;

5 “(3) the designated State entity; and

6 “(4) other State agencies or entities rep-  
7 resented on the Council, other councils that address  
8 the needs and issues of specific disability popu-  
9 lations, and other public and private entities deter-  
10 mined to be appropriate by the Council.”;

11 (5) in subsection (m)—

12 (A) in paragraph (4), by striking “Com-  
13 missioner” each place it appears and inserting  
14 “ILA Director”; and

15 (B) in paragraph (5), by striking “Com-  
16 missioner” each place it appears and inserting  
17 “ILA Director”; and

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

19 “(o) PROMOTING FULL ACCESS TO COMMUNITY  
20 LIFE.—

21 “(1) IN GENERAL.—The plan shall describe  
22 how the State will provide independent living serv-  
23 ices that promote full access to community life for  
24 individuals with significant disabilities.

25 “(2) SERVICES.—The services shall include—

1           “(A) facilitating transitions of individuals  
2 with significant disabilities from nursing homes  
3 and other institutions, to home- and commu-  
4 nity-based residences, with the requisite sup-  
5 ports and services;

6           “(B) providing assistance to individuals  
7 with significant disabilities that are at risk of  
8 entering institutions so that the individuals may  
9 remain in the community; and

10           “(C) facilitating transitions of youth (in-  
11 cluding students) who are individuals with sig-  
12 nificant disabilities, who were eligible for indi-  
13 vidualized education programs under section  
14 614(d) of the Individuals with Disabilities Edu-  
15 cation Act (20 U.S.C. 1414(d)), and who have  
16 completed their secondary education or other-  
17 wise left school, to postsecondary life, including  
18 employment.”.

19 **SEC. 475. STATEWIDE INDEPENDENT LIVING COUNCIL.**

20           Section 705 (29 U.S.C. 796d) is amended—

21           (1) in subsection (b)—

22           (A) by striking paragraph (2) and insert-  
23 ing the following:

24           “(2) COMPOSITION.—The Council shall in-  
25 clude—

1           “(A) among its voting members, at least 1  
2 director of a center for independent living cho-  
3 sen by the directors of centers for independent  
4 living within the State;

5           “(B) among its voting members, for a  
6 State in which 1 or more centers are funded  
7 under section 721(c)(4), at least 1 representa-  
8 tive of the directors of the centers; and

9           “(C) as ex officio, nonvoting members, a  
10 representative of the designated State entity,  
11 and representatives from State agencies that  
12 provide services for individuals with disabil-  
13 ities.”;

14           (B) in paragraph (3)—

15           (i) by redesignating subparagraphs  
16 (C) through (F) as subparagraphs (D)  
17 through (G), respectively;

18           (ii) in subparagraph (B), by striking  
19 “parents and guardians of”; and

20           (iii) by inserting after paragraph (B)  
21 the following:

22           “(C) parents and guardians of individuals  
23 with disabilities;”; and



1 (C) in paragraph (5)(B), by striking  
2 “paragraph (3)” and inserting “paragraph  
3 (1)”;

4 (2) by striking subsection (c) and inserting the  
5 following:

6 “(c) FUNCTIONS.—

7 “(1) DUTIES.—The Council shall—

8 “(A) in conjunction with the directors of  
9 the centers for independent living in the State,  
10 and the designated State entity, jointly develop  
11 and sign the State plan as provided in section  
12 704(a)(2);

13 “(B) monitor, review, and evaluate the im-  
14 plementation of the State plan;

15 “(C) have at least 4 regularly scheduled  
16 meetings per year, and ensure that such meet-  
17 ings of the Council are open to the public and  
18 sufficient advance notice of such meetings is  
19 provided;

20 “(D) submit to the ILA Director such  
21 periodic reports as the ILA Director may rea-  
22 sonably request, and keep such records, and af-  
23 ford such access to such records, as the ILA  
24 Director finds necessary to verify the informa-  
25 tion in such reports; and

1           “(E) as appropriate, coordinate activities  
2 with the State Rehabilitation Council estab-  
3 lished under section 105, if the State has such  
4 a Council, or the commission described in sec-  
5 tion 101(a)(21)(A), if the State has such a  
6 commission, and councils that address the  
7 needs of specific disability populations and  
8 issues under other Federal law.

9           “(2) AUTHORITIES.—The Council may, con-  
10 sistent with the State plan described in section 704,  
11 unless prohibited by State law—

12           “(A) facilitate the improvement and co-  
13 ordination of services provided to individuals  
14 with disabilities by centers for independent liv-  
15 ing, the designated State unit, other govern-  
16 ment agencies, and community organizations;

17           “(B) conduct resource development activi-  
18 ties to obtain funding from public and private  
19 resources to support the activities described in  
20 this subsection or to support the provision of  
21 independent living services by centers for inde-  
22 pendent living; and

23           “(C) perform such other functions, con-  
24 sistent with the purpose of this chapter and  
25 comparable to other functions described in this

1 subsection, as the Council determines to be ap-  
2 propriate.

3 “(3) LIMITATION.—The Council shall not pro-  
4 vide independent living services directly to individ-  
5 uals with significant disabilities or manage such  
6 services.”;

7 (3) in subsection (e)—

8 (A) in paragraph (1), in the first sentence,  
9 by striking “prepare” and all that follows  
10 through “a plan” and inserting “prepare, in  
11 conjunction with the designated State entity, a  
12 plan”; and

13 (B) in paragraph (3), by striking “agency”  
14 and inserting “entity”; and

15 (4) in subsection (f)—

16 (A) by striking “such resources” and in-  
17 serting “available resources”; and

18 (B) by striking “(including” and all that  
19 follows through “compensation” and inserting  
20 “(such as personal assistance services), and to  
21 pay reasonable compensation”.

22 **SEC. 476. RESPONSIBILITIES OF THE ILA DIRECTOR.**

23 Section 706 (29 U.S.C. 796d–1) is amended—

24 (1) by striking the title of the section and in-  
25 serting the following:

1 **“SEC. 706. RESPONSIBILITIES OF THE ILA DIRECTOR.”;**

2 (2) in subsection (a)—

3 (A) in paragraph (1), by striking “Com-  
4 missioner” each place it appears and inserting  
5 “ILA Director”; and

6 (B) in paragraph (2)—

7 (i) in subparagraph (A), by striking  
8 “Commissioner” each place it appears and  
9 inserting “ILA Director”; and

10 (ii) in subparagraph (B)—

11 (I) in clause (i)—

12 (aa) by striking “Secretary”  
13 and inserting “Secretary or the  
14 Commissioner”; and

15 (bb) by striking “to the  
16 Commissioner; and” and insert-  
17 ing “to the ILA Director;”;

18 (II) by redesignating clause (ii)  
19 as clause (iii); and

20 (III) by inserting after clause (i)  
21 the following:

22 “(ii) to the State agency shall be  
23 deemed to be references to the designated  
24 State entity; and”;

25 (3) by striking subsection (b) and inserting the  
26 following:

1 “(b) INDICATORS.—Not later than 1 year after the  
2 date of enactment of the Workforce Investment Act of  
3 2012, the ILA Director shall develop and publish in the  
4 Federal Register indicators of minimum compliance for  
5 centers for independent living (consistent with the stand-  
6 ards set forth in section 725), and indicators of minimum  
7 compliance for Statewide Independent Living Councils.”;

8 (4) in subsection (c)—

9 (A) by striking paragraph (1) and insert-  
10 ing the following:

11 “(1) REVIEWS.—

12 “(A) TYPES OF REVIEWS.—The ILA Di-  
13 rector shall annually conduct—

14 “(i) onsite compliance reviews of at  
15 least 15 percent of the centers for inde-  
16 pendent living that receive funds under  
17 section 722 and shall periodically conduct  
18 such a review of each such center;

19 “(ii) onsite compliance reviews of at  
20 least one-third of the designated State  
21 units that receive funding under section  
22 723, and, to the extent necessary to deter-  
23 mine the compliance of such a State unit  
24 with subsections (f) and (g) of section 723,

1 centers that receive funding under section  
2 723 in such State; and

3 “(iii) onsite compliance reviews for at  
4 least 10 percent of the Statewide Inde-  
5 pendent Living Councils established in  
6 each State under section 705.

7 “(B) SELECTIONS.—The ILA Director  
8 shall select the centers, State units, and Coun-  
9 cils described in this paragraph for review on a  
10 random basis.”; and

11 (B) in paragraph (2)—

12 (i) in the matter preceding subpara-  
13 graph (A), by striking “Commissioner”  
14 and inserting “ILA Director”;

15 (ii) in subparagraph (A), by striking  
16 “such a review” and inserting “a review  
17 described in paragraph (1)”;

18 (iii) in subparagraphs (A) and (B), by  
19 striking “Department” each place it ap-  
20 pears and inserting “Independent Living  
21 Administration”;

22 (5) by striking subsection (d).

1           **CHAPTER 2—INDEPENDENT LIVING**  
2   **SERVICES**

3 **SEC. 477. ADMINISTRATION.**

4           (a) ALLOTMENTS.—Section 711 (29 U.S.C. 796e) is  
5 amended—

6                   (1) in subsection (a)—

7                           (A) in paragraph (1)(A)—

8                                   (i) by striking “Except” and inserting

9                                   “After the reservation required by section  
10                                   711A is made, and except”; and

11                                   (ii) by inserting “the remainder of  
12                                   the” before “sums appropriated”; and

13                           (B) in paragraph (2)(B), by striking  
14                           “amounts made available for purposes of this  
15                           part” and inserting “remainder described in  
16                           paragraph (1)(A)”;

17                   (2) in subsections (a), (b), and (c), by striking  
18                   “Commissioner” each place it appears and inserting  
19                   “ILA Director”; and

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

21                   “(d) ADMINISTRATION.—Funds allotted or made  
22 available to a State under this section shall be adminis-  
23 tered by the designated State entity, in accordance with  
24 the approved State plan, except for States covered by sec-  
25 tion 723.”.

1 (b) TRAINING AND TECHNICAL ASSISTANCE.—Part  
2 B of title VII is amended by inserting after section 711  
3 (29 U.S.C. 796e) the following:

4 **“SEC. 711A. TRAINING AND TECHNICAL ASSISTANCE.**

5 “(a) IN GENERAL.—From the funds appropriated to  
6 carry out this part for any fiscal year, beginning with fis-  
7 cal year 2012, the ILA Director shall first reserve not less  
8 than 1.8 percent and not more than 2 percent of the funds  
9 to provide training and technical assistance to Statewide  
10 Independent Living Councils for such fiscal year.

11 “(b) ALLOCATION.—From the funds reserved under  
12 subsection (a), the ILA Director shall make grants to, and  
13 enter into contracts and other arrangements with, entities  
14 that have experience in the operation of Statewide Inde-  
15 pendent Living Councils to provide such training and tech-  
16 nical assistance with respect to developing, conducting, ad-  
17 ministering, and evaluating Statewide Independent Living  
18 Councils.

19 “(c) FUNDING PRIORITIES.—The ILA Director shall  
20 conduct a survey of Statewide Independent Living Coun-  
21 cils regarding training and technical assistance needs in  
22 order to determine funding priorities for such grants, con-  
23 tracts, or other arrangements.

24 “(d) REVIEW.—To be eligible to receive a grant or  
25 enter into a contract or other arrangement under this sec-



1 tion, such an entity shall submit an application to the ILA  
2 Director at such time, in such manner, and containing a  
3 proposal to provide such training and technical assistance,  
4 and containing such additional information as the ILA Di-  
5 rector may require. The ILA Director shall provide for  
6 peer review of grant applications by panels that include  
7 persons who are not government employees and who have  
8 experience in the operation of Statewide Independent Liv-  
9 ing Councils.”.

10 (c) PAYMENTS.—Section 712(a) (29 U.S.C. 796e-  
11 1(a)) is amended by striking “Commissioner” and insert-  
12 ing “ILA Director.”

13 (d) AUTHORIZED USES OF FUNDS.—Section 713 (29  
14 U.S.C. 796e-2) is amended—

15 (1) by striking the matter preceding paragraph  
16 (1) and inserting the following:

17 “(a) IN GENERAL.—The State may use funds re-  
18 ceived under this part (but not more than 30 percent of  
19 the funds paid to the State under section 712) to provide  
20 the resources described in section 705(e), relating to the  
21 Statewide Independent Living Council, may retain funds  
22 under section 704(c)(5), and shall distribute the remain-  
23 der of the funds received under this part in a manner con-  
24 sistent with the approved State plan under section 704  
25 for the activities described in subsection (b).

1 “(b) ACTIVITIES.—The State may use the remainder  
2 of the funds described in subsection (a)—”; and

3 (2) in paragraph (1), by inserting “, particu-  
4 larly those in unserved areas of the State” after  
5 “disabilities”.

6 (e) AUTHORIZATION OF APPROPRIATIONS.—Section  
7 714 (29 U.S.C. 796e–3) is amended by striking “1999  
8 through 2003” and inserting “2012 through 2016”.

### 9 **CHAPTER 3—CENTERS FOR** 10 **INDEPENDENT LIVING**

#### 11 **SEC. 481. PROGRAM AUTHORIZATION.**

12 Section 721 (29 U.S.C. 796f) is amended—

13 (1) in subsection (a)—

14 (A) by striking “1999” and inserting  
15 “2012”;

16 (B) by striking “Commissioner shall allot”  
17 and inserting “ILA Director shall make avail-  
18 able”; and

19 (C) by inserting “, centers for independent  
20 living,” after “States”;

21 (2) in subsection (b)—

22 (A) in paragraph (1)—

23 (i) by striking “For” and all that fol-  
24 lows through “Commissioner” and insert-  
25 ing “From the funds appropriated to carry

1 out this part for any fiscal year, beginning  
2 with fiscal year 2012, the ILA Director”;

3 (ii) by inserting “not less than 1.8  
4 percent and not more than 2 percent of the  
5 funds” after “reserve”; and

6 (iii) by striking “eligible agencies”  
7 and all that follows and inserting “centers  
8 for independent living and eligible agencies  
9 for such fiscal year.”;

10 (B) in paragraph (2)—

11 (i) by striking “Commissioner” and  
12 inserting “ILA Director”; and

13 (ii) by inserting “fiscal management  
14 of,” before “planning.”;

15 (C) in paragraphs (3), (4), and (5), by  
16 striking “Commissioner” each place it appears  
17 and inserting “ILA Director”; and

18 (D) in paragraph (3), by striking “State-  
19 wide Independent Living Councils and”;

20 (3) by striking subsection (e) and inserting the  
21 following:

22 “(c) ALLOTMENTS TO STATES.—

23 “(1) DEFINITIONS.—In this subsection:

24 “(A) ADDITIONAL APPROPRIATION.—The  
25 term ‘additional appropriation’ means the

1 amount (if any) by which the appropriation for  
2 a fiscal year exceeds the total of—

3 “(i) the amount reserved under sub-  
4 section (b) for that fiscal year; and

5 “(ii) the appropriation for fiscal year  
6 2008.

7 “(B) APPROPRIATION.—The term ‘appro-  
8 priation’ means the amount appropriated to  
9 carry out this part.

10 “(C) BASE APPROPRIATION.—The term  
11 ‘base appropriation’ means the portion of the  
12 appropriation for a fiscal year that is equal to  
13 the lesser of—

14 “(i) an amount equal to 100 percent  
15 of the appropriation, minus the amount re-  
16 served under subsection (b) for that fiscal  
17 year; or

18 “(ii) the appropriation for fiscal year  
19 2008.

20 “(2) ALLOTMENTS TO STATES FROM BASE AP-  
21 PROPRIATION.—After the reservation required by  
22 subsection (b) has been made, the ILA Director  
23 shall allot to each State whose State plan has been  
24 approved under section 706 an amount that bears  
25 the same ratio to the base appropriation as the

1 amount the State received under this subsection for  
2 fiscal year 2008 bears to the total amount that all  
3 States received under this subsection for fiscal year  
4 2008.

5 “(3) ALLOTMENTS TO STATES OF ADDITIONAL  
6 APPROPRIATION.—From the portion of any addi-  
7 tional appropriation for each fiscal year that remains  
8 after the application of paragraph (4), the ILA Di-  
9 rector shall allot to each State whose State plan has  
10 been approved under section 706 an amount equal  
11 to the sum of—

12 “(A) an amount that bears the same ratio  
13 to 50 percent of the portion as the population  
14 of the State bears to the population of all  
15 States; and

16 “(B)  $\frac{1}{56}$  of 50 percent of that portion.

17 “(4) GRANTS FOR CENTERS FOR AMERICAN IN-  
18 DIANS.—

19 “(A) GRANTS.—The ILA Director may re-  
20 serve not more than 5 percent of the additional  
21 appropriation for any fiscal year. The ILA Di-  
22 rector shall use the reserved funds to make in-  
23 dividual grants to support new or existing cen-  
24 ters for independent living run by, or in con-  
25 junction with, the governing bodies of American

1 Indian tribes located on Federal or State res-  
2 ervations (including consortia of such governing  
3 bodies). A governing body that receives such a  
4 grant shall use the grant funds for such a cen-  
5 ter that serves American Indians who are indi-  
6 viduals with disabilities residing on or near  
7 such a reservation.

8 “(B) APPLICATIONS.—

9 “(i) IN GENERAL.—To be eligible to  
10 receive a grant under this paragraph for  
11 an independent living center, a governing  
12 body, or a governing body in conjunction  
13 with a center for independent living, shall  
14 submit an application to the ILA Director  
15 at such time, in such manner and con-  
16 taining such information as the ILA Direc-  
17 tor may require, and obtain approval for  
18 the application.

19 “(ii) CONTENTS.—At a minimum, the  
20 application shall contain an assurance that  
21 the center—

22 “(I) will meet the definition of a  
23 center for independent living under  
24 section 702;

1           “(II) will provide independent liv-  
2           ing core services (as defined in section  
3           7(17)) to American Indians described  
4           in subparagraph (A) and, in appro-  
5           priate cases, may provide to such  
6           American Indians services tradition-  
7           ally used by Indian tribes;

8           “(III) will have sufficient staff to  
9           provide the services described in sub-  
10          clause (II); and

11          “(IV) will comply with the stand-  
12          ards and provide and comply with the  
13          assurances for centers for independent  
14          living under section 725.

15          “(C) CARRYOVER AUTHORITY.—Notwith-  
16          standing any other provision of law, any funds  
17          provided through a grant made under subpara-  
18          graph (A) to an individual grant recipient for a  
19          fiscal year that are not obligated or expended  
20          by the recipient prior to the beginning of the  
21          succeeding fiscal year shall remain available for  
22          obligation and expenditure by such recipient  
23          during that succeeding fiscal year and the sub-  
24          sequent fiscal year.

1           “(D) RESERVATION.—In this paragraph,  
2           the term ‘reservation’ has the meaning given  
3           the term in section 121(d).”;

4           (4) in subsection (d), by striking “Commis-  
5           sioner” each place it appears and inserting “ILA Di-  
6           rector”; and

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

8           “(e) CARRYOVER AUTHORITY.—Notwithstanding any  
9           other provision of law—

10           “(1) any funds appropriated for a fiscal year to  
11           carry out a grant program under section 722 or  
12           723, that are not obligated and expended by the re-  
13           cipients prior to the beginning of the succeeding fis-  
14           cal year shall remain available for obligation and ex-  
15           penditure by such recipients during that succeeding  
16           fiscal year and the subsequent fiscal year; and

17           “(2) any amounts of program income received  
18           by recipients under a grant program under section  
19           722 or 723 in a fiscal year, that are not obligated  
20           and expended by the recipients prior to the begin-  
21           ning of the succeeding fiscal year, shall remain avail-  
22           able for obligation and expenditure by such recipi-  
23           ents during that succeeding fiscal year and the sub-  
24           sequent fiscal year.”.



1 **SEC. 482. CENTERS.**

2 (a) CENTERS IN STATES IN WHICH FEDERAL FUND-  
3 ING EXCEEDS STATE FUNDING.—Section 722 (29 U.S.C.  
4 796f–1) is amended—

5 (1) in subsections (a), (b), and (c), by striking  
6 “Commissioner” each place it appears and inserting  
7 “ILA Director”;

8 (2) in subsection (c)—

9 (A) by striking “grants” and inserting  
10 “grants for a fiscal year”; and

11 (B) by striking “by September 30, 1997”  
12 and inserting “for the preceding fiscal year”;

13 (3) in subsection (d)—

14 (A) in paragraph (1)—

15 (i) by striking “Commissioner” and  
16 inserting “ILA Director”; and

17 (ii) by striking “region, consistent”  
18 and all that follows and inserting “region.  
19 The ILA Director’s determination of the  
20 most qualified applicant shall be consistent  
21 with the provisions in the State plan set-  
22 ting forth the design of the State for es-  
23 tablishing a statewide network of centers  
24 for independent living.”; and

25 (B) in paragraph (2)—

1 (i) in the matter preceding subpara-  
2 graph (A), by striking “Commissioner”  
3 and inserting “ILA Director”; and

4 (ii) by striking subparagraph (A) and  
5 inserting the following:

6 “(A) shall consider comments regarding  
7 the application—

8 “(i) by individuals with disabilities  
9 and other interested parties within the new  
10 region proposed to be served;

11 “(ii) if any, by the Statewide Inde-  
12 pendent Living Council in the State in  
13 which the applicant is located;”; and

14 (iii) in subparagraph (C), by inserting  
15 “, and consistent with the other objectives  
16 of this title” before the period; and

17 (4) in subsections (e) and (g) by striking “Com-  
18 missioner” each place it appears and inserting “ILA  
19 Director.”.

20 (b) CENTERS IN STATES IN WHICH STATE FUNDING  
21 EXCEEDS FEDERAL FUNDING.—Section 723 (29 U.S.C.  
22 796f–2) is amended—

23 (1) in subsections (a), (b), (g), (h), and (i), by  
24 striking “Commissioner” each place it appears and  
25 inserting “ILA Director”;

1 (2) in subsection (a), in the header of para-  
2 graph (3), by striking “COMMISSIONER” and insert-  
3 ing “ILA DIRECTOR”; and

4 (3) in subsection (c)—

5 (A) by striking “grants” and inserting  
6 “grants for a fiscal year”; and

7 (B) by striking “by September 30, 1997”  
8 and inserting “for the preceding fiscal year”.

9 (c) CENTERS OPERATED BY STATE AGENCIES.—Sec-  
10 tion 724 (29 U.S.C. 796f–3) is amended—

11 (1) in the matter preceding paragraph (1)—

12 (A) by striking “1993” and inserting  
13 “2012”;

14 (B) by striking “Rehabilitation Act  
15 Amendments of 1998” and inserting “Work-  
16 force Investment Act of 2012”; and

17 (C) by striking “1994” and inserting  
18 “2012”; and

19 (2) by striking “Commissioner” each place it  
20 appears and inserting “ILA Director”.

21 **SEC. 483. STANDARDS AND ASSURANCES.**

22 Section 725 (29 U.S.C. 796f–4) is amended—

23 (1) in subsection (b)—

24 (A) in paragraph (1)(D), by striking “to  
25 society” and inserting “, both within the com-

1 munity and throughout the United States,”;  
2 and

3 (B) in paragraph (5)—

4 (i) by inserting “(as defined in section  
5 7(17))” after “core services”; and

6 (ii) by inserting before the period the  
7 following: “to eligible individuals, to pro-  
8 mote full access to community life”; and

9 (2) in subsection (c), by striking “Commis-  
10 sioner” each place it appears and inserting “ILA Di-  
11 rector”.

12 **SEC. 484. AUTHORIZATION OF APPROPRIATIONS.**

13 Section 727 (29 U.S.C. 796f–6) is amended by strik-  
14 ing “fiscal years 1999 through 2003” and inserting “fiscal  
15 years 2012 through 2016”.

16 **CHAPTER 4—INDEPENDENT LIVING SERV-**  
17 **ICES FOR OLDER INDIVIDUALS WHO**  
18 **ARE BLIND**

19 **SEC. 486. INDEPENDENT LIVING SERVICES FOR OLDER IN-**  
20 **DIVIDUALS WHO ARE BLIND.**

21 Chapter 2 of title VII of the Rehabilitation Act of  
22 1973 (29 U.S.C. 796j et seq.) is amended—

23 (1) by redesignating sections 752 and 753 as  
24 sections 753 and 754, respectively; and

25 (2) by inserting after section 751 the following:

1 **“SEC. 752. TRAINING AND TECHNICAL ASSISTANCE.**

2       “(a) GRANTS; CONTRACTS; OTHER ARRANGE-  
3 MENTS.—For any fiscal year for which the funds appro-  
4 priated to carry out this chapter exceed the funds appro-  
5 priated to carry out this chapter for fiscal year 2008, the  
6 Commissioner shall first reserve from such excess, to pro-  
7 vide training and technical assistance to designated State  
8 agencies, or other providers of independent living services  
9 for older individuals who are blind, that are funded under  
10 this chapter for such fiscal year, not less than 1.8 percent,  
11 and not more than 2 percent, of the funds appropriated  
12 to carry out this chapter for the fiscal year involved.

13       “(b) ALLOCATION.—From the funds reserved under  
14 subsection (a), the Commissioner shall make grants to,  
15 and enter into contracts and other arrangements with, en-  
16 tities that demonstrate expertise in the provision of serv-  
17 ices to older individuals who are blind, to provide training  
18 and technical assistance with respect to planning, devel-  
19 oping, conducting, administering, and evaluating inde-  
20 pendent living programs for older individuals who are  
21 blind.

22       “(c) FUNDING PRIORITIES.—The Commissioner shall  
23 conduct a survey of designated State agencies that receive  
24 grants under section 753 regarding training and technical  
25 assistance needs in order to determine funding priorities

1 for grants, contracts, and other arrangements under this  
2 section.

3 “(d) APPLICATION.—To be eligible to receive a grant  
4 or enter into a contract or other arrangement under this  
5 section, an entity shall submit an application to the Com-  
6 missioner at such time, in such manner, containing a pro-  
7 posal to provide such training and technical assistance,  
8 and containing such additional information as the Com-  
9 missioner may require.

10 “(e) PROHIBITION ON COMBINED FUNDS.—No funds  
11 reserved by the Commissioner under this section may be  
12 combined with funds appropriated under any other Act or  
13 portion of this Act if the purpose of combining funds is  
14 to make a single discretionary grant or a single discre-  
15 tionary payment, unless such reserved funds are sepa-  
16 rately identified in the agreement for such grant or pay-  
17 ment and are used for the purposes of this chapter.”.

18 **SEC. 487. PROGRAM OF GRANTS.**

19 Section 753 of the Rehabilitation Act of 1973 (29  
20 U.S.C. 796k), as redesignated by section 586, is amend-  
21 ed—

22 (1) by striking subsection (h);

23 (2) by redesignating subsections (i) and (j) as  
24 subsections (h) and (i), respectively;

1           (3) in subsection (b), by striking “section 753”  
2           and inserting “section 754”;

3           (4) in subsection (c)—

4                 (A) in paragraph (1), by striking “section  
5                 753” and inserting “section 754”; and

6                 (B) in paragraph (2)—

7                     (i) by striking “subsection (j)” and in-  
8                     serting “subsection (i)”; and

9                     (ii) by striking “subsection (i)” and  
10                    inserting “subsection (h)”; and

11           (5) in subsection (g), by inserting “, or con-  
12           tracts with,” after “grants to”;

13           (6) in subsection (h), as redesignated by para-  
14           graph (2)—

15                 (A) in paragraph (1), by striking “sub-  
16                 section (j)(4)” and inserting “subsection  
17                 (i)(4)”; and

18                 (B) in paragraph (2)—

19                     (i) in subparagraph (A)(vi), by adding  
20                     “and” after the semicolon;

21                     (ii) in subparagraph (B)(ii)(III), by  
22                     striking “; and” and inserting a period;  
23                     and

24                     (iii) by striking subparagraph (C);  
25                     and

1           (7) in subsection (i), as redesignated by para-  
2 graph (2)—

3           (A) by striking paragraph (2) and insert-  
4 ing the following:

5           “(2) MINIMUM ALLOTMENT.—

6           “(A) STATES.—In the case of any of the  
7 several States, the District of Columbia, or the  
8 Commonwealth of Puerto Rico, the amount re-  
9 ferred to in paragraph (1)(A) for a fiscal year  
10 is the greater of—

11           “(i) \$350,000;

12           “(ii) an amount equal to the amount  
13 the State, the District of Columbia, or the  
14 Commonwealth of Puerto Rico received to  
15 carry out this chapter for fiscal year 2008;  
16 or

17           “(iii) an amount equal to  $\frac{1}{3}$  of 1 per-  
18 cent of the amount appropriated under sec-  
19 tion 754, and not reserved under section  
20 752, for the fiscal year and available for  
21 allotments under subsection (a).

22           “(B) CERTAIN TERRITORIES.—In the case  
23 of Guam, American Samoa, the United States  
24 Virgin Islands, or the Commonwealth of the  
25 Northern Mariana Islands, the amount referred



1 to in paragraph (1)(A) for a fiscal year is  
2 \$60,000.”;

3 (B) in paragraph (3)(A), by striking “sec-  
4 tion 753” and inserting “section 754, and not  
5 reserved under section 752,”; and

6 (C) in paragraph (4)(B)(i), by striking  
7 “subsection (i)” and inserting “subsection (h)”.

8 **SEC. 488. INDEPENDENT LIVING SERVICES FOR OLDER IN-**  
9 **DIVIDUALS WHO ARE BLIND AUTHORIZATION**  
10 **OF APPROPRIATIONS.**

11 Section 754 of the Rehabilitation Act of 1973 (29  
12 U.S.C. 796l), as redesignated by section 586, is amended  
13 by striking “fiscal years 1999 through 2003” and insert-  
14 ing “fiscal years 2012 through 2016”.

15 **Subtitle I—Increasing Employment**  
16 **Opportunities for Individuals**  
17 **With Disabilities**

18 **SEC. 491. DISABILITY EMPLOYMENT.**

19 The Rehabilitation Act of 1973 (29 U.S.C. 701 et  
20 seq.) is amended by adding at the end the following:

1 **“TITLE VIII—INCREASING EM-**  
2 **PLOYMENT OPPORTUNITIES**  
3 **FOR INDIVIDUALS WITH DIS-**  
4 **ABILITIES**

5 **“SEC. 801. PUBLIC EDUCATION CAMPAIGNS ABOUT HIRING**  
6 **INDIVIDUALS WITH DISABILITIES.**

7 “(a) IN GENERAL.—Not later than 120 days after  
8 the date of enactment of the Workforce Investment Act  
9 of 2012, the Secretary of Labor, acting through the As-  
10 sistant Secretary and in coordination with the Commis-  
11 sioner of the Rehabilitation Services Administration, the  
12 Commissioner of Social Security, the Commissioner of the  
13 Internal Revenue Service, and the heads of other relevant  
14 Federal agencies and divisions of Federal agencies, shall  
15 develop and carry out public education campaigns that  
16 educate employers (including small businesses), employees  
17 (including individuals with disabilities), and members of  
18 the general public (including young adults) on the benefits  
19 of hiring individuals with disabilities. The public education  
20 campaign for employers (including small businesses) shall  
21 include information on—

22 “(1) the work opportunity credit under section  
23 51 of the Internal Revenue Code of 1986; and

1           “(2) tax incentives available to businesses to  
2           help cover the cost of improving accessibility, includ-  
3           ing—

4                   “(A) the disabled access credit under sec-  
5                   tion 44 of the Internal Revenue Code of 1986;  
6                   and

7                   “(B) the tax deduction available under sec-  
8                   tion 190 of the Internal Revenue Code of 1986,  
9                   for expenses for architectural barrier removal.

10          “(b) EDUCATIONAL MATERIALS.—The public edu-  
11          cation campaigns described in subsection (a) shall include,  
12          as necessary, different educational materials in order to  
13          adequately target and educate, small businesses, employ-  
14          ers generally, employees, and members of the general pub-  
15          lic, including educational materials on work incentives that  
16          may assist individuals with disabilities in leaving programs  
17          of public benefits, entering the workforce, advancing their  
18          economic status, and contributing to and participating  
19          more fully in their communities.”.

20          **SEC. 492. TABLE OF CONTENTS.**

21          The table of contents in section 1(b) is amended—

22                   (1) by striking the item relating to section 109  
23                   and inserting the following:

                “Sec. 109. Training and services for employers.”;

24                   (2) by inserting after the item relating to sec-  
25                   tion 112 the following:



“Sec. 753. Program of grants.

“Sec. 754. Authorization of appropriations.”;

1           and

2           (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.”.

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