

# Union Calendar No. 513

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

# H. R. 4297

**[Report No. 112-699, Part I]**

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

---

## IN THE HOUSE OF REPRESENTATIVES

MARCH 29, 2012

Ms. FOXX (for herself, Mr. McKEON, and Mr. HECK) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committees on the Judiciary, Agriculture, Energy and Commerce, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

DECEMBER 5, 2012

Reported from the Committee on Education and the Workforce with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

DECEMBER 5, 2012

The Committees on the Judiciary, Agriculture, Energy and Commerce, and Transportation and Infrastructure discharged

DECEMBER 5, 2012

Referred to the Committee on Veterans' Affairs for a period ending not later than December 14, 2012, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(s), rule X

DECEMBER 14, 2012

Additional sponsors: Mr. BUCSHON, Mr. ROE of Tennessee, Mr. KLINE, and Mr. BARLETTA

DECEMBER 14, 2012

The Committee on Veterans' Affairs discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on March 29, 2012]

---

# **A BILL**

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

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

3 **SECTION 1. SHORT TITLE.**

4        *This Act may be cited as the “Workforce Investment*  
 5 *Improvement Act of 2012”.*

6 **SEC. 2. TABLE OF CONTENTS.**

7        *The table of contents for this Act is as follows:*

*Sec. 1. Short title.*

*Sec. 2. Table of contents.*

*Sec. 3. References.*

*Sec. 4. Effective date.*

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

*Subtitle A—Workforce Investment Definitions*

*Sec. 101. Definitions.*

*Subtitle B—Statewide and Local Workforce Investment Systems*

*Sec. 102. Purpose.*

*Sec. 103. State workforce investment boards.*

*Sec. 104. State plan.*

*Sec. 105. Local workforce investment areas.*

*Sec. 106. Local workforce investment boards.*

*Sec. 107. Local plan.*

*Sec. 108. Establishment of one-stop delivery system.*

*Sec. 109. Identification of eligible providers of training services.*

*Sec. 110. General authorization.*

*Sec. 111. State allotments.*

*Sec. 112. Within State allocations.*

*Sec. 113. Use of funds for employment and training activities.*

*Sec. 114. Performance accountability system.*

*Sec. 115. Authorization of appropriations.*

*Subtitle C—Job Corps*

*Sec. 116. Job Corps purposes.*

*Sec. 117. Job Corps definitions.*

*Sec. 118. Individuals eligible for the job corps.*

*Sec. 119. Recruitment, screening, selection, and assignment of enrollees.*

*Sec. 120. Job Corps Centers.*

*Sec. 121. Program activities.*

*Sec. 122. Counseling and Job Placement.*

*Sec. 123. Support.*

*Sec. 124. Operations.*

*Sec. 125. Community participation.*

- Sec. 126. Workforce councils.*  
*Sec. 127. Technical assistance.*  
*Sec. 128. Special provisions.*  
*Sec. 129. Performance accountability management.*  
*Sec. 130. Closure of low-performing job corps centers.*  
*Sec. 131. Reforms for opening new job corps centers.*

*Subtitle D—National Programs*

- Sec. 132. Technical assistance.*  
*Sec. 133. Evaluations.*  
*Sec. 134. Military transitional assistance.*

*Subtitle E—Administration*

- Sec. 135. Requirements and restrictions.*  
*Sec. 136. Prompt allocation of funds.*  
*Sec. 137. Fiscal controls; Sanctions.*  
*Sec. 138. Reports to congress.*  
*Sec. 139. Administrative provisions.*  
*Sec. 140. State legislative authority.*  
*Sec. 141. Continuation of State activities and policies.*  
*Sec. 142. General program requirements.*  
*Sec. 143. Department Staff.*

*Subtitle F—State Unified Plan*

- Sec. 144. State unified plan.*

*TITLE II—ADULT EDUCATION AND FAMILY LITERACY EDUCATION*

- Sec. 201. Amendment.*

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

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

*TITLE IV—REPEALS AND CONFORMING AMENDMENTS*

- Sec. 401. Repeals.*  
*Sec. 402. Amendment to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.*  
*Sec. 403. Amendments to the Food and Nutrition Act of 2008.*  
*Sec. 404. Conforming amendments to the United States Code.*  
*Sec. 405. Conforming amendment to table of contents.*

*TITLE V—AMENDMENTS TO THE REHABILITATION ACT OF 1973*

- Sec. 501. Findings.*  
*Sec. 502. Rehabilitation services administration.*  
*Sec. 503. Definitions.*  
*Sec. 504. State plan.*  
*Sec. 505. Scope of services.*  
*Sec. 506. Standards and indicators.*  
*Sec. 507. Collaboration with industry.*  
*Sec. 508. Reservation for expanded transition services.*  
*Sec. 509. Client assistance program.*  
*Sec. 510. Title III repeals.*

*Sec. 511. Repeal of title VI.*

*Sec. 512. Chairperson.*

*Sec. 513. Authorizations of appropriations.*

*Sec. 514. Conforming amendments.*

1 **SEC. 3. REFERENCES.**

2 *Except as otherwise expressly provided, wherever in*  
 3 *this Act an amendment or repeal is expressed in terms of*  
 4 *an amendment to, or repeal of, a section or other provision,*  
 5 *the amendment or repeal shall be considered to be made*  
 6 *to a section or other provision of the Workforce Investment*  
 7 *Act of 1998 (29 U.S.C. 9201 et seq.).*

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

9 *Except as otherwise provided, this Act and the amend-*  
 10 *ments made by this Act shall be effective with respect to*  
 11 *fiscal year 2013 and succeeding fiscal years.*

12 **TITLE I—AMENDMENTS TO THE**  
 13 **WORKFORCE INVESTMENT**  
 14 **ACT OF 1998**  
 15 **Subtitle A—Workforce Investment**  
 16 **Definitions**

17 **SEC. 101. DEFINITIONS.**

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

19 *(1) by striking paragraphs (13) and (24);*

20 *(2) by redesignating paragraphs (1) through (12)*  
 21 *as paragraphs (3) through (14), and paragraphs (14)*  
 22 *through (23) as paragraphs (15) through (24), respec-*  
 23 *tively;*

1           (3) *by striking paragraphs (52) and (53);*

2           (4) *by inserting after “In this title:” the fol-*  
3 *lowing new paragraphs:*

4           “(1) *ACCRUED EXPENDITURES.—The term ‘ac-*  
5 *crued expenditures’ means charges incurred by recipi-*  
6 *ents of funds under this title for a given period re-*  
7 *quiring the provision of funds for goods or other tan-*  
8 *gible property received; services performed by employ-*  
9 *ees, contractors, subgrantees, subcontractors, and other*  
10 *payees; and other amounts becoming owed under pro-*  
11 *grams assisted under this title for which no current*  
12 *services or performance is required, such as annuities,*  
13 *insurance claims, and other benefit payments.*

14           “(2) *ADMINISTRATIVE COSTS.—The term ‘admin-*  
15 *istrative costs’ means expenditures incurred by State*  
16 *and local workforce investment boards, direct recipi-*  
17 *ents (including State grant recipients under subtitle*  
18 *B and recipients of awards under subtitles C and D),*  
19 *local grant recipients, local fiscal agents or local*  
20 *grant subrecipients, and one-stop operators in the*  
21 *performance of administrative functions and in car-*  
22 *rying out activities under this title which are not re-*  
23 *lated to the direct provision of workforce investment*  
24 *services (including services to participants and em-*

1        *ployers). Such costs include both personnel and non-*  
2        *personnel and both direct and indirect.”;*

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

6                *(6) by amending paragraph (5) (as so redesign-*  
7        *ated) to read as follows:*

8                *“(5) AREA CAREER AND TECHNICAL EDUCATION*  
9        *SCHOOL.—The term ‘area career and technical edu-*  
10        *cation school’ has the meaning given the term in sec-*  
11        *tion 3(3) of the Carl D. Perkins Career and Technical*  
12        *Education Act of 2006 (20 U.S.C. 2302(3)).”;*

13                *(7) in paragraph (6) (as so redesignated), by in-*  
14        *serting “(or such other level as the Governor may es-*  
15        *tablish)” after “8th grade level”;*

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

24                *(9) in paragraph (11) (as so redesignated)—*

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

3           (B) in subparagraph (B)(iii), by striking  
4           “intensive services described in section  
5           134(d)(3)” and inserting “work ready services  
6           described in section 134(c)(2)”;

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

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

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

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

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

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

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



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

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

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

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

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

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

24                  (B) by striking subparagraph (B), and in-  
25                  serting the following:

1           “(B) *work ready services*, means a provider  
2           *who is identified or awarded a contract as de-*  
3           *scribed in section 134(c)(2); or*”; and

4           (C) *by striking subparagraph (C);*

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

8           (14) *in paragraph (25)—*

9           (A) *in subparagraph (B), by striking “high-*  
10           *er of—” and all that follows through clause (ii)*  
11           *and inserting “poverty line for an equivalent pe-*  
12           *riod;”;* and

13           (B) *by redesignating subparagraphs (D)*  
14           *through (F) as subparagraphs (E) through (G),*  
15           *respectively; and*

16           (C) *by inserting after subparagraph (C) the*  
17           *following:*

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

22           (15) *in paragraph (32), by striking “the Repub-*  
23           *lic of the Marshall Islands, the Federated States of*  
24           *Micronesia,”;*

1           (16) by amending paragraph (33) to read as fol-  
2       lows:

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

5                   “(A) *an at-risk youth who is a school drop-*  
6       *out; or*

7                   “(B) *an at-risk youth who has received a*  
8       *secondary school diploma or its recognized equiv-*  
9       *alent but is basic skills deficient, unemployed, or*  
10      *underemployed.”.*

11          (17) in paragraph (38), by striking  
12      “134(a)(1)(A)” and inserting “134(a)(1)(B)”;

13          (18) by amending paragraph (49) to read as fol-  
14      lows:

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

18          (19) by amending paragraph (50) to read as fol-  
19      lows:

20               “(50) *CAREER AND TECHNICAL EDUCATION.*—  
21      *The term ‘career and technical education’ has the*  
22      *meaning given the term in section 3 of the Carl D.*  
23      *Perkins Career and Technical Education Act of 2006*  
24      *(20 U.S.C. 2302).”;*

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

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

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

7                   “(A) *is not less than age 16 and not more*  
8           *than age 24;*

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

10                   “(C) *is an individual who is one or more*  
11           *of the following:*

12                           “(i) *a secondary school dropout;*

13                           “(ii) *a youth in foster care (including*  
14                   *youth aging out of foster care);*

15                           “(iii) *a youth offender;*

16                           “(iv) *a youth who is an individual*  
17                   *with a disability; or*

18                           “(v) *a migrant youth.*

19           “(53) *INDUSTRY OR SECTOR PARTNERSHIP*.—*The*  
20           *term ‘industry or sector partnership’ means a part-*  
21           *nership of a State or local board and one or more in-*  
22           *dustries and other entities that have the capability to*  
23           *help the State or local board determine the immediate*  
24           *and long term skilled workforce needs of in-demand*

1 *industries and other occupations important to the*  
2 *State or local economy, respectively.*

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

9 “(55) *RECOGNIZED POSTSECONDARY CREDEN-*  
10 *TIAL.—The term ‘recognized postsecondary credential’*  
11 *means a credential awarded by a training provider*  
12 *or postsecondary educational institution based on*  
13 *completion of all requirements for a program of*  
14 *study, including coursework or tests or other perform-*  
15 *ance evaluations. The term includes an industry-rec-*  
16 *ognized certificate, a certificate of completion of an*  
17 *apprenticeship, or an associate or baccalaureate de-*  
18 *gree.”.*

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

21 ***SEC. 102. PURPOSE.***

22 *Section 106 (29 U.S.C. 2811) is amended by adding*  
23 *at the end the following: “It is also the purpose of this sub-*  
24 *title to provide workforce investment activities in a manner*  
25 *that enhances employer engagement, promotes customer*

1 *choices in the selection of training services, and ensures ac-*  
2 *countability in the use of the taxpayer funds.”.*

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

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

5 *(1) in subsection (b)—*

6 *(A) in paragraph (1)—*

7 *(i) by striking subparagraph (B);*

8 *(ii) by redesignating subparagraph (C)*

9 *as subparagraph (B); and*

10 *(iii) in subparagraph (B) (as so red-*  
11 *ignated)—*

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

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

17 *“(II) represent businesses, includ-*  
18 *ing large and small businesses, with*  
19 *immediate and long-term employment*  
20 *opportunities in in-demand industries*  
21 *and other occupations important to the*  
22 *State economy; and”;*

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

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

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

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

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

10                   “(I) members of the State legisla-  
11           ture;

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

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

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

1                   *and carried out by one-stop partners;*  
2                   *or*

3                   “*(V) representatives of veterans*  
4                   *service organizations; and*”; and

5                   *(VI) by redesignating clause (vii)*  
6                   *(as so amended) as clause (iv); and*

7                   *(B) by amending paragraph (3) to read as*  
8                   *follows:*

9                   “*(3) MAJORITY.—A <sup>2</sup>/<sub>3</sub> majority of the members*  
10                  *of the board shall be representatives described in*  
11                  *paragraph (1)(B)(i).”;*

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

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

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

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

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



1 *clude determining whether the State should consoli-*  
2 *date additional programs into the Workforce Invest-*  
3 *ment Fund under section 132(b).*

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

11 “(4) *EMPLOYER ENGAGEMENT.—Develop strate-*  
12 *gies across local areas that meet the needs of employ-*  
13 *ers and support economic growth in the State by en-*  
14 *hancing communication, coordination, and collabora-*  
15 *tion among employers, economic development entities,*  
16 *and service providers.*

17 “(5) *DESIGNATION OF LOCAL AREAS.—Designate*  
18 *local areas as required under section 116.*

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

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

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

3           “(B) *Ensuring the appropriate use of man-*  
4           *agement of the funds provided for State employ-*  
5           *ment and training activities authorized under*  
6           *section 134.*”

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

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

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

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

18                 (6) *by inserting after subsection (e) (as so redesi-*  
19                 *gnated), the following:*

20                 “(f) *STAFF.—The State board may employ staff to as-*  
21                 *sist in carrying out the functions described in subsection*  
22                 *(d).”;* and

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

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

2 *Section 112 (29 U.S.C. 2822)—*

3 *(1) in subsection (a)—*

4 *(A) by striking “127 or”; and*

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

7 *(2) in subsection (b)—*

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

10 *“(4) information describing—*

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

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

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

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

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

22 *“(7) a description of the State criteria for deter-*  
23 *mining the eligibility of training providers in accord-*  
24 *ance with section 122, including how the State will*  
25 *take into account the performance of providers and*

1 *whether the training programs relate to occupations*  
2 *that are in-demand;”;*

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

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

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

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

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

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

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

4           (F) by striking paragraph (12);

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

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

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

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

15          (K) in paragraph (16) (as so redesign-  
16 ated)—

17           (i) in subparagraph (A)—

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

20               (II) in clause (iii), by striking  
21 “134(d)(4)” and inserting “134(c)(4)”;

22               (III) by striking “and” at the end  
23 of clause (iii);

24               (IV) by amending clause (iv) to  
25 read as follows:

1           “(iv) how the State will serve the em-  
2           ployment and training needs of dislocated  
3           workers (including displaced homemakers),  
4           low-income individuals (including recipi-  
5           ents of public assistance such as supple-  
6           mental nutrition assistance program bene-  
7           fits pursuant to the Food and Nutrition Act  
8           of 2008 (7 U.S.C. 2011 et seq.)), long-term  
9           unemployed individuals (including individ-  
10          uals who have exhausted entitlement to  
11          State and Federal unemployment com-  
12          pensation), English learners, homeless indi-  
13          viduals, individuals training for nontradi-  
14          tional employment, youth (including out-of-  
15          school youth and at-risk youth), older work-  
16          ers, ex-offenders, migrant and seasonal  
17          farmworkers, refugee and entrants, veterans  
18          (including disabled and homeless veterans),  
19          and Native Americans; and”;

20                   (V) by adding at the end the fol-  
21                   lowing new clause:

22                   “(v) how the State will—

23                   “(I) consistent with section 188  
24                   and Executive Order 13217 (42 U.S.C.  
25                   12131 note), serve the employment and

1                    *training needs of individuals with dis-*  
2                    *abilities; and*

3                    *“(II) consistent with sections 504*  
4                    *and 508 of the Rehabilitation Act of*  
5                    *1973, include the provision of outreach,*  
6                    *intake, assessments, and service deliv-*  
7                    *ery, the development of performance*  
8                    *measures, the training of staff, and*  
9                    *other aspects of accessibility to pro-*  
10                   *grams and services under this sub-*  
11                   *title;”;* and

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

18                   *(L) by striking paragraph (17) (as so reded-*  
19                   *ignated) and inserting the following:*

20                   *“(17) a description of the strategies and services*  
21                   *that will be used in the State—*

22                   *“(A) to more fully engage employers, in-*  
23                   *cluding small businesses and employers in in-de-*  
24                   *mand industries and occupations important to*  
25                   *the State economy;*

1           “(B) to meet the needs of employers in the  
2           State; and

3           “(C) to better coordinate workforce develop-  
4           ment programs with economic development;

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

11           “(A) to encourage industry growth and  
12           competitiveness and to improve worker training,  
13           retention, and advancement in targeted industry  
14           clusters;

15           “(B) to address the immediate and long-  
16           term skilled, workforce needs of in-demand in-  
17           dustries and other occupations important to the  
18           State economy, and

19           “(C) to address critical skill gaps within  
20           and across industries;

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

24           “(20) a description of the State strategy and as-  
25           sistance to be provided for encouraging regional co-



1       *operation within the State and across State borders,*  
2       *as appropriate;*

3               “(21) *a description of the actions that will be*  
4       *taken by the State to foster communication, coordina-*  
5       *tion, and partnerships with non-profit organizations*  
6       *(including public libraries, community, faith-based,*  
7       *and philanthropic organizations) that provide em-*  
8       *ployment-related, training, and complementary serv-*  
9       *ices, to enhance the quality and comprehensiveness of*  
10       *services available to participants under this title;*

11               “(22) *a description of the process and method-*  
12       *ology for determining—*

13                       “(A) *one-stop partner program contribu-*  
14       *tions for the cost of the infrastructure of one-stop*  
15       *centers under section 121(h)(1); and*

16                       “(B) *the formula for allocating such infra-*  
17       *structure funds to local areas under section*  
18       *121(h)(3);*

19               “(23) *a description of the strategies and services*  
20       *that will be used in the State to assist at-risk youth*  
21       *and out-of-school youth in acquiring the education*  
22       *and skills, credentials (including recognized postsec-*  
23       *ondary credentials and industry-recognized creden-*  
24       *tials), and employment experience to succeed in the*  
25       *labor market, including—*

1           “(A) training and internships in in-de-  
2           mand industries or occupations important to the  
3           State and local economy;

4           “(B) dropout recovery activities that are de-  
5           signed to lead to the attainment of a regular sec-  
6           ondary school diploma or its recognized equiva-  
7           lent, or other State recognized equivalent (in-  
8           cluding recognized alternative standards for in-  
9           dividuals with disabilities); and

10          “(C) activities combining remediation of  
11          academic skills, work readiness training, and  
12          work experience, and including linkages to post-  
13          secondary education and training and career-  
14          ladder employment; and

15          “(24) a description of—

16          “(A) how the State will furnish employ-  
17          ment, training, supportive, and placement serv-  
18          ices to veterans, including disabled and homeless  
19          veterans;

20          “(B) the strategies and services that will be  
21          used in the State to assist and expedite re-  
22          integration of homeless veterans into the labor  
23          force; and

24          “(C) the veteran population to be served in  
25          the State.”;

1           (3) in subsection (c), by striking “period, that—  
2           ” all that follows through paragraph (2) and insert-  
3           ing “period, that the plan is inconsistent with the  
4           provisions of this title.”; and

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

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

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

9           (1) in subsection (a)—

10                   (A) in paragraph (1)—

11                           (i) in subparagraph (A)—

12                                   (I) by striking “Except as pro-  
13                                   vided in subsection (b), and consistent  
14                                   with paragraphs (2), (3), and (4), in”  
15                                   and inserting “In”; and

16                                   (II) by striking “127 or”; and

17                           (ii) by amending subparagraph (B) to  
18                           read as follows:

19                                   “(B) *CONSIDERATIONS.*—In making the  
20                                   designation of local areas, the Governor shall  
21                                   take into consideration the following:

22   “(i) The extent to which such local  
23   areas are consistent with labor market  
24   areas.

1           “(ii) *The extent to which labor market*  
2           *areas align with economic development re-*  
3           *gions.*

4           “(iii) *Whether such local areas have*  
5           *the appropriate education and training*  
6           *providers to meet the needs of the local*  
7           *workforce.*

8           “(iv) *The distance that individuals*  
9           *will need to travel to receive services pro-*  
10           *vided in such local areas.”;*

11           *(B) by amending paragraph (2) to read as*  
12           *follows:*

13           “(2) *TECHNICAL ASSISTANCE.—The Secretary*  
14           *shall, if requested by the Governor of a State, provide*  
15           *the State with technical assistance in making the de-*  
16           *terminations required under paragraph (1). The Sec-*  
17           *retary shall not issue regulations governing deter-*  
18           *minations to be made under paragraph (1).”;*

19           *(C) by striking paragraph (3) and inserting*  
20           *the following:*

21           “(3) *DESIGNATION ON RECOMMENDATION OF*  
22           *STATE BOARD.—The Governor may approve a request*  
23           *from any unit of general local government (including*  
24           *a combination of such units) for designation as a*  
25           *local area under paragraph (1) if the State board de-*

1 *termines, taking into account the factors described in*  
 2 *clauses (i) through (iv) of paragraph (1)(B), and rec-*  
 3 *ommends to the Governor, that such area shall be so*  
 4 *designated.”;*

5 *(D) by striking paragraph (4); and*

6 *(E) by redesignating paragraph (5) as*  
 7 *paragraph (4);*

8 *(2) by amending subsection (b) to read as fol-*  
 9 *lows:*

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

13 *(3) in subsection (c)—*

14 *(A) in paragraph (1), by adding at the end*  
 15 *the following: “The State may require the local*  
 16 *boards for the designated region to prepare a*  
 17 *single regional plan that incorporates the ele-*  
 18 *ments of the local plan under section 118 and*  
 19 *that is submitted and approved in lieu of sepa-*  
 20 *rate local plans under such section.”; and*

21 *(B) in paragraph (2), by striking “employ-*  
 22 *ment statistics” and inserting “workforce and*  
 23 *labor market information”.*

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

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

1           (1) *in subsection (b)—*

2                   (A) *in paragraph (2)—*

3                           (i) *in subparagraph (A)—*

4                                   (I) *by striking “include—” and*  
5                                   *all that follows through “representa-*  
6                                   *tives” and inserting “include rep-*  
7                                   *resentatives”;*

8                                   (II) *by striking clauses (ii)*  
9                                   *through (vi);*

10                                  (III) *by redesignating subclauses*  
11                                  *(I) through (III) as clauses (i) through*  
12                                  *(iii), respectively (and by moving the*  
13                                  *margins of such clauses 2 ems to the*  
14                                  *left);*

15                                  (IV) *by striking clause (ii) (as so*  
16                                  *redesignated) and inserting the fol-*  
17                                  *lowing:*

18                                   “*(ii) represent businesses, including*  
19                                   *large and small businesses, with immediate*  
20                                   *and long-term employment opportunities in*  
21                                   *in-demand industries and other occupations*  
22                                   *important to the local economy; and”;* and

23                                  (V) *by striking the semicolon at*  
24                                  *the end of clause (iii) (as so redesign-*  
25                                  *ated) and inserting “; and”;* and

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

3                   “(B) may include such other individuals or  
4                   representatives of entities as the chief elected offi-  
5                   cial in the local area may determine to be appro-  
6                   priate, including—

7                   “(i) a superintendent of the local sec-  
8                   ondary school system or the president or  
9                   chief executive officer of a postsecondary  
10                  educational institution (including a com-  
11                  munity college, where such an entity exists);

12                  “(ii) representatives of community-  
13                  based organizations (including organiza-  
14                  tions representing individuals with disabili-  
15                  ties and veterans, for a local area in which  
16                  such organizations are present); or

17                  “(iii) representatives of veterans serv-  
18                  ice organizations.”;

19                  (B) in paragraph (4)—

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

22                  (ii) by striking “(2)(A)(i)” and insert-  
23                  ing “(2)(A)”; and

24                  (C) in paragraph (5) by striking  
25                  “(2)(A)(i)” and inserting “(2)(A)”;

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

2           (3) *by amending subsection (d) to read as fol-*  
3 *lows:*

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

6           “(1) *LOCAL PLAN.—Consistent with section 118,*  
7 *each local board, in partnership with the chief elected*  
8 *official for the local area involved, shall develop and*  
9 *submit a local plan to the Governor.*

10           “(2) *WORKFORCE RESEARCH AND REGIONAL*  
11 *LABOR MARKET ANALYSIS.—*

12           “(A) *IN GENERAL.—The local board shall—*

13           “(i) *conduct, and regularly update, an*  
14 *analysis of—*

15           “(I) *the economic conditions in*  
16 *the local area;*

17           “(II) *the immediate and long-*  
18 *term skilled workforce needs of in-de-*  
19 *mand industries and other occupations*  
20 *important to the local economy;*

21           “(III) *the knowledge and skills of*  
22 *the workforce in the local area; and*

23           “(IV) *workforce development ac-*  
24 *tivities (including education and*  
25 *training) in the local area; and*



1           “(i) assist the Governor in developing  
2           the statewide workforce and labor market  
3           information system described in section  
4           15(e) of the Wagner-Peyser Act.

5           “(B) *EXISTING ANALYSIS*.—A local board  
6           may use existing analysis by the local economic  
7           development agency or related entity in order to  
8           carry out requirements of subparagraph (A)(i).

9           “(3) *EMPLOYER ENGAGEMENT*.—The local Board  
10          shall meet the needs of employers and support eco-  
11          nomic growth in the local area by enhancing commu-  
12          nication, coordination, and collaboration among em-  
13          ployers, economic development agencies, and service  
14          providers.

15          “(4) *BUDGET AND ADMINISTRATION*.—

16                 “(A) *BUDGET*.—

17                         “(i) *IN GENERAL*.—The local board  
18                         shall develop a budget for the activities of  
19                         the local board in the local area, consistent  
20                         with the requirements of this subsection.

21                         “(ii) *TRAINING RESERVATION*.—In de-  
22                         veloping a budget under clause (i), the local  
23                         board shall reserve a percentage of funds to  
24                         carry out the activities specified in section  
25                         134(c)(4). The local board shall use the

1           *analysis conducted under paragraph*  
2           *(2)(A)(i) to determine the appropriate per-*  
3           *centage of funds to reserve under this clause.*

4           “(B) ADMINISTRATION.—

5                 “(i) GRANT RECIPIENT.—

6                         “(I) IN GENERAL.—*The chief*  
7                         *elected official in a local area shall*  
8                         *serve as the local grant recipient for,*  
9                         *and shall be liable for any misuse of,*  
10                        *the grant funds allocated to the local*  
11                        *area under section 133, unless the chief*  
12                        *elected official reaches an agreement*  
13                        *with the Governor for the Governor to*  
14                        *act as the local grant recipient and*  
15                        *bear such liability.*

16                       “(II) DESIGNATION.—*In order to*  
17                        *assist in administration of the grant*  
18                        *funds, the chief elected official or the*  
19                        *Governor, where the Governor serves as*  
20                        *the local grant recipient for a local*  
21                        *area, may designate an entity to serve*  
22                        *as a local grant subrecipient for such*  
23                        *funds or as a local fiscal agent. Such*  
24                        *designation shall not relieve the chief*  
25                        *elected official or the Governor of the*

1                    *liability for any misuse of grant funds*  
2                    *as described in subclause (I).*

3                    “(III) *DISBURSAL.—The local*  
4                    *grant recipient or an entity designated*  
5                    *under subclause (II) shall disburse the*  
6                    *grant funds for workforce investment*  
7                    *activities at the direction of the local*  
8                    *board, pursuant to the requirements of*  
9                    *this title. The local grant recipient or*  
10                   *entity designated under subclause (II)*  
11                   *shall disburse the funds immediately*  
12                   *on receiving such direction from the*  
13                   *local board.*

14                   “(ii) *STAFF.—The local board may*  
15                   *employ staff to assist in carrying out the*  
16                   *functions described in this subsection.*

17                   “(iii) *GRANTS AND DONATIONS.—The*  
18                   *local board may solicit and accept grants*  
19                   *and donations from sources other than Fed-*  
20                   *eral funds made available under this Act.*

21                   “(5) *SELECTION OF OPERATORS AND PRO-*  
22                   *VIDERS.—*

23                   “(A) *SELECTION OF ONE-STOP OPERA-*  
24                   *TORS.—Consistent with section 121(d), the local*

1           *board, with the agreement of the chief elected of-*  
2           *ficial—*

3                   “(i) shall designate or certify one-stop  
4                   operators as described in section  
5                   121(d)(2)(A); and

6                   “(ii) may terminate for cause the eligi-  
7                   bility of such operators.

8                   “(B) IDENTIFICATION OF ELIGIBLE TRAIN-  
9                   ING SERVICE PROVIDERS.—Consistent with this  
10                  subtitle, the local board shall identify eligible  
11                  providers of training services described in section  
12                  134(c)(4), in the local area.

13                  “(C) IDENTIFICATION OF ELIGIBLE PRO-  
14                  VIDERS OF WORK READY SERVICES.—If the one-  
15                  stop operator does not provide the services de-  
16                  scribed in section 134(c)(2) in the local area, the  
17                  local board shall identify eligible providers of  
18                  such services in the local area by awarding con-  
19                  tracts.

20                  “(6) PROGRAM OVERSIGHT.—The local board, in  
21                  partnership with the chief elected official, shall be re-  
22                  sponsible for—

23                   “(A) ensuring the appropriate use of man-  
24                   agement of the funds provided for local employ-

1           *ment and training activities authorized under*  
2           *section 134(b); and*

3           “(B) *conducting oversight of the one-stop*  
4           *delivery system in the local area authorized*  
5           *under section 121.*

6           “(7) *NEGOTIATION OF LOCAL PERFORMANCE*  
7           *MEASURES.—The local board, the chief elected official,*  
8           *and the Governor shall negotiate and reach agreement*  
9           *on local performance measures as described in section*  
10          *136(c).*

11          “(8) *TECHNOLOGY IMPROVEMENTS.—The local*  
12          *board shall develop strategies for technology improve-*  
13          *ments to facilitate access to services authorized under*  
14          *this subtitle and carried out in the local area, includ-*  
15          *ing in remote areas.”;*

16          (4) *in subsection (e)—*

17                 (A) *by inserting “electronic means and”*  
18                 *after “regular basis through”; and*

19                 (B) *by striking “and the award of grants or*  
20                 *contracts to eligible providers of youth activi-*  
21                 *ties,”;*

22          (5) *in subsection (f)—*

23                 (A) *in paragraph (1)(A), by striking “sec-*  
24                 *tion 134(d)(4)” and inserting “section*  
25                 *134(c)(4)”;* and

1                   (B) by striking paragraph (2) and inserting  
2                   the following:

3                   “(2) *WORK READY SERVICES, DESIGNATION, OR*  
4                   *CERTIFICATION AS ONE-STOP OPERATORS.*—A local  
5                   board may provide work ready services described in  
6                   section 134(c)(2) through a one-stop delivery system  
7                   described in section 121 or be designated or certified  
8                   as a one-stop operator only with the agreement of the  
9                   chief elected official and the Governor.”;

10                  (6) in subsection (g)(1), by inserting “or partici-  
11                  pate in action taken” after “vote”; and

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

13 **SEC. 107. LOCAL PLAN.**

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

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

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

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

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

1           “(2) a description of the one-stop delivery system  
2           in the local area, including—

3                   “(A) a description of how the local board  
4                   will ensure—

5                           “(i) the continuous improvement of eli-  
6                           gible providers of services through the sys-  
7                           tem; and

8                           “(ii) that such providers meet the em-  
9                           ployment needs of local businesses and par-  
10                          ticipants; and

11                   “(B) a description of how the local board  
12                   will facilitate access to services provided through  
13                   the one-stop delivery system consistent with sec-  
14                   tion 117(d)(8);

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

17                   “(A) to more fully engage employers, in-  
18                   cluding small businesses and employers in in-de-  
19                   mand industries and occupations important to  
20                   the local economy;

21                   “(B) to meet the needs of employers in the  
22                   local area;

23                   “(C) to better coordinate workforce develop-  
24                   ment programs with economic development; and

1           “(D) to better coordinate workforce develop-  
2           ment programs with employment, training, and  
3           literacy services carried out by nonprofit organi-  
4           zations, including libraries, as appropriate;

5           “(4) a description of how the local board will  
6           convene (or help to convene) industry or sector part-  
7           nerships that lead to collaborative planning, resource  
8           alignment, and training efforts across multiple firms  
9           for a range of workers employed or potentially em-  
10          ployed by a targeted industry cluster—

11           “(A) to encourage industry growth and  
12           competitiveness and to improve worker training,  
13           retention, and advancement in targeted industry  
14           clusters;

15           “(B) to address the immediate and long-  
16           term skilled workforce needs of in-demand indus-  
17           tries, small businesses, and other occupations im-  
18           portant to the State economy; and

19           “(C) to address critical skill gaps within  
20           and across industries;

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

24           “(6) a description of how the local board will co-  
25           ordinate workforce investment activities carried out



1       *in the local area with statewide activities, as appro-*  
2       *priate;*

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

4               “(A) coordinate activities with the local  
5               area’s disability community and with services  
6               provided under section 614(d)(1)(A)(i)(VIII) of  
7               the Individuals with Disabilities Education Act  
8               (20 U.S.C. 1414(d)(1)(A)(i)(VIII)) by local edu-  
9               cational agencies serving such local area to make  
10              available comprehensive, high-quality services to  
11              individuals with disabilities;

12              “(B) consistent with section 188 and Execu-  
13              tive Order 13217 (42 U.S.C. 12131 note), serve  
14              the employment and training needs of individ-  
15              uals with disabilities; and

16              “(C) consistent with sections 504 and 508 of  
17              the Rehabilitation Act of 1973, include the provi-  
18              sion of outreach, intake, assessments, and service  
19              delivery, the development of performance meas-  
20              ures, the training of staff, and other aspects of  
21              accessibility to programs and services under this  
22              subtitle;

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

1           “(A) used to measure the performance of the  
2           local area; and

3           “(B) used by the local board for measuring  
4           performance of the local fiscal agent (where ap-  
5           propriate), eligible providers, and the one-stop  
6           delivery system, in the local area;

7           “(9) a description of the process used by the local  
8           board, consistent with subsection (c), to provide an  
9           opportunity for public comment prior to submission  
10          of the plan;

11          “(10) a description of how the local area will  
12          serve the employment and training needs of dislocated  
13          workers (including displaced homemakers), low-in-  
14          come individuals (including recipients of public as-  
15          sistance such as the Supplemental Nutrition Assist-  
16          ance Program), long-term unemployed individuals  
17          (including individuals who have exhausted entitle-  
18          ment to State and Federal unemployment compensa-  
19          tion), English learners, homeless individuals, individ-  
20          uals training for nontraditional employment, youth  
21          (including out-of-school youth and at-risk youth),  
22          older workers, ex-offenders, migrant and seasonal  
23          farmworkers, refugee and entrants, veterans (includ-  
24          ing disabled veterans and homeless veterans), and Na-  
25          tive Americans;

1           “(11) an identification of the entity responsible  
2           for the disbursement of grant funds described in subclause  
3           (III) of section 117(d)(4)(B)(i), as determined by the  
4           chief elected official or the Governor under such sec-  
5           tion;

6           “(12) a description of the strategies and services  
7           that will be used in the local area to assist at-risk  
8           youth and out-of-school youth in acquiring the edu-  
9           cation and skills, credentials (including recognized  
10          postsecondary credentials and industry-recognized  
11          credentials), and employment experience to succeed in  
12          the labor market, including—

13               “(A) training and internships in in-de-  
14               mand industries or occupations important to the  
15               State and local economy;

16               “(B) dropout recovery activities that are de-  
17               signed to lead to the attainment of a regular sec-  
18               ondary school diploma or its recognized equiva-  
19               lent, or other State recognized equivalent (in-  
20               cluding recognized alternative standards for in-  
21               dividuals with disabilities); and

22               “(C) activities combining remediation of  
23               academic skills, work readiness training, and  
24               work experience, and including linkages to post-

1           *secondary education and training and career-*  
2           *ladder employment;*

3           “(13) a description of—

4                   “(A) how the local area will furnish em-  
5                   ployment, training, supportive, and placement  
6                   services to veterans, including disabled and  
7                   homeless veterans;

8                   “(B) the strategies and services that will be  
9                   used in the local area to assist and expedite re-  
10                  integration of homeless veterans into the labor  
11                  force; and

12                  “(C) the veteran population to be served in  
13                  the local area;

14           “(14) a description of—

15                   “(A) the duties assigned to the veteran em-  
16                   ployment specialist consistent with the require-  
17                   ments of section 134(f);

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

21                   “(C) the date on which the veteran employ-  
22                   ment specialist was assigned; and

23                   “(D) whether the veteran employment spe-  
24                   cialist has satisfactorily competed such training

1           *by the National Veterans' Employment and*  
2           *Training Services Institute; and*

3           “(15) *such other information as the Governor*  
4           *may require.*”;

5           (3) *in subsection (c)(1), by striking “such*  
6           *means” and inserting “electronic means such”; and*

7           (4) *in subsection (c)(2), by striking “, including*  
8           *representatives of business and representatives of*  
9           *labor organizations,”.*

10 **SEC. 108. ESTABLISHMENT OF ONE-STOP DELIVERY SYS-**

11           **TEM.**

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

13           (1) *in subsection (b)—*

14                   (A) *by striking subparagraph (A) of para-*  
15                   *graph (1) and inserting the following:*

16                           “(A) *ROLES AND RESPONSIBILITIES OF*  
17                           *ONE-STOP PARTNERS.—Each entity that carries*  
18                           *out a program or activities described in subpara-*  
19                           *graph (B) shall—*

20                                   “(i) *provide access through the one-stop*  
21                                   *delivery system to the programs and activi-*  
22                                   *ties carried out by the entity, including*  
23                                   *making the work ready services described in*  
24                                   *section 134(c)(2) that are applicable to the*  
25                                   *program of the entity available at the one-*

1            *stop centers (in addition to any other ap-*  
2            *propriate locations);*

3            *“(ii) use a portion of the funds avail-*  
4            *able to the program of the entity to main-*  
5            *tain the one-stop delivery system, including*  
6            *payment of the infrastructure costs of one-*  
7            *stop centers in accordance with subsection*  
8            *(h);*

9            *“(iii) enter into a local memorandum*  
10           *of understanding with the local board relat-*  
11           *ing to the operation of the one-stop delivery*  
12           *system that meets the requirements of sub-*  
13           *section (c); and*

14           *“(iv) participate in the operation of*  
15           *the one-stop delivery system consistent with*  
16           *the terms of the memorandum of under-*  
17           *standing, the requirements of this title, and*  
18           *the requirements of the Federal laws author-*  
19           *izing the programs carried out by the enti-*  
20           *ty.”;*

21           *(B) in paragraph (1)(B)—*

22           *(i) by striking clause (vi); and*

23           *(ii) by redesignating clauses (vii)*  
24           *through (xii) as clauses (vi) through (xi),*  
25           *respectively; and*

1                   (C) in paragraph (2)—

2                   (i) in subparagraph (A)(i), by striking  
3                   “section 134(d)(2)” and inserting “section  
4                   134(c)(2)”; and

5                   (ii) in subparagraph (B)—

6                   (I) by striking clauses (ii) and  
7                   (v);

8                   (II) in clause (iv), by striking  
9                   “and” at the end;

10                  (III) by redesignating clauses (iii)  
11                  and (iv) as clauses (ii) and (iii), re-  
12                  spectively; and

13                  (IV) by adding at the end the fol-  
14                  lowing:

15                  “(iv) employment and training pro-  
16                  grams administered by the Commissioner of  
17                  the Social Security Administration;

18                  “(v) employment and training pro-  
19                  grams carried out by the Administrator of  
20                  the Small Business Administration;

21                  “(vi) employment, training, and lit-  
22                  eracy services carried out by public librar-  
23                  ies; and

1                   “(vii) other appropriate Federal, State,  
2                   or local programs, including programs in  
3                   the private sector.”;

4                   (2) in subsection (c)(2), by amending subpara-  
5                   graph (A) to read as follows:

6                   “(A) provisions describing—

7                   “(i) the services to be provided through  
8                   the one-stop delivery system consistent with  
9                   the requirements of this section, including  
10                  the manner in which the services will be co-  
11                  ordinated through such system;

12                  “(ii) how the costs of such services and  
13                  the operating costs of such system will be  
14                  funded, through cash and in-kind contribu-  
15                  tions, to provide a stable and equitable  
16                  funding stream for ongoing one-stop system  
17                  operations, including the funding of the in-  
18                  frastructure costs of one-stop centers in ac-  
19                  cordance with subsection (h);

20                  “(iii) methods of referral of individuals  
21                  between the one-stop operator and the one-  
22                  stop partners for appropriate services and  
23                  activities, including referrals for nontradi-  
24                  tional employment; and



1           “(iv) the duration of the memorandum  
2           of understanding and the procedures for  
3           amending the memorandum during the  
4           term of the memorandum, and assurances  
5           that such memorandum shall be reviewed  
6           not less than once every 2-year period to en-  
7           sure appropriate funding and delivery of  
8           services; and”;

9           (3) in subsection (d)—

10           (A) in the heading for paragraph (1), by  
11           striking “*DESIGNATION AND CERTIFICATION*”  
12           and inserting “*LOCAL DESIGNATION AND CER-*  
13           *TIFICATION*”;

14           (B) in paragraph (2)—

15           (i) by striking “section 134(c)” and in-  
16           serting “subsection (e)”;

17           (ii) by amending subparagraph (A) to  
18           read as follows:

19           “(A) shall be designated or certified as a  
20           one-stop operator through a competitive process;  
21           and”;

22           (iii) in subparagraph (B), by striking  
23           clause (ii) and redesignating clauses (iii)  
24           through (vi) as clauses (ii) through (v), re-  
25           spectively; and

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

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

5           “(e) *ESTABLISHMENT OF ONE-STOP DELIVERY SYS-*  
6           *TEM.*—

7           “(1) *IN GENERAL.*—*There shall be established in*  
8           *a State that receives an allotment under section*  
9           *132(b) a one-stop delivery system, which shall—*

10           “(A) *provide the work ready services de-*  
11           *scribed in section 134(c)(2);*

12           “(B) *provide access to training services as*  
13           *described in section 134(c)(4), including serving*  
14           *as the point of access to career enhancement ac-*  
15           *counts for training services to participants in*  
16           *accordance with paragraph (4)(G) of such sec-*  
17           *tion;*

18           “(C) *provide access to the activities carried*  
19           *out under section 134(d), if any;*

20           “(D) *provide access to programs and activi-*  
21           *ties carried out by one-stop partners that are de-*  
22           *scribed in subsection (b) of this section; and*

23           “(E) *provide access to the information de-*  
24           *scribed in section 15(e) of the Wagner-Peyser Act*  
25           *(29 U.S.C. 49l–2(e)).*

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

3           “(A) *shall make each of the programs, serv-*  
4 *ices, and activities described in paragraph (1)*  
5 *accessible at not less than one physical center in*  
6 *each local area of the State; and*

7           “(B) *may also make programs, services, and*  
8 *activities described in paragraph (1) available—*

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

13           “(ii) *through a network of eligible one-*  
14 *stop partners—*

15           “(I) *in which each partner pro-*  
16 *vides one or more of the programs,*  
17 *services, and activities to such individ-*  
18 *uals and is accessible at an affiliated*  
19 *site that consists of a physical location*  
20 *or an electronically- or technologically-*  
21 *linked access point; and*

22           “(II) *that assures individuals that*  
23 *information on the availability of the*  
24 *work ready services will be available*  
25 *regardless of where the individuals ini-*

1                    *tially enter the statewide workforce in-*  
2                    *vestment system, including informa-*  
3                    *tion made available through an access*  
4                    *point described in subclause (I).*

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

8                    *(5) by adding at the end the following:*

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

10                    *“(1) IN GENERAL.—*

11                    *“(A) IN GENERAL.—The State board shall*  
12                    *establish objective procedures and criteria for pe-*  
13                    *riodically certifying one-stop centers for the pur-*  
14                    *pose of awarding the one-stop infrastructure*  
15                    *funding described in subsection (h).*

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

18                    *“(i) meeting all of the expected levels of*  
19                    *performance for each of the core indicators*  
20                    *of performance as outlined in the State plan*  
21                    *under section 112;*

22                    *“(ii) meeting minimum standards re-*  
23                    *lating to the scope and degree of service in-*  
24                    *tegration achieved by the centers involving*

1           the programs provided by the one-stop part-  
2           ners; and

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

7           “(C) *EFFECT OF CERTIFICATION.*—One-stop  
8           centers certified under this subsection shall be el-  
9           igible to receive the infrastructure grants author-  
10          ized under subsection (h).

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

16          “(h) *ONE-STOP INFRASTRUCTURE FUNDING.*—

17                  “(1) *PARTNER CONTRIBUTIONS.*—

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

1           *for a fiscal year shall be provided to the Gov-*  
2           *ernor by such programs to carry out this sub-*  
3           *section.*

4           “(B) *DETERMINATION OF GOVERNOR.—*

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

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

1           *termination described in clause (i) with re-*  
2           *spect to such programs shall be made by the*  
3           *Governor with the appropriate entity or of-*  
4           *ficial with such independent policy-making*  
5           *authority.*

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

18          “(C) *LIMITATIONS.—*

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

1                    *portion of funds under such programs that*  
2                    *may be used for administration.*

3                    *“(ii) FEDERAL DIRECT SPENDING PRO-*  
4                    *GRAMS.—Programs that are Federal direct*  
5                    *spending under section 250(c)(8) of the Bal-*  
6                    *anced Budget and Emergency Deficit Con-*  
7                    *trol Act of 1985 (2 U.S.C. 900(c)(8)) shall*  
8                    *not, for purposes of this paragraph, be re-*  
9                    *quired to provide an amount in excess of*  
10                   *the amount determined to be equivalent to*  
11                   *the proportionate use of the one-stop centers*  
12                   *by such programs in the State.*

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

20                   *“(3) ALLOCATION FORMULA.—The State board*  
21                   *shall develop a formula to be used by the Governor to*  
22                   *allocate the funds described in paragraph (1). The*  
23                   *formula shall include such factors as the State board*  
24                   *determines are appropriate, which may include fac-*  
25                   *tors such as the number of centers in the local area*



1       *that have been certified, the population served by such*  
2       *centers, and the performance of such centers.*

3               “(4) *COSTS OF INFRASTRUCTURE.*—*For purposes*  
4       *of this subsection, the term ‘costs of infrastructure’*  
5       *means the nonpersonnel costs that are necessary for*  
6       *the general operation of a one-stop center, including*  
7       *the rental costs of the facilities, the costs of utilities*  
8       *and maintenance, and equipment (including assistive*  
9       *technology for individuals with disabilities).*

10       “(i) *OTHER FUNDS.*—

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

23               “(A) *infrastructure costs that are in excess*  
24       *of the funds provided under subsection (h);*

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

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

5           “(2) *DETERMINATION AND GUIDANCE.*—The  
6           method for determining the appropriate portion of  
7           funds and noncash resources to be provided by each  
8           program under paragraph (1) shall be determined as  
9           part of the memorandum of understanding under sub-  
10          section (c). The State board shall provide guidance to  
11          facilitate the determination of appropriate allocation  
12          of the funds and noncash resources in local areas.”.

13 **SEC. 109. IDENTIFICATION OF ELIGIBLE PROVIDERS OF**  
14 **TRAINING SERVICES.**

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

17 **“SEC. 122. IDENTIFICATION OF ELIGIBLE PROVIDERS OF**  
18 **TRAINING SERVICES.**

19          “(a) *ELIGIBILITY.*—

20                 “(1) *IN GENERAL.*—The Governor, after con-  
21 sultation with the State board, shall establish criteria  
22 and procedures regarding the eligibility of providers  
23 of training services described in section 134(c)(4) to  
24 receive funds provided under section 133(b) for the  
25 provision of such training services.

1           “(2) *PROVIDERS.*—Subject to the provisions of  
2           this section, to be eligible to receive the funds provided  
3           under section 133(b) for the provision of training  
4           services, the provider shall be—

5                   “(A) a postsecondary educational institu-  
6                   tion that—

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

10                           “(ii) provides a program that leads to  
11                           an associate degree, baccalaureate degree, or  
12                           industry-recognized certification;

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

17                   “(C) another public or private provider of  
18                   a program of training services.

19           “(3) *INCLUSION IN LIST OF ELIGIBLE PRO-*  
20           *VIDERS.*—A provider described in subparagraph (A)  
21           or (C) of paragraph (2) shall comply with the criteria  
22           and procedures established under this section to be in-  
23           cluded on the list of eligible providers of training  
24           services described in subsection (d)(1). A provider de-  
25           scribed in paragraph (2)(B) shall be included on the

1 *list of eligible providers of training services described*  
2 *in subsection (d)(1) for so long as the provider re-*  
3 *mains certified by the Secretary of Labor to carry out*  
4 *the programs described in paragraph (2)(B).*

5 “(b) *CRITERIA.*—

6 “(1) *IN GENERAL.*—*The criteria established pur-*  
7 *suant to subsection (a) shall take into account—*

8 “(A) *the performance of providers of train-*  
9 *ing services with respect to the performance*  
10 *measures described in section 136 and other mat-*  
11 *ters for which information is required under*  
12 *paragraph (2) and other appropriate measures*  
13 *of performance outcomes for those participants*  
14 *receiving training services under this subtitle*  
15 *(taking into consideration the characteristics of*  
16 *the population served and relevant economic con-*  
17 *ditions);*

18 “(B) *whether the training programs of such*  
19 *providers relate to occupations that are in de-*  
20 *mand;*

21 “(C) *the need to ensure access to training*  
22 *services throughout the State, including in rural*  
23 *areas;*

1           “(D) the ability of providers to offer pro-  
2           grams that lead to a degree or an industry-recog-  
3           nized certification, certificate, or mastery;

4           “(E) the information such providers are re-  
5           quired to report to State agencies with respect to  
6           other Federal and State programs (other than  
7           the program carried out under this subtitle), in-  
8           cluding one-stop partner programs; and

9           “(F) such other factors as the Governor de-  
10          termines are appropriate.

11          “(2) INFORMATION.—The criteria established by  
12          the Governor shall require that a provider of training  
13          services submit appropriate, accurate, and timely in-  
14          formation to the State for purposes of carrying out  
15          subsection (d), with respect to participants receiving  
16          training services under this subtitle in the applicable  
17          program, including—

18                 “(A) information on degrees and industry-  
19                 recognized certifications received by such partici-  
20                 pants;

21                 “(B) information on costs of attendance for  
22                 such participants;

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

1           “(D) information on the performance of the  
2 provider with respect to the performance meas-  
3 ures described in section 136 for such partici-  
4 pants (taking into consideration the characteris-  
5 tics of the population served and relevant eco-  
6 nomic conditions), which shall include informa-  
7 tion specifying the percentage of such partici-  
8 pants who entered unsubsidized employment in  
9 an occupation related to the program.

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

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

22           “(5) LIMITATION.—In carrying out the require-  
23 ments of this subsection, no personally identifiable in-  
24 formation regarding a student, including Social Secu-  
25 rity number, student identification number, or other

1        *identifier, may be disclosed without the prior written*  
2        *consent of the parent or eligible student in compliance*  
3        *with section 444 of the General Education Provisions*  
4        *Act (20 U.S.C. 1232g).*

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

7            *“(1) identify—*

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

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

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

22        *“(d) INFORMATION TO ASSIST PARTICIPANTS IN*  
23        *CHOOSING PROVIDERS.—*

24                   *“(1) IN GENERAL.—In order to facilitate and as-*  
25                   *ist participants under chapter 5 in choosing pro-*

1        *viders of training services, the Governor shall ensure*  
2        *that an appropriate list or lists of providers deter-*  
3        *mined eligible under this section in the State, includ-*  
4        *ing information regarding the occupations in demand*  
5        *that relate to the training programs of such providers*  
6        *and the accompanying information described in*  
7        *paragraph (2), is provided to the local boards in the*  
8        *State to be made available to such participants and*  
9        *to members of the public through the one-stop delivery*  
10       *system in the State.*

11            *“(2) AVAILABILITY THROUGH ONE-STOP DELIV-*  
12        *ERY SYSTEM.—The list and the accompanying infor-*  
13        *mation shall be made available to such participants*  
14        *and to members of the public through the one-stop de-*  
15        *livery system in the State.*

16            *“(e) ENFORCEMENT.—*

17            *“(1) IN GENERAL.—The criteria and procedures*  
18        *established under this section shall provide the fol-*  
19        *lowing:*

20            *“(A) INTENTIONALLY SUPPLYING INAC-*  
21        *CURATE INFORMATION.—Upon a determination,*  
22        *by an individual or entity specified in the cri-*  
23        *teria or procedures, that a provider of training*  
24        *services, or individual providing information on*  
25        *behalf of the provider, intentionally supplied in-*



1           *accurate information under this section, the eli-*  
2           *gibility of such provider to receive funds under*  
3           *chapter 5 shall be terminated for a period of*  
4           *time that is not less than 2 years.*

5           “(B) *SUBSTANTIAL VIOLATIONS.*—*Upon a*  
6           *determination, by an individual or entity speci-*  
7           *fied in the criteria or procedures, that a provider*  
8           *of training services substantially violated any re-*  
9           *quirement under this title, the eligibility of such*  
10          *provider to receive funds under the program in-*  
11          *volved shall be terminated.*

12          “(C) *REPAYMENT.*—*A provider of training*  
13          *services whose eligibility is terminated under*  
14          *subparagraph (A) or (B) shall be liable for the*  
15          *repayment of funds received under chapter 5*  
16          *during a period of noncompliance described in*  
17          *such subparagraph.*

18          “(2) *CONSTRUCTION.*—*Paragraph (1) shall be*  
19          *construed to provide remedies and penalties that sup-*  
20          *plement, but do not supplant, other civil and crimi-*  
21          *nal remedies and penalties.*

22          “(f) *AGREEMENTS WITH OTHER STATES.*—*States*  
23          *may enter into agreements, on a reciprocal basis, to permit*  
24          *eligible providers of training services to accept career en-*  
25          *hancement accounts provided in another State.*

1       “(g) *RECOMMENDATIONS.*—*In developing the criteria,*  
2 *procedures, and information required under this section, the*  
3 *Governor shall solicit and take into consideration the rec-*  
4 *ommendations of local boards and providers of training*  
5 *services within the State.*

6       “(h) *OPPORTUNITY TO SUBMIT COMMENTS.*—*During*  
7 *the development of the criteria, procedures, requirements for*  
8 *information, and the list of eligible providers required*  
9 *under this section, the Governor shall provide an oppor-*  
10 *tunity for interested members of the public to submit com-*  
11 *ments regarding such criteria, procedures, and information.*

12       “(i) *ON-THE-JOB TRAINING OR CUSTOMIZED TRAIN-*  
13 *ING EXCEPTION.*—

14               “(1) *IN GENERAL.*—*Providers of on-the-job train-*  
15 *ing or customized training shall not be subject to the*  
16 *requirements of subsections (a) through (d).*

17               “(2) *COLLECTION AND DISSEMINATION OF INFOR-*  
18 *MATION.*—*A one-stop operator in a local area shall*  
19 *collect such performance information from on-the-job*  
20 *training and customized training providers as the*  
21 *Governor may require, determine whether the pro-*  
22 *viders meet such performance criteria as the Governor*  
23 *may require, and disseminate information identifying*  
24 *providers that meet the criteria as eligible providers,*  
25 *and the performance information, through the one-*

1        *stop delivery system. Providers determined to meet the*  
2        *criteria shall be considered to be identified as eligible*  
3        *providers of training services.”.*

4        **SEC. 110. GENERAL AUTHORIZATION.**

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

6                (1) *by striking the heading for chapter 5 and in-*  
7        *serting the following: “**EMPLOYMENT AND***  
8        ***TRAINING ACTIVITIES**”; and*

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

10                        (A) *by striking “paragraphs (1)(B) and*  
11                        *(2)(B) of”; and*

12                        (B) *by striking “adults, and dislocated*  
13                        *workers,” and inserting “individuals”.*

14        **SEC. 111. STATE ALLOTMENTS.**

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

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

18                “(a) *IN GENERAL.—The Secretary shall—*

19                        “(1) *reserve 1/2 of 1 percent of the total amount*  
20        *appropriated under section 137 for a fiscal year, of*  
21        *which—*

22                                “(A) *50 percent shall be used to provide*  
23                                *technical assistance under section 170; and*

24                                “(B) *50 percent shall be used for evalua-*  
25        *tions under section 172;*

1           “(2) reserve not more than 2 percent of the total  
2 amount appropriated under section 137 for a fiscal  
3 year to make grants to, and enter into contracts or  
4 cooperative agreements with Indian tribes, tribal or-  
5 ganizations, Alaska-Native entities, Indian-controlled  
6 organizations serving Indians, or Native Hawaiian  
7 organizations to carry out employment and training  
8 activities;

9           “(3) reserve not more than 28 percent of the total  
10 amount appropriated under section 137 for a fiscal  
11 year to carry out the Jobs Corps program under sub-  
12 title C;

13           “(4) reserve not more than 0.15 percent of the  
14 total amount appropriated under section 137 for a  
15 fiscal year to carry out military transitional assist-  
16 ance under section 175; and

17           “(5) from the remaining amount appropriated  
18 under section 137 for a fiscal year (after reserving  
19 funds under paragraphs (1) through (4)), make allot-  
20 ments in accordance with subsection (b) of this sec-  
21 tion.”; and

22           (2) by amending subsection (b) to read as fol-  
23 lows:

24           “(b) *WORKFORCE INVESTMENT FUND.*—

25           “(1) *RESERVATION FOR OUTLYING AREAS.*—

1           “(A) *IN GENERAL.*—*From the amount made*  
2 *available under subsection (a)(5) for a fiscal*  
3 *year, the Secretary shall reserve not more than*  
4 *1/4 of 1 percent to provide assistance to the out-*  
5 *lying areas.*

6           “(B) *RESTRICTION.*—*The Republic of Palau*  
7 *shall cease to be eligible to receive funding under*  
8 *this subparagraph upon entering into an agree-*  
9 *ment for extension of United States educational*  
10 *assistance under the Compact of Free Association*  
11 *(approved by the Compact of Free Association*  
12 *Amendments Act of 2003 (Public Law 99–658))*  
13 *after the date of enactment of the Workforce In-*  
14 *vestment Improvement Act of 2012.*

15           “(2) *STATES.*—

16           “(A) *IN GENERAL.*—*After determining the*  
17 *amount to be reserved under paragraph (1), the*  
18 *Secretary shall allot the remainder of the*  
19 *amount referred to in subsection (a)(5) for a fis-*  
20 *cal year to the States pursuant to subparagraph*  
21 *(B) for employment and training activities and*  
22 *statewide workforce investment activities.*

23           “(B) *FORMULA.*—*Subject to subparagraphs*  
24 *(C) and (D), of the remainder—*

1           “(i) 25 percent shall be allotted on the  
2 basis of the relative number of unemployed  
3 individuals in areas of substantial unem-  
4 ployment in each State, compared to the  
5 total number of unemployed individuals in  
6 areas of substantial unemployment in all  
7 States;

8           “(ii) 25 percent shall be allotted on the  
9 basis of the relative number of individuals  
10 in the civilian labor force in each State,  
11 compared to the total number of such indi-  
12 viduals in all States;

13           “(iii) 25 percent shall be allotted on  
14 the basis of the relative number of individ-  
15 uals in each State who have been unem-  
16 ployed for 15 weeks or more, compared to  
17 the total number of individuals in all States  
18 who have been unemployed for 15 weeks or  
19 more; and

20           “(iv) 25 percent shall be allotted on the  
21 basis of the relative number of disadvan-  
22 taged youth in each State, compared to the  
23 total number of disadvantaged youth in all  
24 States.

1           “(C) *MINIMUM AND MAXIMUM PERCENT-*  
2           *AGES.—*

3           “(i) *MINIMUM PERCENTAGE.—The Sec-*  
4           *retary shall ensure that no State shall re-*  
5           *ceive an allotment under this paragraph*  
6           *for—*

7                       “(I) *fiscal year 2013, that is less*  
8                       *than 100 percent of the allotment per-*  
9                       *centage of the State for the preceding*  
10                      *fiscal year; and*

11                     “(II) *fiscal year 2014 and each*  
12                     *succeeding fiscal year, that is less than*  
13                     *90 percent of the allotment percentage*  
14                     *of the State for the preceding fiscal*  
15                     *year.*

16                   “(ii) *MAXIMUM PERCENTAGE.—Subject*  
17                   *to clause (i), the Secretary shall ensure that*  
18                   *no State shall receive an allotment under*  
19                   *this paragraph for a fiscal year that is*  
20                   *more than 130 percent of the allotment per-*  
21                   *centage of the State for the preceding fiscal*  
22                   *year.*

23                   “(D) *SMALL STATE MINIMUM ALLOT-*  
24                   *MENT.—Subject to subparagraph (C), the Sec-*  
25                   *retary shall ensure that no State shall receive an*

1           *allotment under this paragraph for a fiscal year*  
2           *that is less than  $\frac{2}{10}$  of 1 percent of the remain-*  
3           *der described in subparagraph (A) for the fiscal*  
4           *year.*

5           “(E) *DEFINITIONS.*—*For the purpose of the*  
6           *formula specified in this paragraph:*

7                   “(i) *ALLOTMENT PERCENTAGE.*—*The*  
8                   *term ‘allotment percentage’—*

9                           “(I) *used with respect to fiscal*  
10                           *year 2012, means the percentage of the*  
11                           *amounts allotted to States under title I*  
12                           *of this Act, title V of the Older Ameri-*  
13                           *cans Act of 1965, sections 4103A and*  
14                           *4104 of title 38, United States Code,*  
15                           *section 2021 of title 38, United States*  
16                           *Code, section 1144 of title 10, United*  
17                           *States Code, and sections 1 through 14*  
18                           *of the Wagner-Peyser Act, as such pro-*  
19                           *visions were in effect on the day before*  
20                           *the date of enactment of the Workforce*  
21                           *Investment Improvement Act of 2012,*  
22                           *that is received under such provisions*  
23                           *by the State involved for fiscal year*  
24                           *2012; and*



1           “(II) *used with respect to fiscal*  
2           *year 2013 or a subsequent year, means*  
3           *the percentage of the amounts allotted*  
4           *to States for fiscal year 2012 under the*  
5           *provisions described in subclause (I)*  
6           *that is received through an allotment*  
7           *made under this paragraph for the fis-*  
8           *cal year.*

9           “(ii) *DISADVANTAGED YOUTH.—The*  
10           *term ‘disadvantaged youth’ means an indi-*  
11           *vidual who is not less than age 16 and not*  
12           *more than age 24 who receives an income,*  
13           *or is a member of a family that received a*  
14           *total family income, that in relation to*  
15           *family size, does not exceed the higher of—*

16                   “(I) *the poverty line; or*

17                   “(II) *70 percent of the lower liv-*  
18                   *ing standard income level.*

19           “(iii) *INDIVIDUAL.—The term ‘indi-*  
20           *vidual’ means an individual who is not less*  
21           *than age 16 and not more than age 72.”.*

22 **SEC. 112. WITHIN STATE ALLOCATIONS.**

23       *Section 133 is amended—*

24           (1) *by amending subsection (a) to read as fol-*  
25       *lows:*

1       “(a) *RESERVATIONS FOR STATEWIDE EMPLOYMENT*  
2 *AND TRAINING ACTIVITIES.*—

3               “(1) *IN GENERAL.*—*The Governor of a State*  
4 *shall reserve up to 10 percent of the total amount al-*  
5 *lotted to the State under section 132(b)(2) for a fiscal*  
6 *year to carry out the statewide activities described in*  
7 *paragraphs (2) and (3) of section 134(a).*

8               “(2) *STATEWIDE RAPID RESPONSE ACTIVITIES.*—  
9 *Of the amount reserved under paragraph (1) for a fis-*  
10 *cal year, the Governor of the State shall reserve not*  
11 *more than 10 percent for statewide rapid response ac-*  
12 *tivities described in section 134(a)(4).*

13               “(3) *STATEWIDE INDIVIDUALS WITH BARRIERS*  
14 *TO EMPLOYMENT GRANTS.*—*The Governor of a State*  
15 *shall reserve 2 percent of the total amount allotted to*  
16 *the State under section 132(b)(2) for a fiscal year to*  
17 *carry out statewide activities described in section*  
18 *134(a)(5).”;*

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

21               “(b) *WITHIN STATE ALLOCATION.*—

22               “(1) *STATEWIDE EMPLOYMENT AND TRAINING*  
23 *ACTIVITIES.*—*The Governor, acting in accordance*  
24 *with the State plan, and after consulting with chief*  
25 *elected officials in the local areas, shall—*

1           “(A) allocate the funds that are allotted to  
2           the State for employment and training activities  
3           and not reserved under subsection (a), in accord-  
4           ance with paragraph (2)(A); and

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

9           “(2) *FORMULA ALLOCATIONS FOR THE WORK-*  
10          *FORCE INVESTMENT FUND.—*

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

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

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

18                   “(iii) 25 percent on the basis described  
19                   in section 132(b)(B)(iii); and

20                   “(iv) 25 percent on the basis described  
21                   in section 132(b)(2)(B)(iv).

22           “(B) *MINIMUM AND MAXIMUM PERCENT-*  
23          *AGES.—*

24                   “(i) *MINIMUM PERCENTAGE.—The*  
25          *State shall ensure that no local area shall*

1           *receive an allocation under this paragraph*  
2           *for—*

3                     “(I) *fiscal year 2013, that is less*  
4                     *than 100 percent of the allocation per-*  
5                     *centage of the local area for the pre-*  
6                     *ceding fiscal year; and*

7                     “(II) *fiscal year 2014 and each*  
8                     *succeeding fiscal year, that is less than*  
9                     *90 percent of the allocation percentage*  
10                    *of the local area for the preceding fiscal*  
11                    *year.*

12                    “(ii) *MAXIMUM PERCENTAGE.—Subject*  
13                    *to clause (i), the State shall ensure that no*  
14                    *local area shall receive an allocation for a*  
15                    *fiscal year under this paragraph for a fiscal*  
16                    *year that is more than 130 percent of the*  
17                    *allocation percentage of the local area for*  
18                    *the preceding fiscal year.*

19                    “(C) *DEFINITIONS.—For the purpose of the*  
20                    *formula specified in this paragraph, the term*  
21                    *‘allocation percentage’—*

22                             “(i) *used with respect to fiscal year*  
23                             *2012, means the percentage of the amounts*  
24                             *allocated to local areas under title I of this*  
25                             *Act, title V of the Older Americans Act of*

1           1965, sections 4103A and 4104 of title 38,  
2           United States Code, section 2021 of title 38,  
3           United States Code, section 1144 of title 10,  
4           United States Code, and sections 1 through  
5           14 of the Wagner-Peyser Act, as such provi-  
6           sions were in effect on the day before the  
7           date of enactment of the Workforce Invest-  
8           ment Improvement Act of 2012, that is re-  
9           ceived under such provisions by the local  
10          area involved for fiscal year 2012; and

11           “(ii) used with respect to fiscal year  
12          2013 or a subsequent year, means the per-  
13          centage of the amounts allocated to local  
14          areas for fiscal year 2012 under the provi-  
15          sions described in clause (i) that is received  
16          through an allocation made under this  
17          paragraph for the fiscal year.”;

18          (3) in subsection (c)—

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

21                “(1) *IN GENERAL.*—The Governor, may in ac-  
22          cordance with this subsection, reallocate to eligible  
23          local areas within the State amounts that are allo-  
24          cated under subsection (b) for employment and train-

1        *ing activities and that are available for realloca-*  
2        *tion.”;*

3                *(B) in paragraph (2), by striking “para-*  
4                *graph (2)(A) or (3) of subsection (b) for such ac-*  
5                *tivities” and inserting “subsection (b) for such*  
6                *activities”;*

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

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

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

21              *(4) by adding at the end the following new sub-*  
22              *section:*

23              *“(d) LOCAL ADMINISTRATIVE COST LIMIT.—Of the*  
24              *amounts allocated to a local area under this section for a*  
25              *fiscal year, not more than 10 percent of the amount may*

1 *be used by the local board involved for the administrative*  
 2 *costs of carrying out local workforce investment activities*  
 3 *in the local area under this chapter.”.*

4 **SEC. 113. USE OF FUNDS FOR EMPLOYMENT AND TRAINING**  
 5 **ACTIVITIES.**

6 *Section 134 is amended—*

7 *(1) by amending subsection (a) to read as fol-*  
 8 *lows:*

9 *“(a) STATEWIDE EMPLOYMENT AND TRAINING ACTIVI-*  
 10 *TIES.—*

11 *“(1) IN GENERAL.—*

12 *“(A) DISTRIBUTION OF STATEWIDE ACTIVI-*  
 13 *TIES.—Funds reserved by a Governor for a State*  
 14 *as described in section 133(a)(1)—*

15 *“(i) shall be used to carry out the*  
 16 *statewide employment and training activi-*  
 17 *ties described in paragraph (2); and*

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

21 *“(B) STATEWIDE RAPID RESPONSE ACTIVI-*  
 22 *TIES.—Funds reserved by a Governor for a State*  
 23 *as described in section 133(a)(2) shall be used to*  
 24 *carry out the statewide rapid response activities*  
 25 *described in paragraph (4).*

1           “(C) *STATEWIDE INDIVIDUALS WITH BAR-*  
2           *RIERS TO EMPLOYMENT GRANTS.*—*Funds re-*  
3           *reserved by a Governor for a State as described in*  
4           *section 133(a)(3) shall be used to carry out the*  
5           *Statewide Individuals with Barriers to Employ-*  
6           *ment Grant competition described in paragraph*  
7           *(5).*

8           “(2) *REQUIRED STATEWIDE EMPLOYMENT AND*  
9           *TRAINING ACTIVITIES.*—*A State shall use funds re-*  
10          *reserved as described in section 133(a)(1) to carry out*  
11          *statewide employment and training activities, which*  
12          *shall include—*

13               “(A) *supporting the provision of work ready*  
14               *services described in subsection (c)(2) in the one-*  
15               *stop delivery system;*

16               “(B) *implementing innovative programs*  
17               *and strategies designed to meet the needs of all*  
18               *employers in the State, including small employ-*  
19               *ers, which may include incumbent worker train-*  
20               *ing programs, sectoral and industry cluster*  
21               *strategies and partnerships, career ladder pro-*  
22               *grams, micro-enterprise and entrepreneurial*  
23               *training and support programs, utilization of ef-*  
24               *fective business intermediaries, activities to im-*  
25               *prove linkages between the one-stop delivery sys-*



1           *tem in the State and all employers (including*  
2           *small employers) in the State, and other business*  
3           *services and strategies that better engage employ-*  
4           *ers in workforce investment activities and make*  
5           *the workforce investment system more relevant to*  
6           *the needs of State and local businesses, consistent*  
7           *with the objectives of this title;*

8           “(C) *implementing strategies and services*  
9           *that will be used in the State to assist at-risk*  
10           *youth and out-of-school youth in acquiring the*  
11           *education and skills, credentials (including rec-*  
12           *ognized postsecondary credentials and industry-*  
13           *recognized credentials), and employment experi-*  
14           *ence to succeed in the labor market; and*

15           “(D) *conducting evaluations under section*  
16           *136(e) of activities authorized under this chapter*  
17           *in coordination with evaluations carried out by*  
18           *the Secretary under section 172.*

19           “(3) *ALLOWABLE STATEWIDE EMPLOYMENT AND*  
20           *TRAINING ACTIVITIES.—A State may use funds re-*  
21           *served as described in section 133(a)(1) to carry out*  
22           *statewide employment and training activities which*  
23           *may include—*

24           “(A) *providing incentive grants to local*  
25           *areas for regional cooperation among local*

1           boards (including local boards in a designated  
2           region as described in section 116(c)), for local  
3           coordination of activities carried out under this  
4           Act, and for exemplary performance by local  
5           areas on the local performance measures;

6                   “(B) providing technical assistance and ca-  
7                   pacity building to local areas, one-stop opera-  
8                   tors, one-stop partners, and eligible providers,  
9                   including the development and training of staff,  
10                  the development of exemplary program activities,  
11                  and the provision of technical assistance to local  
12                  areas that fail to meet local performance meas-  
13                  ures;

14                   “(C) operating a fiscal and management ac-  
15                   countability system under section 136(f);

16                   “(D) carrying out monitoring and oversight  
17                   of activities carried out under this chapter;

18                   “(E) developing strategies for effectively in-  
19                   tegrating programs and services among one-stop  
20                   partners;

21                   “(F) carrying out activities to facilitate re-  
22                   mote access to services provided through a one-  
23                   stop delivery system, including facilitating access  
24                   through the use of technology; and

1           “(G) *incorporating pay-for-performance*  
2           *contracting strategies as an element in funding*  
3           *activities under this section.*

4           “(4) *STATEWIDE RAPID RESPONSE ACTIVITIES.—*  
5           *A State shall use funds reserved as described in sec-*  
6           *tion 133(a)(2) to carry out statewide rapid response*  
7           *activities, which shall include—*

8                   “(A) *provision of rapid response activities,*  
9                   *carried out in local areas by the State or by an*  
10                   *entity designated by the State, working in con-*  
11                   *junction with the local boards and the chief elect-*  
12                   *ed officials in the local areas; and*

13                   “(B) *provision of additional assistance to*  
14                   *local areas that experience disasters, mass layoffs*  
15                   *or plant closings, or other events that precipitate*  
16                   *substantial increases in the number of unem-*  
17                   *ployed individuals, carried out in local areas by*  
18                   *the State or by an entity designated by the*  
19                   *State, working in conjunction with the local*  
20                   *boards and the chief elected officials in the local*  
21                   *areas.*

22           “(5) *STATEWIDE GRANTS FOR INDIVIDUALS WITH*  
23           *BARRIERS TO EMPLOYMENT.—*

1           “(A) *IN GENERAL.*—*Of the funds reserved as*  
2 *described in section 133(a)(3), the Governor of a*  
3 *State—*

4                   “(i) *may reserve up to 5 percent to*  
5 *provide technical assistance to, and conduct*  
6 *evaluations as described in section 136(e), of*  
7 *the programs and activities carried out*  
8 *under this paragraph; and*

9                   “(ii) *using the remainder, shall award*  
10 *grants on a competitive basis to eligible en-*  
11 *tities described in subparagraph (B) to*  
12 *carry out employment and training pro-*  
13 *grams authorized under this paragraph for*  
14 *individuals with barriers to employment*  
15 *that meet specific performance outcomes*  
16 *and criteria established by the Governor*  
17 *under subparagraph (G).*

18           “(B) *ELIGIBLE ENTITY DEFINED.*—*For pur-*  
19 *poses of this paragraph, the term ‘eligible entity’*  
20 *means an entity that—*

21                   “(i) *is a—*

22                           “(I) *local board or a consortium*  
23 *of local boards;*

1                   “(II) nonprofit entity, for profit  
2                   entity, or a consortium of nonprofit or  
3                   for-profit entities; or

4                   “(III) consortium of the entities  
5                   described in subclauses (I) and (II);

6                   “(ii) has a demonstrated record of  
7                   placing individuals into unsubsidized em-  
8                   ployment and serving hard to serve individ-  
9                   uals; and

10                  “(iii) agrees to be reimbursed pri-  
11                  marily on the basis of achievement of speci-  
12                  fied performance outcomes and criteria es-  
13                  tablished under subparagraph (F).

14                  “(C) GRANT PERIOD.—

15                  “(i) IN GENERAL.—A grant under this  
16                  paragraph shall be awarded for a period of  
17                  1 year.

18                  “(ii) GRANT RENEWAL.—A Governor of  
19                  a State may renew, for up to 4 additional  
20                  1-year periods, a grant awarded under this  
21                  paragraph.

22                  “(D) ELIGIBLE PARTICIPANTS.—To be eligi-  
23                  ble to participate in activities under this para-  
24                  graph, an individual shall be a low-income indi-

1           *vidual between the ages of 16 and 74 or a mem-*  
2           *ber of a low-income family.*

3           “(E) *USE OF FUNDS.*—*An eligible entity re-*  
4           *ceiving a grant under this paragraph shall use*  
5           *such funds for activities that are designed to as-*  
6           *sist eligible participants in obtaining employ-*  
7           *ment and acquiring the education and skills nec-*  
8           *essary to succeed in the labor market.*

9           “(F) *APPLICATIONS.*—*To be eligible to re-*  
10          *ceive a grant under this paragraph, an eligible*  
11          *entity shall submit an application to a State at*  
12          *such time, in such manner, and containing such*  
13          *information as the State may require, includ-*  
14          *ing—*

15                 “(i) *a description of how the strategies*  
16                 *and activities will be aligned with the State*  
17                 *plan submitted under section 112 and the*  
18                 *local plans submitted under section 118*  
19                 *with respect to the areas of the State that*  
20                 *will be the focus of grant activities under*  
21                 *this paragraph;*

22                 “(ii) *a description of the educational*  
23                 *and skills training programs and activities*  
24                 *the eligible entities will provide to eligible*  
25                 *participants under this paragraph;*

1           “(iii) how the eligible entity will col-  
2           laborate with State and local workforce in-  
3           vestment systems established under this title  
4           in the provision of such programs and ac-  
5           tivities;

6           “(iv) a description of the programs of  
7           demonstrated effectiveness on which the pro-  
8           vision of such educational and skills train-  
9           ing programs and activities are based, and  
10          a description of how such programs and ac-  
11          tivities will improve the education and  
12          skills training for eligible participants;

13          “(v) a description of the populations to  
14          be served and the skill needs of those popu-  
15          lations, and the manner in which eligible  
16          participants will be recruited and selected  
17          as participants;

18          “(vi) a description of the private, pub-  
19          lic, local, and State resources that will be  
20          leveraged, in addition to the grant funds  
21          provided for the programs and activities  
22          under this paragraph, and how the entity  
23          will ensure the sustainability of such pro-  
24          grams and activities after grant funds are  
25          no longer available;

1           “(vii) a description of the extent of the  
2           involvement of employers in such programs  
3           and activities;

4           “(viii) a description of the levels of  
5           performance the eligible entity expects to  
6           achieve with respect to the indicators of per-  
7           formance for all individuals specified in  
8           section in 136(b)(2);

9           “(ix) a detailed budget and a descrip-  
10          tion of the system of fiscal controls, and au-  
11          diting and accountability procedures that  
12          will be used to ensure fiscal soundness for  
13          the programs and activities provided under  
14          this paragraph;

15          “(x) the information described in  
16          clauses (i) through (vii) of subparagraph  
17          (G); and

18          “(xi) any other criteria the Governor  
19          may require.

20          “(G) *PERFORMANCE OUTCOMES AND CRI-*  
21          *TERIA.*—Not later than 6 months after the date  
22          of the enactment of the Workforce Investment Im-  
23          provement Act of 2012, the Governor of the State  
24          shall establish and publish specific performance  
25          measures for the initial qualification of eligible



1            *entities to receive a grant under this section. At*  
2            *a minimum, the Governor shall require each eli-*  
3            *gible entity to—*

4                    *“(i) identify a particular program*  
5                    *area and client population that is not*  
6                    *achieving optimal outcomes;*

7                    *“(ii) provide evidence that the pro-*  
8                    *posed strategy would achieve better results;*

9                    *“(iii) clearly articulate and quantify*  
10                   *the improved outcomes of such new ap-*  
11                   *proach;*

12                   *“(iv) identify data that would be re-*  
13                   *quired to evaluate whether outcomes are*  
14                   *being achieved for a target population and*  
15                   *a comparison group;*

16                   *“(v) identify estimated savings that*  
17                   *would result from the improved outcomes,*  
18                   *including to other programs or units of gov-*  
19                   *ernment;*

20                   *“(vi) demonstrate the capacity to col-*  
21                   *lect required data, track outcomes, and vali-*  
22                   *date those outcomes; and*

23                   *“(vii) any other criteria the Governor*  
24                   *may require.*

1           “(6) *LIMITATION.*—Not more than 5 percent of  
2           the funds allotted under section 132(b) to a State and  
3           reserved as described in section 133(a)(1) may be used  
4           by the State for administrative costs carried out  
5           under this subsection.”;

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

8           “(b) *LOCAL EMPLOYMENT AND TRAINING ACTIVI-*  
9           *TIES.*—Funds allocated to a local area under section  
10          133(b)(2)—

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

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

15           (3) by striking subsection (c);

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

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

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

21           “(1) *IN GENERAL.*—Funds allocated to a local  
22          area under section 133(b)(2) shall be used—

23           (A) to establish a one-stop delivery system  
24          as described in section 121(e);

1           “(B) to provide the work ready services de-  
2           scribed in paragraph (2) through the one-stop  
3           delivery system in accordance with such para-  
4           graph; and

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

8           (B) in paragraph (2)—

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

12           (ii) by striking “core services” and in-  
13           serting “work ready services”;

14           (iii) by striking “who are adults or  
15           dislocated workers”;

16           (iv) in subparagraph (A), by inserting  
17           “and assistance in obtaining eligibility de-  
18           terminations under the other one-stop part-  
19           ner programs through such activities as as-  
20           sisting in the submission of applications,  
21           the provision of information on the results  
22           of such applications, the provision of intake  
23           services and information, and, where appro-  
24           priate and consistent with the authorizing

1 *statute of the one-stop partner program, de-*  
2 *terminations of eligibility” after “subtitle”;*

3 *(v) by amending subparagraph (D) to*  
4 *read as follows:*

5 *“(D) labor exchange services, including—*

6 *“(i) job search and placement assist-*  
7 *ance, and where appropriate, career coun-*  
8 *seling;*

9 *“(ii) appropriate recruitment services*  
10 *for employers, including small employers,*  
11 *in the local area, which may include serv-*  
12 *ices described in this subsection, including*  
13 *information and referral to specialized busi-*  
14 *ness services not traditionally offered*  
15 *through the one-stop delivery system; and*

16 *“(iii) reemployment services provided*  
17 *to unemployment claimants, including*  
18 *claimants identified as in need of such serv-*  
19 *ices under the worker profiling system es-*  
20 *tablished under section 303(j) of the Social*  
21 *Security Act (42 U.S.C. 503(j));”;*

22 *(vi) in subparagraph (E), by striking*  
23 *“employment statistics” and inserting*  
24 *“workforce and labor market”;*

1                   (vii) in subparagraph (F), by striking  
2                   “and eligible providers of youth activities  
3                   described in section 123,”;

4                   (viii) in subparagraph (I), by insert-  
5                   ing “and the administration of the work  
6                   test for the unemployment compensation  
7                   system” after “compensation”;

8                   (ix) by amending subparagraph (J) to  
9                   read as follows:

10                   “(J) assistance in establishing eligibility for  
11                   programs of financial aid assistance for training  
12                   and education programs that are not funded  
13                   under this Act and are available in the local  
14                   area;”; and

15                   (x) by redesignating subparagraph (K)  
16                   as subparagraph (U); and

17                   (xi) by inserting the following new sub-  
18                   paragraphs after subparagraph (J):

19                   “(K) the provision of information from offi-  
20                   cial publications of the Internal Revenue Service  
21                   regarding Federal tax credits available to indi-  
22                   viduals relating to education, job training and  
23                   employment;

1           “(L) *comprehensive and specialized assess-*  
2           *ments of the skill levels and service needs of*  
3           *workers, which may include—*

4                   “(i) *diagnostic testing and use of other*  
5                   *assessment tools; and*

6                   “(ii) *in-depth interviewing and evalua-*  
7                   *tion to identify employment barriers and*  
8                   *appropriate employment goals;*

9           “(M) *development of an individual employ-*  
10           *ment plan, to identify the employment goals, ap-*  
11           *propriate achievement objectives, and appro-*  
12           *priate combination of services for the participa-*  
13           *tion to achieve the employment goals;*

14                   “(N) *group counseling;*

15                   “(O) *individual counseling and career plan-*  
16                   *ning;*

17                   “(P) *case management;*

18                   “(Q) *short-term pre-career services, includ-*  
19                   *ing development of learning skills, communica-*  
20                   *tions skills, interviewing skills, punctuality, per-*  
21                   *sonal maintenance skills, and professional con-*  
22                   *duct, to prepare individuals for unsubsidized em-*  
23                   *ployment or training;*

24                   “(R) *internships and work experience;*

1           “(S) *literacy activities relating to basic*  
2           *work readiness, information and communication*  
3           *technology literacy activities, and financial lit-*  
4           *eracy activities, if such activities are not avail-*  
5           *able to participants in the local area under pro-*  
6           *grams administered under the Adult Education*  
7           *and Family Literacy Act (20 U.S.C. 2901 et*  
8           *seq.);*

9           “(T) *out-of-area job search assistance and*  
10          *relocation assistance; and*”; and

11          (C) *by amending paragraph (3) to read as*  
12          *follows:*

13          “(3) *DELIVERY OF SERVICES.—The work ready*  
14          *services described in paragraph (2) shall be provided*  
15          *through the one-stop delivery system and may be pro-*  
16          *vided through contracts with public, private for-prof-*  
17          *it, and private nonprofit service providers, approved*  
18          *by the local board.*”;

19          (D) *in paragraph (4)—*

20                 (i) *by amending subparagraph (A) to*  
21                 *read as follows:*

22                 “(A) *IN GENERAL.—Funds allocated to a*  
23                 *local area under section 133(b) shall be used to*  
24                 *provide training services to individuals who—*

1           “(i) after an interview, evaluation, or  
2           assessment, and case management, have  
3           been determined by a one-stop operator or  
4           one-stop partner, as appropriate, to—

5                   “(I) be in need of training serv-  
6                   ices to obtain or retain employment;  
7                   and

8                   “(II) have the skills and qualifica-  
9                   tions to successfully participate in the  
10                  selected program of training services;

11                  “(ii) select programs of training serv-  
12                  ices that are directly linked to the employ-  
13                  ment opportunities in the local area in-  
14                  volved or in another area in which the indi-  
15                  vidual receiving such services are willing to  
16                  commute or relocate; and

17                  “(iii) who meet the requirements of  
18                  subparagraph (B);”; and

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

24                  (iii) by amending subparagraph (D) to  
25                  read as follows:



1           “(D) *TRAINING SERVICES.*—*Training serv-*  
2           *ices authorized under this paragraph may in-*  
3           *clude—*

4                     “(i) *occupational skills training;*

5                     “(ii) *on-the-job training;*

6                     “(iii) *skill upgrading and retraining;*

7                     “(iv) *entrepreneurial training;*

8                     “(v) *education activities leading to a*  
9                     *regular secondary school diploma or its rec-*  
10                    *ognized equivalent in combination with,*  
11                    *concurrently or subsequently, occupational*  
12                    *skills training;*

13                    “(vi) *adult education and literacy ac-*  
14                    *tivities provided in conjunction with other*  
15                    *training authorized under this subpara-*  
16                    *graph;*

17                    “(vii) *workplace training combined*  
18                    *with related instruction; and*

19                    “(viii) *occupational skills training*  
20                    *that incorporates English language acquisi-*  
21                    *tion.”;*

22                    *(iv) by striking subparagraph (E) and*  
23                    *redesignating subparagraphs (F) and (G)*  
24                    *as subparagraphs (E) and (F), respectively;*  
25                    *and*

1                   (v) in subparagraph (E) (as so redesign-  
2                   nated)—

3                   (I) in clause (ii)—

4                   (aa) in the matter preceding  
5                   subclause (I), by striking “sub-  
6                   section (c)” and inserting “section  
7                   121”; and

8                   (bb) in subclause (II), by  
9                   striking “subsections (e) and (h)”  
10                  and inserting “subsection (i)”;  
11                  and

12                  (II) by striking clause (iii) and  
13                  inserting the following:

14                  “(iii) CAREER ENHANCEMENT AC-  
15                  COUNTS.—An individual who seeks training  
16                  services and who is eligible pursuant to sub-  
17                  paragraph (A), may, in consultation with a  
18                  case manager, select an eligible provider of  
19                  training services from the list or identifying  
20                  information for providers described in  
21                  clause (ii)(I). Upon such selection, the one-  
22                  stop operator involved shall, to the extent  
23                  practicable, refer such individual to the eli-  
24                  gible provider of training services, and ar-

1 range for payment for such services through  
2 a career enhancement account.

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

9 “(v) *ENHANCED CAREER ENHANCE-*  
10 *MENT ACCOUNTS.*—Each local board may,  
11 through one-stop centers, assist individuals  
12 receiving career enhancement accounts  
13 through the establishment of such accounts  
14 that include, in addition to the funds pro-  
15 vided under this paragraph, funds from  
16 other programs and sources that will assist  
17 the individual in obtaining training serv-  
18 ices.”; and

19 (vi) in subparagraph (F) (as so redes-  
20 igned)—

21 (I) in the subparagraph heading,  
22 by striking “*INDIVIDUAL TRAINING AC-*  
23 *COUNTS*” and inserting “*CAREER EN-*  
24 *HANCEMENT ACCOUNTS*”;

1           (II) in clause (i) by striking “in-  
2           dividual training accounts” and in-  
3           serting “career enhancement accounts”;

4           (III) in clause (ii)—

5           (aa) by striking “an indi-  
6           vidual training account” and in-  
7           serting “a career enhancement ac-  
8           count”;

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

13          (cc) in subclause (II) by  
14          striking “or” after the semicolon;

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

18          (ee) by adding at the end of  
19          the following:

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

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

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

6                     *(V) in clause (iv)—*

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

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

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

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

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

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

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

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

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

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

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

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

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

1           *ers, as determined by the local board, con-*  
2           *sistent with the local plan under section*  
3           *118.”.*

4           *(B) by striking paragraphs (2) and (3); and*  
5           *(C) by adding at the end the following:*

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

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

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

20                   “(C) *EMPLOYER MATCH REQUIRED.—*

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

1           *board, in consultation with the local board*  
2           *as appropriate, shall establish the required*  
3           *portion of such costs, which may include in-*  
4           *kind contributions. The required portion*  
5           *shall not be less than 50 percent of the costs.*

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

11          *(7) by adding at the end the following:*

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

17          “(f) *VETERAN EMPLOYMENT SPECIALIST.—*

18                 “(1) *IN GENERAL.—A local area shall hire and*  
19                 *employ one or more veteran employment specialist to*  
20                 *carry out employment, training, and placement serv-*  
21                 *ices under this subsection.*

22                 “(2) *PRINCIPAL DUTIES.—A veteran employment*  
23                 *specialist in a local area shall—*



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

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

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

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

13           “(3) *HIRING PREFERENCE FOR VETERANS AND*  
14           *INDIVIDUALS WITH EXPERTISE IN SERVING VET-*  
15           *ERANS.—A local area shall, to the maximum extent*  
16           *practicable, employ veterans or individuals with ex-*  
17           *pertise in serving veterans to carry out the services*  
18           *described in paragraph (2). In hiring an individual*  
19           *to serve as a veteran employment specialist, a local*  
20           *board shall give preference to veterans and other indi-*  
21           *viduals in the following order:*

22                   “(A) *To qualified service-connected disabled*  
23                   *veterans.*

1           “(B) If no veteran described in subpara-  
2 graph (A) is available, to qualified eligible vet-  
3 erans.

4           “(C) If no veteran described in subpara-  
5 graph (A) or (B) is available, to any other indi-  
6 viduals with expertise in serving veterans.

7           “(4) REPORTING.—

8           “(A) IN GENERAL.—Each veteran employ-  
9 ment specialist shall be administratively respon-  
10 sible to the manager of the one-stop delivery cen-  
11 ter in the local area and shall provide reports,  
12 not less frequently than quarterly, to the man-  
13 ager of such center and to the Director for Vet-  
14 erans’ Employment and Training for the State  
15 on compliance by the representative with Federal  
16 law and regulations with respect to the special  
17 services and hiring preferences described in  
18 paragraph (3) for veterans and individuals with  
19 expertise in serving veterans.

20           “(B) REPORT TO SECRETARY.—Each State  
21 shall submit to the Secretary an annual report  
22 on the qualifications used by the local area in  
23 making hiring determinations for a veteran em-  
24 ployment specialist and the salary structure  
25 under which such specialists are compensated.

1           “(C) *REPORT TO CONGRESS.*—*The Sec-*  
2           *retary shall submit to the Committee on Edu-*  
3           *cation and the Workforce of the House of Rep-*  
4           *resentatives and the Committee on Health, Edu-*  
5           *cation, Labor, and Pensions of the Senate an an-*  
6           *nuual report summarizing the reports submitted*  
7           *under subparagraph (B), including summaries*  
8           *of outcomes achieved by participating veterans*  
9           *disaggregated by local communities.*

10           “(5) *PART-TIME EMPLOYEES.*—*A part-time vet-*  
11           *eran employment specialist shall perform the func-*  
12           *tions of a veteran employment specialist under this*  
13           *subsection on a halftime basis.*

14           “(6) *TRAINING REQUIREMENTS.*—*Each veteran*  
15           *employment specialist described in paragraph (1)*  
16           *shall satisfactorily complete training provided by the*  
17           *National Veterans’ Employment and Training Insti-*  
18           *tute during the three-year period that begins on the*  
19           *date on which the employee is so assigned.*

20           “(7) *SPECIALIST’S DUTIES.*—*A full-time veteran*  
21           *employment specialist shall perform only duties re-*  
22           *lated to the employment, training, supportive, and*  
23           *placement services under this subtitle, and shall not*  
24           *perform other non-veteran-related duties if such duties*  
25           *detract from the specialist’s ability to perform the*

1        *specialist’s duties related to employment, training,*  
2        *and placement services under this subtitle.”.*

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

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

5                *(1) in subsection (b)—*

6                        *(A) by amending paragraphs (1) and (2) to*  
7                *read as follows:*

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

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

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

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

18                *“(2) INDICATORS OF PERFORMANCE.—*

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

21                        *“(i) IN GENERAL.—The core indicators*  
22                        *of performance for the program of employ-*  
23                        *ment and training activities authorized*  
24                        *under sections 132(a)(2), 134, and 175, the*  
25                        *program of adult education and literacy ac-*

1            *tivities authorized under title II, and the*  
2            *program authorized under title I of the Re-*  
3            *habilitation Act of 1973 (29 U.S.C. 720 et*  
4            *seq.), other than section 112 or part C of*  
5            *that title (29 U.S.C. 732, 741), shall consist*  
6            *of the following indicators of performance,*  
7            *each disaggregated by the populations iden-*  
8            *tified in the State and local plans:*

9                    *“(I) the percentage and number of*  
10                   *program participants who are in un-*  
11                   *subsidized employment during the sec-*  
12                   *ond full calendar quarter after exit*  
13                   *from the program;*

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

19                   *“(III) the median earnings of pro-*  
20                   *gram participants who are in unsub-*  
21                   *sidized employment during the second*  
22                   *full calendar quarter after exit from*  
23                   *the program compared to the median*  
24                   *earnings of such participants prior to*

1           *the training received under such pro-*  
2           *gram;*

3           “(IV) *the percentage and number*  
4           *of program participants who obtain a*  
5           *recognized postsecondary credential,*  
6           *including a registered apprenticeship,*  
7           *an industry-recognized credential, or a*  
8           *regular secondary school diploma or its*  
9           *recognized equivalent (subject to clause*  
10           *(iii)), during participation in or with-*  
11           *in 1 year after exit from program;*

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

15           “(aa) *are in an education or*  
16           *training program that leads to a*  
17           *recognized postsecondary creden-*  
18           *tial, including a registered ap-*  
19           *prenticeship or on-the-job training*  
20           *program, an industry-recognized*  
21           *credential, a regular secondary*  
22           *school diploma or its recognized*  
23           *equivalent, or unsubsidized em-*  
24           *ployment; and*

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

4                   “(VI) the percentage and number  
5                   of program participants who obtain  
6                   unsubsidized employment in the field  
7                   relating to the training services de-  
8                   scribed in section 134(c)(4) that such  
9                   participants received.

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

1           “(B) *ADDITIONAL INDICATORS.*—A State  
2           may identify in the State plan additional indi-  
3           cators for workforce investment activities author-  
4           ized under this subtitle.”; and

5           (B) in paragraph (3)—

6           (i) in subparagraph (A)—

7           (I) in the heading, by striking

8           “AND CUSTOMER SATISFACTION INDI-  
9           CATOR”;

10          (II) in clause (i), by striking

11          “and the customer satisfaction indi-  
12          cator described in paragraph (2)(B)”;

13          (III) in clause (ii), by striking

14          “and the customer satisfaction indi-  
15          cator of performance, for the first 3”  
16          and inserting “, for the first 2”;

17          (IV) in clause (iii)—

18          (aa) in the heading, by strik-  
19          ing “3 YEARS” and inserting “2  
20          YEARS”; and

21          (bb) by striking “and the  
22          customer satisfaction indicator of  
23          performance, for the first 3 pro-  
24          gram years” and inserting “for  
25          the first 2 program years”;



1 (V) in clause (iv)—

2 (aa) by striking subclause (I)  
3 and redesignating subclauses (II)  
4 and (III) as subclauses (I) and  
5 (II), respectively; and

6 (bb) in subclause (I) (as so  
7 redesignated)—

8 (AA) by striking “tak-  
9 ing into account” and insert-  
10 ing “which shall be adjusted  
11 based on”;

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

17 (CC) by inserting “,  
18 such as indicators of poor  
19 work experience, dislocation  
20 from high-wage employment,  
21 low levels of literacy or  
22 English proficiency, dis-  
23 ability status, including the  
24 number of veterans with dis-

1                   abilities, and welfare depend-  
2                   ency” after “program”;

3                   (VI) by striking clause (v) and re-  
4                   designating clause (vi) as clause (v);  
5                   and

6                   (VII) in clause (v) (as so redesign-  
7                   ated),

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

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

15                  (2) in subsection (c)(1)(A)—

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

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

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

1           “(3) *DETERMINATIONS.*—*In determining such*  
2           *local levels of performance, the local board, the chief*  
3           *elected official, and the Governor shall ensure such*  
4           *levels are adjusted based on the specific economic*  
5           *characteristics (such as unemployment rates and job*  
6           *losses or gains in particular industries), demographic*  
7           *characteristics, or other characteristics of the popu-*  
8           *lation to be served in the local area, such as poor*  
9           *work history, lack of work experience, dislocation*  
10           *from high-wage employment, low levels of literacy or*  
11           *English proficiency, disability status, including the*  
12           *number of veterans with disabilities, and welfare de-*  
13           *pendency.”;*

14           (3) *in subsection (d)*—

15                   (A) *in paragraph (1)*—

16                           (i) *by striking “127 or”;*

17                           (ii) *by inserting “maintain a central*  
18                           *repository of policies related to access, eligi-*  
19                           *bility, availability of services, and other*  
20                           *matters approved by the State board and*  
21                           *plans and such policies approved by each*  
22                           *local board and make such repository avail-*  
23                           *able to the public, including by electronic*  
24                           *means and shall” after “132 shall”; and*

1           (iii) by striking “and the customer sat-  
2           isfaction indicator” each place it appears;

3           (B) in paragraph (2)—

4           (i) in subparagraph (A), by striking  
5           “section 134(d)(4)” and inserting “section  
6           134(c)(4)”;

7           (ii) in subparagraph (E), by striking  
8           “(excluding participants who received only  
9           self-service and informational activities);”  
10          and inserting a semicolon;

11          (iii) by striking “and” at the end of  
12          subparagraph (E);

13          (iv) by striking the period at the end  
14          of subparagraph (F) and inserting a semi-  
15          colon;

16          (v) by adding at the end, the following:

17          “(G) with respect to each local area in the  
18          State—

19               “(i) the number of individuals who re-  
20               ceived work ready services described under  
21               section 134(c)(2) and the number of indi-  
22               viduals who received training services de-  
23               scribed under section 134(c)(4) during the  
24               most recent program year and fiscal year,  
25               and the preceding 5 program years, where

1           *the individuals received the training,*  
2           *disaggregated by the type of entity that pro-*  
3           *vided the training, and the amount of funds*  
4           *spent on each type of service;*

5           “(ii) *the number of individuals who*  
6           *successfully exited out of work ready services*  
7           *described under section 134(c)(2) and the*  
8           *number of individuals who exited out of*  
9           *training services described under section*  
10           *134(c)(4) during the most recent program*  
11           *year and fiscal year, and the preceding 5*  
12           *program years, and where the individuals*  
13           *received the training, disaggregated by the*  
14           *type of entity that provided the training;*  
15           *and*

16           “(iii) *the average cost per participant*  
17           *of those individuals who received work*  
18           *ready services described under section*  
19           *134(c)(2) and the average cost per partici-*  
20           *pant of those individuals who received*  
21           *training services described under section*  
22           *134(c)(4) during the most recent program*  
23           *year and fiscal year, and the preceding 5*  
24           *program years, and where the individuals*  
25           *received the training, disaggregated by the*

1           *type of entity that provided the training;*  
2           *and*

3           “(H) *the amount of funds spent on training*  
4           *services and discretionary one-stop delivery ac-*  
5           *tivities, disaggregated by the populations identi-*  
6           *fied in the State and local plans.”;*

7           (C) *in paragraph (3)(A), by striking*  
8           *“through publication” and inserting “through*  
9           *electronic means”;* and

10           (D) *by adding at the end the following:*

11           “(4) *DATA VALIDATION.—In preparing the re-*  
12           *ports described in this subsection, each State shall es-*  
13           *tablish procedures, consistent with guidelines issued*  
14           *by the Secretary, to ensure the information contained*  
15           *in the report is valid and reliable.”;*

16           (4) *in subsection (g)—*

17           (A) *in paragraph (1)(A), by striking “or*  
18           *(B)”;*

19           (B) *in paragraph (1)(B), by striking “may*  
20           *reduce by not more than 5 percent,” and insert-*  
21           *ing “shall reduce”;* and

22           (C) *by striking paragraph (2) and inserting*  
23           *the following:*

24           “(2) *FUNDS RESULTING FROM REDUCED ALLOT-*  
25           *MENTS.—The Secretary shall return to the Treasury*

1 *the amount retained, as a result of a reduction in an*  
2 *allotment to a State made under paragraph (1)(B).”;*

3 *(5) in subsection (h)(1), by striking “or (B)”;*

4 *(6) in subsection (h)(2)—*

5 *(A) in subparagraph (A), by amending the*  
6 *matter preceding clause (i) to read as follows:*

7 *“(A) IN GENERAL.—If such failure con-*  
8 *tinues for a second consecutive year, the Gov-*  
9 *ernor shall take corrective actions, including the*  
10 *development of a reorganization plan. Such plan*  
11 *shall—”;*

12 *(B) by redesignating subparagraphs (B)*  
13 *and (C) as subparagraphs (C) and (D), respec-*  
14 *tively;*

15 *(C) by inserting after subparagraph (A), the*  
16 *following:*

17 *“(B) REDUCTION IN THE AMOUNT OF*  
18 *GRANT.—If such failure continues for a third*  
19 *consecutive year, the Governor of a State shall*  
20 *reduce the amount of the grant that would (in*  
21 *the absence of this subparagraph) be payable to*  
22 *the local area under such program for the pro-*  
23 *gram year after such third consecutive year.*  
24 *Such penalty shall be based on the degree of fail-*  
25 *ure to meet local levels of performance.”;*

1           (D) in subparagraph (C)(i) (as so redesignated), by striking “a reorganization plan under  
2           subparagraph (A) may, not later than 30 days  
3           after receiving notice of the reorganization plan,  
4           appeal to the Governor to rescind or revise such  
5           plan” and inserting “corrective actions under  
6           subparagraphs (A) and (B) may, not later than  
7           30 days after receiving notice of the actions, ap-  
8           peal to the Governor to rescind or revise such ac-  
9           tions”; and

11           (E) in subparagraph (D) (as so redesignated), by striking “subparagraph (B)” each  
12           place it appears and inserting “subparagraph  
13           (C)”;

15           (7) in subsection (i)(1)(C), by striking  
16           “(b)(3)(A)(vi)” and inserting “(b)(3)(A)(v)”;

17           (8) in subsection (i)(1)(B), by striking “sub-  
18           section (b)(2)(C)” and inserting “subsection  
19           (b)(2)(B)”;

20           (9) by adding at the end the following subsection:

21           “(j) USE OF CORE INDICATORS FOR OTHER PRO-  
22           GRAMS.—In addition to the programs carried out under  
23           chapter 5, and consistent with the requirements of the ap-  
24           plicable authorizing laws, the Secretary shall use the core  
25           indicators of performance described in subsection (b)(2)(A)



1 *to assess the effectiveness of the programs described under*  
2 *section 121(b)(1)(B) that are carried out by the Secretary.”.*

3 **SEC. 115. AUTHORIZATION OF APPROPRIATIONS.**

4 *Section 137 (29 U.S.C. 2872) is amended to read as*  
5 *follows:*

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

7 *“There are authorized to be appropriated to carry out*  
8 *the activities described in section 132, \$6,292,486,000 for*  
9 *fiscal year 2013 and each of the 5 succeeding fiscal years.”.*

10 ***Subtitle C—Job Corps***

11 **SEC. 116. JOB CORPS PURPOSES.**

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

14 *“(1) to maintain a national Job Corps program*  
15 *for at-risk youth, carried out in partnership with*  
16 *States and communities, to assist eligible youth to*  
17 *connect to the workforce by providing them with in-*  
18 *tensive academic, career and technical education, and*  
19 *service-learning opportunities, in residential and*  
20 *nonresidential centers, in order for such youth to ob-*  
21 *tain regular secondary school diplomas, industry-rec-*  
22 *ognized credentials, or recognized postsecondary cre-*  
23 *denials leading to successful careers in in-demand*  
24 *industries that will result in opportunities for ad-*  
25 *vancement;”.*

1 **SEC. 117. JOB CORPS DEFINITIONS.**

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

3 *(1) in paragraph (2)—*

4 *(A) in the paragraph heading, by striking*

5 *“APPLICABLE”;*

6 *(B) by striking “applicable”;*

7 *(C) by striking “customer service”; and*

8 *(D) by striking “intake” and inserting “as-*  
9 *essment”;*

10 *(2) in paragraph (4), by striking “before com-*  
11 *pleting the requirements” and all that follows and in-*  
12 *serting “prior to becoming a graduate.”; and*

13 *(3) in paragraph (5), by striking “has completed*  
14 *the requirements” and all that follows and inserting*  
15 *the following: “who, as a result of participation in the*  
16 *Job Corps program, has received a regular secondary*  
17 *school diploma, completed the requirements of a ca-*  
18 *reer and technical education and training program,*  
19 *or received, or is making satisfactory progress (as de-*  
20 *fined under section 484(c) of the Higher Education*  
21 *Act of 1965 (20 U.S.C. 1091(c)) toward receiving, a*  
22 *recognized postsecondary credential, including an in-*  
23 *dustry-recognized credential that prepares individuals*  
24 *for employment leading to economic self-sufficiency.”.*

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

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

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

3           “*(1) not less than age 16 and not more than age*  
4           *24 on the date of enrollment;*”;

5           (2) *in paragraph (3)(B), by inserting “sec-*  
6           *ondary” before “school”; and*

7           (3) *in paragraph (3)(E), by striking “voca-*  
8           *tional” and inserting “career and technical education*  
9           *and”.*

10 **SEC. 119. RECRUITMENT, SCREENING, SELECTION, AND AS-**  
11 **SIGNMENT OF ENROLLEES.**

12           *Section 145 (29 U.S.C. 2885) is amended—*

13           (1) *in subsection (a)—*

14           (A) *in paragraph (2)(C)(i) by striking “vo-*  
15           *cational” and inserting “career and technical*  
16           *education and training”;*

17           (B) *in paragraph (3)—*

18           (i) *by striking “To the extent prac-*  
19           *ticable, the” and inserting “The”;*

20           (ii) *in subparagraph (A)—*

21           (I) *by striking “applicable”; and*

22           (II) *by inserting “and” after the*  
23           *semicolon;*

24           (iii) *by striking subparagraphs (B)*  
25           *and (C); and*

1                   (iv) by adding at the end the following:

2                   “(B) organizations that have a dem-  
3                   onstrated record of effectiveness in placing at-  
4                   risk youth into employment.”; and

5                   (C) in paragraph (5), by inserting at the  
6                   end the following: “The Secretary shall allot not  
7                   more than  $\frac{1}{2}$  of 1 percent of the budget of the  
8                   Job Corps program for the purpose of this para-  
9                   graph.”;

10                  (2) in subsection (b)—

11                   (A) in paragraph (1)—

12                   (i) in subparagraph (B), by inserting  
13                   “and agrees to such rules” after “failure to  
14                   observe the rules”; and

15                   (ii) by amending subparagraph (C) to  
16                   read as follows:

17                   “(C) the individual has passed a back-  
18                   ground check conducted in accordance with pro-  
19                   cedures established by the Secretary, which shall  
20                   include—

21                   “(i) a search of the State criminal reg-  
22                   istry or repository in the State where the  
23                   individual resides and each State where the  
24                   individual previously resided;

1           “(ii) a search of State-based child  
2           abuse and neglect registries and databases  
3           in the State where the individual resides  
4           and each State where the individual pre-  
5           viously resided;

6           “(iii) a search of the National Crime  
7           Information Center;

8           “(iv) a Federal Bureau of Investiga-  
9           tion fingerprint check using the Integrated  
10          Automated Fingerprint Identification Sys-  
11          tem; and

12          “(v) a search of the National Sex Of-  
13          fender Registry established under the Adam  
14          Walsh Child Protection and Safety Act of  
15          2006 (42 U.S.C. 16901 et seq.).”; and

16          (B) by adding at the end the following new  
17          paragraph:

18          “(3) INDIVIDUALS CONVICTED OF A CRIME.—An  
19          individual shall be ineligible for enrollment if the in-  
20          dividual—

21                 “(A) makes a false statement in connection  
22                 with the criminal background check described in  
23                 paragraph (1)(C);

24                 “(B) is registered or is required to be reg-  
25                 istered on a State sex offender registry or the Na-

1           *tional Sex Offender Registry established under*  
2           *the Adam Walsh Child Protection and Safety Act*  
3           *of 2006 (42 U.S.C. 16901 et seq.); or*

4           “(C) *has been convicted of a felony con-*  
5           *sisting of—*

6                     “(i) *homicide;*

7                     “(ii) *child abuse or neglect;*

8                     “(iii) *a crime against children, includ-*  
9                     *ing child pornography;*

10                    “(iv) *a crime involving rape or sexual*  
11                    *assault; or*

12                    “(v) *physical assault, battery, or a*  
13                    *drug-related offense, committed within the*  
14                    *past 5 years.”.*

15           (3) *in subsection (c)—*

16                    (A) *in paragraph (1)—*

17                             (i) *by striking “2 years” and inserting*  
18                             *“year”; and*

19                             (ii) *by striking “an assignment” and*  
20                             *inserting “a”;*

21                    (B) *in paragraph (2)—*

22                             (i) *in the matter preceding subpara-*  
23                             *graph (A), by striking “, every 2 years,”;*

24                             (ii) *in subparagraph (B), by striking*  
25                             *“and” at the end; and*

1                   (iii) in subparagraph (C)—

2                   (I) by inserting “the education  
3                   and training” after “including”; and

4                   (II) by striking the period at the  
5                   end and inserting “; and”; and

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

7                   “(D) the performance of the Job Corps cen-  
8                   ter relating to the indicators described in para-  
9                   graphs (1) and (2) in section 159(c)(1), and  
10                  whether any actions have been taken with respect  
11                  to such center pursuant to paragraph (3) of sec-  
12                  tion 159(f).”;

13                  (4) in subsection (d)—

14                  (A) in paragraph (1)—

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

23                  (ii) by striking subparagraph (A); and

1                   (iii) by redesignating subparagraphs  
 2                   (B) and (C) as subparagraphs (A) and (B),  
 3                   respectively; and  
 4                   (B) in paragraph (2), by inserting “that of-  
 5                   fers the career and technical education and  
 6                   training desired by” after “home of the enrollee”.

7 **SEC. 120. JOB CORPS CENTERS.**

8                   Section 147 (29 U.S.C. 2887) is amended—

9                   (1) in subsection (a)—

10                   (A) in paragraph (1)—

11                   (i) in subparagraph (A), by striking  
 12                   “vocational” both places it appears and in-  
 13                   serting “career and technical”; and

14                   (ii) in subparagraph (B)—

15                   (I) by striking “may” and insert-  
 16                   ing “shall”;

17                   (II) by inserting “that resides in  
 18                   the State in which the Jobs Corps cen-  
 19                   ter is located” before “to provide”; and

20                   (III) by inserting before the pe-  
 21                   riod at the end the following: “, as ap-  
 22                   propriate”;

23                   (B) in paragraph (2)—

24                   (i) in subparagraph (A)—



1           (I) by striking “subsections (c)  
2           and (d) of section 303 of the Federal  
3           Property and Administrative Services  
4           Act of 1949 (41 U.S.C. 253)” and in-  
5           serting “subsections (a) and (b) of sec-  
6           tion 3304 of title 41, United States  
7           Code”; and

8           (II) by striking “industry coun-  
9           cil” and inserting “workforce council”;  
10          (ii) in subparagraph (B)(i)—

11           (I) by amending subclause (II) to  
12          read as follows:

13           “(II) the ability of the entity to  
14          offer career and technical education  
15          and training that the workforce council  
16          proposes under section 154(c);”;

17           (II) in subclause (III), by striking  
18          “is familiar with the surrounding com-  
19          munities,” and inserting “dem-  
20          onstrates relationships with the sur-  
21          rounding communities, employers,  
22          workforce boards,” and by striking  
23          “and” at the end;

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

1           “(IV) the performance of the enti-  
2           ty, if any, relating to operating or pro-  
3           viding activities described in this sub-  
4           title to a Job Corps center, including  
5           the entity’s demonstrated effectiveness  
6           in assisting individuals in achieving  
7           the primary and secondary indicators  
8           of performance described in para-  
9           graphs (1) and (2) of section 159(c);  
10          and”;

11                   (IV) by adding at the end the fol-  
12          lowing new subclause:

13                   “(V) the ability of the entity to  
14                   demonstrate a record of successfully as-  
15                   sisting at-risk youth to connect to the  
16                   workforce, including by providing them  
17                   with intensive academic, and career  
18                   and technical education and train-  
19                   ing.”;

20                   (iii) in subparagraph (B)(ii), by strik-  
21          ing “, as appropriate”;

22                   (2) in subsection (b), by striking “In any year,  
23          no more than 20 percent of the individuals enrolled  
24          in the Job Corps may be nonresidential participants  
25          in the Job Corps.”;

1           (3) *by amending subsection (c) to read as fol-*  
2 *lows:*

3           “(c) *CIVILIAN CONSERVATION CENTERS.*—

4           “(1) *IN GENERAL.*—*The Job Corps centers may*  
5 *include Civilian Conservation Centers, operated*  
6 *under an agreement between the Secretary of Labor*  
7 *and the Secretary of Agriculture, that are located pri-*  
8 *marily in rural areas. Such centers shall adhere to all*  
9 *the provisions of this subtitle, and shall provide, in*  
10 *addition to education, career and technical education*  
11 *and training, and workforce preparation skills train-*  
12 *ing described in section 148, programs of work experi-*  
13 *ence to conserve, develop, or manage public natural*  
14 *resources or public recreational areas or to develop*  
15 *community projects in the public interest.*

16           “(2) *SELECTION PROCESS.*—*The Secretary shall*  
17 *select an entity that submits an application under*  
18 *subsection (d) to operate a Civilian Conservation*  
19 *Center on a competitive basis, as provided in sub-*  
20 *section (a).”;* and

21           (4) *by striking subsection (d) and inserting the*  
22 *following:*

23           “(d) *APPLICATION.*—*To be eligible to operate a Job*  
24 *Corps center under this subtitle, an entity shall submit an*  
25 *application to the Secretary at such time, in such manner,*

1 *and containing such information as the Secretary may re-*  
2 *quire, including—*

3           “(1) *a description of the program activities that*  
4 *will be offered at the center, including how the career*  
5 *and technical education and training reflect State*  
6 *and local employment opportunities, including in in-*  
7 *demand industries;*

8           “(2) *a description of the counseling, placement,*  
9 *and support activities that will be offered at the cen-*  
10 *ter, including a description of the strategies and pro-*  
11 *cedures the entity will use to place graduates into un-*  
12 *subsidized employment upon completion of the pro-*  
13 *gram;*

14           “(3) *a description of the demonstrated record of*  
15 *effectiveness that the entity has in placing at-risk*  
16 *youth into employment, including past performance*  
17 *of operating a Job Corps center under this subtitle;*

18           “(4) *a description of the relationships that the*  
19 *entity has developed with State and local workforce*  
20 *boards, employers, State and local educational agen-*  
21 *cies, and the surrounding communities in an effort to*  
22 *promote a comprehensive statewide workforce develop-*  
23 *ment system;*

1           “(5) a description of the strong fiscal controls the  
2           entity has in place to ensure proper accounting of  
3           Federal funds;

4           “(6) a description of the strategies and policies  
5           the entity will utilize to reduce participant costs;

6           “(7) a detailed budget of the activities that will  
7           be supported using funds under this subtitle;

8           “(8) a detailed budget of the activities that will  
9           be supported using funds from non-Federal resources;

10          “(9) an assurance the entity will comply with  
11          the administrative cost limitation included in section  
12          151(c);

13          “(10) an assurance the entity is licensed to oper-  
14          ate in the State in which the center is located; and

15          “(11) an assurance the entity will comply with  
16          and meet basic health and safety codes, including  
17          those measures described in section 152(b).

18          “(e) *LENGTH OF AGREEMENT.*—The agreement de-  
19          scribed in subsection (a)(1)(A) shall be for not longer than  
20          a 2-year period. The Secretary may renew the agreement  
21          for 3 one-year periods if the entity meets the requirements  
22          of subsection (f).

23          “(f) *RENEWAL.*—

24                  “(1) *IN GENERAL.*—Subject to paragraph (2), the  
25          Secretary may renew the terms of an agreement de-

1 *scribed in subsection (a)(1)(A) for an entity to oper-*  
2 *ate a Job Corps center if the center meets or exceeds*  
3 *each of the indicators of performance described in sec-*  
4 *tion 159(c)(1).*

5 *“(2) RECOMPETITION.—*

6 *“(A) IN GENERAL.—Notwithstanding para-*  
7 *graph (1), the Secretary shall not renew the*  
8 *terms of the agreement for an entity to operate*  
9 *a Job Corps center if such center is ranked in*  
10 *the bottom quintile of centers described in section*  
11 *159(f)(2) for any program year. Such entity*  
12 *may submit a new application under subsection*  
13 *(d) only if such center has shown significant im-*  
14 *provement in the indicators of performance de-*  
15 *scribed in section 159(c)(1) over the last program*  
16 *year.*

17 *“(B) VIOLATIONS.—The Secretary shall not*  
18 *select an entity to operate a Job Corps center if*  
19 *such entity or such center has been found to have*  
20 *a systemic or substantial material failure that*  
21 *involves—*

22 *“(i) a threat to the health, safety, or*  
23 *civil rights of program participants or staff;*

24 *“(ii) the misuse of funds received*  
25 *under this subtitle;*

1           “(iii) loss of legal status or financial  
2           viability, loss of permits, debarment from  
3           receiving Federal grants or contracts, or the  
4           improper use of Federal funds;

5           “(iv) failure to meet any other Federal  
6           or State requirement that the entity has  
7           shown an unwillingness or inability to cor-  
8           rect, after notice from the Secretary, within  
9           the period specified; or

10           “(v) an unresolved area of noncompli-  
11           ance.

12           “(g) *CURRENT GRANTEES*.—Not later than 60 days  
13 after the date of enactment of the Workforce Investment Im-  
14 provement Act of 2012 and notwithstanding any previous  
15 grant award or renewals of such award under this subtitle,  
16 the Secretary shall require all entities operating a Job  
17 Corps center under this subtitle to submit an application  
18 under subsection (d) to carry out the requirements of this  
19 section.”.

20 **SEC. 121. PROGRAM ACTIVITIES.**

21           Section 148 (29 U.S.C. 2888) is amended—

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

24           “(a) *ACTIVITIES PROVIDED THROUGH JOB CORPS*  
25 *CENTERS*.—

1           “(1) *IN GENERAL.*—*Each Job Corps center shall*  
2           *provide enrollees with an intensive, well-organized,*  
3           *and supervised program of education, career, and*  
4           *technical education and training, work experience,*  
5           *recreational activities, physical rehabilitation and de-*  
6           *velopment, and counseling. Each Job Corps center*  
7           *shall provide enrollees assigned to the center with ac-*  
8           *cess to work-ready services described in section*  
9           *134(c)(2).*

10           “(2) *RELATIONSHIP TO OPPORTUNITIES.*—

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

14                   “(i) *secure and maintain meaningful*  
15                   *unsubsidized employment;*

16                   “(ii) *complete secondary education and*  
17                   *obtain a regular secondary school diploma;*

18                   “(iii) *enroll in and complete postsec-*  
19                   *ondary education or training programs, in-*  
20                   *cluding obtaining recognized postsecondary*  
21                   *credentials, industry-recognized credentials,*  
22                   *and registered apprenticeships; or*

23                   “(iv) *satisfy Armed Forces require-*  
24                   *ments.*



1           “(B) *LINK TO EMPLOYMENT OPPORTUNI-*  
2           *TIES.—The career and technical education and*  
3           *training provided shall be linked to the employ-*  
4           *ment opportunities in in-demand industries in*  
5           *the State in which the Job Corps center is lo-*  
6           *cated.*”; and

7           (2) *in subsection (b)—*

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

12               (B) *by striking “may” after “The Sec-*  
13                *retary” and inserting “shall”; and*

14               (C) *by striking “vocational” each place it*  
15                *appears and inserting “career and technical”;*  
16                *and*

17           (3) *in paragraph (3) of subsection (c), by strik-*  
18            *ing “have achieved a satisfactory rate of completion*  
19            *and placement in training-related jobs” and inserting*  
20            “*have met or exceeded the performance measurements*  
21            *in paragraphs (1) and (2) in section 159(c)*”.

22 **SEC. 122. COUNSELING AND JOB PLACEMENT.**

23           Section 149 (29 U.S.C. 2889) *is amended—*

24               (1) *in subsection (a), by striking “vocational”*  
25                *and inserting “career and technical education and”;*

1           (2) in subsection (b), by striking “make every ef-  
2       fort to arrange to”; and

3           (3) by striking subsection (d).

4 **SEC. 123. SUPPORT.**

5       Subsection (b) of section 150 (29 U.S.C. 2890) is  
6 amended to read as follows:

7       “(b) *TRANSITION ALLOWANCES AND SUPPORT FOR*  
8 *GRADUATES.—The Secretary shall arrange for a transition*  
9 *allowance to be paid to graduates. The transition allowance*  
10 *shall be incentive-based to reflect a graduate’s completion*  
11 *of academic, career and technical education or training,*  
12 *and attainment of a recognized postsecondary credential,*  
13 *including an industry-recognized credential.”*

14 **SEC. 124. OPERATIONS.**

15       Section 151 (29 U.S.C. 2891) is amended—

16           (1) in the header, by striking “**OPERATING**  
17 **PLAN.**” and inserting “**OPERATIONS.**”;

18           (2) in subsection (a), by striking “*IN GEN-*  
19 *ERAL.—*” and inserting “*OPERATING PLAN.—*”;

20           (3) by striking subsection (b) and redesignating  
21 subsection (c) as subsection (b);

22           (4) by amending subsection (b) (as so redesign-  
23 nated)—

24                   (A) in the heading by inserting “*OF OPER-*  
25 *ATING PLAN*” after “*AVAILABILITY*”; and

1                   (B) by striking “subsections (a) and (b)”  
2                   and inserting “subsection (a)”; and  
3                   (5) by adding at the end the following new sub-  
4                   section:

5                   “(c) *ADMINISTRATIVE COSTS.*—Not more than 10 per-  
6                   cent of the funds allotted under section 147 to an entity  
7                   selected to operate a Job Corps center may be used by the  
8                   entity for administrative costs under this subtitle.”.

9                   **SEC. 125. COMMUNITY PARTICIPATION.**

10                  Section 153 (29 U.S.C. 2893) is amended to read as  
11                  follows:

12                  **“SEC. 153. COMMUNITY PARTICIPATION.**

13                  *“The director of each Job Corps center shall encourage  
14                  and cooperate in activities to establish a mutually bene-  
15                  ficial relationship between Job Corps centers in the State  
16                  and nearby communities. Such activities may include the  
17                  use of any local workforce development boards established  
18                  under section 117 to provide a mechanism for joint discus-  
19                  sion of common problems and for planning programs of  
20                  mutual interest.”.*

21                  **SEC. 126. WORKFORCE COUNCILS.**

22                  Section 154 (29 U.S.C. 2894) is amended to read as  
23                  follows:

1 **“SEC. 154. WORKFORCE COUNCILS.**

2       “(a) *IN GENERAL.*—*Each Job Corps center shall have*  
3 *a workforce council appointed by the Governor of the State*  
4 *in which the Job Corps center is located.*

5       “(b) *WORKFORCE COUNCIL COMPOSITION.*—

6           “(1) *IN GENERAL.*—*A workforce council shall be*  
7 *comprised of—*

8               “(A) *business members of the State Board*  
9 *described in section 111(b)(1)(B)(i);*

10               “(B) *business members of the local Boards*  
11 *described in section 117(b)(2)(A) located in the*  
12 *State;*

13               “(C) *a representative of the State Board de-*  
14 *scribed in section 111(f); and*

15               “(D) *such other representatives and State*  
16 *agency officials as the Governor may designate.*

17           “(2) *MAJORITY.*—*A 2/3rds majority of the mem-*  
18 *bers of the workforce council shall be representatives*  
19 *described in paragraph (1)(A).*

20       “(c) *RESPONSIBILITIES.*—*The responsibilities of the*  
21 *workforce council shall be—*

22           “(1) *to review all the relevant labor market in-*  
23 *formation, including related information in the State*  
24 *workforce plan in section 112, to—*

1           “(A) determine the in-demand industries in  
2           the State in which enrollees intend to seek em-  
3           ployment after graduation;

4           “(B) determine the skills and education that  
5           are necessary to obtain the employment opportu-  
6           nities described in subparagraph (A); and

7           “(C) determine the type or types of career  
8           and technical education and training that will  
9           be implemented at the center to enable the enroll-  
10          ees to obtain the employment opportunities; and

11          “(2) to meet at least once a year to reevaluate  
12          the labor market information, and other relevant in-  
13          formation, to determine any necessary changes in the  
14          career and technical education and training provided  
15          at the center.

16          “(d) *NEW CENTERS.*—The workforce council for a Job  
17          Corps center that is not yet operating shall carry out the  
18          responsibilities described in subsection (c) at least 3 months  
19          prior to the date on which the center accepts the first en-  
20          rollee at the center.”.

21       **SEC. 127. TECHNICAL ASSISTANCE.**

22           Section 156 is amended to read as follows:

23       **“SEC. 156. TECHNICAL ASSISTANCE TO CENTERS.**

24           “(a) *IN GENERAL.*—From the funds reserved under  
25          section 132(a)(3), the Secretary shall provide, directly or

1 *through grants, contracts, or other agreements or arrange-*  
2 *ments as the Secretary considers appropriate, technical as-*  
3 *sistance and training for the Job Corps program for the*  
4 *purposes of improving program quality.*

5 “(b) *ACTIVITIES.*—*In providing training and tech-*  
6 *nical assistance and for allocating resources for such assist-*  
7 *ance, the Secretary shall—*

8 “(1) *assist entities, including those entities not*  
9 *currently operating a Job Corps center, in developing*  
10 *the application described in section 147(d);*

11 “(2) *assist Job Corps centers and programs in*  
12 *correcting deficiencies and violations under this sub-*  
13 *title;*

14 “(3) *assist Job Corps centers and programs in*  
15 *meeting or exceeding the indicators of performance*  
16 *described in paragraph (1) and (2) of section 159;*  
17 *and*

18 “(4) *assist Job Corps centers and programs in*  
19 *the development of sound management practices, in-*  
20 *cluding financial management procedures.”.*

21 **SEC. 128. SPECIAL PROVISIONS.**

22 *Section 158 (29 U.S.C. 2989) is amended—*

23 (1) *by amending paragraph (1) in subsection*  
24 *(c), by striking “title II of the Federal Property and*  
25 *Administrative Services Act of 1949 (40 U.S.C. 481*

1 *et seq.)” and inserting “chapter of 5 title 40, United*  
 2 *States Code,”;*

3 *(2) by striking subsection (e); and*

4 *(3) by redesignating subsections (f) and (g) as*  
 5 *subsections (e) and (f), respectively.*

6 **SEC. 129. PERFORMANCE ACCOUNTABILITY MANAGEMENT.**

7 *Section 159 (29 U.S.C. 2899) is amended—*

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

12 *(2) by striking subsections (c) through (g);*

13 *(3) by inserting after subsection (b) the fol-*  
 14 *lowing:*

15 *“(c) INDICATORS OF PERFORMANCE.—*

16 *“(1) PRIMARY INDICATORS.—The annual pri-*  
 17 *mary indicators of performance for Job Corps centers*  
 18 *shall include—*

19 *“(A) the percentage and number of enrollees*  
 20 *who graduate from the Job Corps center;*

21 *“(B) the percentage and number of grad-*  
 22 *uates who entered unsubsidized employment re-*  
 23 *lated to the career and technical education and*  
 24 *training received through the Job Corps center,*  
 25 *except that such calculation shall not include en-*

1           *rollment in education, the military or volunteer*  
2           *service;*

3           “(C) *the percentage and number of grad-*  
4           *uates who obtained a recognized postsecondary*  
5           *credential, including an industry-recognized cre-*  
6           *denial or a registered apprenticeship; and*

7           “(D) *the cost per successful performance*  
8           *outcome, which is calculated by comparing the*  
9           *number graduates who were placed in a job or*  
10          *obtained a recognized credential, including an*  
11          *industry-recognized credential, to total program*  
12          *costs, including all operations, construction, and*  
13          *administration costs at each Job Corp center.*

14          “(2) *SECONDARY INDICATORS.—The annual sec-*  
15          *ondary indicators of performance for Job Corps cen-*  
16          *ters shall include—*

17                 “(A) *the percentage and number of grad-*  
18                 *uates who entered unsubsidized employment not*  
19                 *related to the career and technical education and*  
20                 *training received through the Job Corps center;*

21                 “(B) *the percentage and number of grad-*  
22                 *uates who entered into postsecondary education;*

23                 “(C) *the percentage and number of grad-*  
24                 *uates who entered into the military;*



1           “(D) the average wage of graduates who are  
2           in unsubsidized employment—

3                   “(i) on the first day of employment;  
4                   and

5                   “(ii) 6 months after the first day;

6           “(E) the number and percentage of grad-  
7           uates who entered unsubsidized employment and  
8           were retained in the unsubsidized employment—

9                   “(i) 6 months after the first day of em-  
10                  ployment; and

11                  “(ii) 12 months after the first day of  
12                  employment;

13           “(F) the percentage and number of enrollees  
14           compared to the percentage and number of en-  
15           rollees the Secretary has established targets in  
16           section 145(c)(1);

17           “(G) the cost per training slot, which is cal-  
18           culated by comparing the program’s maximum  
19           number of students that can be enrolled in a Job  
20           Corps center at any given time during the pro-  
21           gram year to the number of enrollees in the same  
22           program year; and

23           “(H) the number and percentage of former  
24           enrollees, including the number dismissed under

1           *the zero tolerance policy described in section*  
2           *152(b).*

3           “(3) *INDICATORS OF PERFORMANCE FOR RE-*  
4           *CRUITERS.—The annual indicators of performance for*  
5           *recruiters shall include the measurements described in*  
6           *subparagraph (A) of paragraph (1) and subpara-*  
7           *graphs (F), (G), and (H) of paragraph (2).*

8           “(4) *INDICATORS OF PERFORMANCE OF CAREER*  
9           *TRANSITION SERVICE PROVIDERS.—The annual indi-*  
10           *cators of performance of career transition service pro-*  
11           *viders shall include the measurements described in*  
12           *subparagraphs (B) and (C) of paragraph (1) and*  
13           *subparagraphs, (B), (C), (D), (E), and (F) of para-*  
14           *graph (2).*

15           “(d) *ADDITIONAL INFORMATION.—The Secretary shall*  
16           *collect, and submit in the report described in subsection (f),*  
17           *information on the performance of each Job Corps center,*  
18           *and the Job Corps program, regarding—*

19           “(1) *the number and percentage of former enroll-*  
20           *ees who obtained a regular secondary school diploma;*

21           “(2) *the number and percentage of former enroll-*  
22           *ees who entered unsubsidized employment;*

23           “(3) *the number and percentage of former enroll-*  
24           *ees who obtained a recognized postsecondary creden-*  
25           *tial, including an industry-recognized credential;*

1           “(4) the number and percentage of former enroll-  
2           ees who entered into military service; and

3           “(5) any additional information required by the  
4           Secretary.

5           “(e) *METHODS.*—The Secretary shall collect the infor-  
6           mation described in subsections (c) and (d), using methods  
7           described in section 136(i)(2) and consistent with State law,  
8           by entering into agreements with the States to access such  
9           data for Job Corps enrollees, former enrollees, and grad-  
10          uates.

11          “(f) *TRANSPARENCY AND ACCOUNTABILITY.*—

12           “(1) *REPORT.*—The Secretary shall collect and  
13           annually submit to the Committee on Education and  
14           the Workforce of the House of Representatives and the  
15           Committee on Health, Education, Labor and Pen-  
16           sions of the Senate, as well as make available to the  
17           public by electronic means, a report containing—

18           “(A) information on the performance of  
19           each Job Corps center, and the Job Corps pro-  
20           gram, on the performance indicators described in  
21           paragraphs (1) and (2) of subsection (c);

22           “(B) a comparison of each Job Corps cen-  
23           ter, by rank, on the performance indicators de-  
24           scribed in paragraphs (1) and (2) of subsection  
25           (c);

1           “(C) a comparison of each Job Corps center,  
2           by rank, on the average performance of all pri-  
3           mary indicators described in paragraph (1) of  
4           subsection (c);

5           “(D) information on the performance of the  
6           service providers described in paragraphs (2)  
7           and (3) on the performance indicators estab-  
8           lished under such paragraphs; and

9           “(E) a comparison of each service provider,  
10          by rank, on the performance of all service pro-  
11          viders described in paragraphs (2) and (3) on  
12          the performance indicators established under  
13          such paragraphs.

14          “(2) *ASSESSMENTS.*—The Secretary shall con-  
15          duct an annual assessment of the performance of each  
16          Job Corps center which shall include information on  
17          the Job Corps centers that—

18                 “(A) are ranked in the bottom quintile on  
19                 the performance indicator described in para-  
20                 graph (1)(A)(iii); or

21                 “(B) have failed safety and health code vio-  
22                 lations described in subsection (g).

23          “(3) *PERFORMANCE IMPROVEMENT.*—With re-  
24          spect to a Job Corps center that is identified under  
25          paragraph (2) or reports less than 50 percent on the

1       *performance indicators described in subparagraphs*  
2       *(A), (B), or (C) of subsection (c)(1), the Secretary*  
3       *shall develop and implement a 1 year performance*  
4       *improvement plan. Such a plan shall require action*  
5       *including—*

6               “(A) *providing technical assistance to the*  
7               *center;*

8               “(B) *changing the management staff of the*  
9               *center;*

10              “(C) *replacing the operator of the center;*

11              “(D) *reducing the capacity of the center; or*

12              “(E) *closing the center.*

13              “(4) *CLOSURE OF JOB CORPS CENTERS.—Job*  
14       *Corps centers that have been identified under para-*  
15       *graph (2) or report less than 50 percent on subpara-*  
16       *graphs (A), (B), or (C) under subsection (c)(1), for*  
17       *more than 4 consecutive years shall be closed. The*  
18       *Secretary shall ensure—*

19              “(A) *that the proposed decision to close the*  
20              *center is announced in advance to the general*  
21              *public through publication in the Federal Reg-*  
22              *ister and other appropriate means; and*

23              “(B) *the establishment of a reasonable com-*  
24              *ment period, not to exceed 30 days, for interested*

1           *individuals to submit written comments to the*  
2           *Secretary.*

3           “(g) *PARTICIPANT HEALTH AND SAFETY.*—*The Sec-*  
4           *retary shall require the Federal agency, or appropriate*  
5           *agency responsible for inspecting public buildings and safe-*  
6           *guarding the health of disadvantaged students, to conduct*  
7           *an in-person review of the physical condition and health-*  
8           *related activities of each Job Corps center annually. Such*  
9           *review shall include a passing rate of occupancy under Fed-*  
10          *eral and State ordinances.”*

11   **SEC. 130. CLOSURE OF LOW-PERFORMING JOB CORPS CEN-**  
12                                    **TERS.**

13          *Section 161 (29 U.S.C. 2901) is amended to read as*  
14          *follows:*

15   **“SEC. 161. CLOSURE OF LOW-PERFORMING JOB CORPS CEN-**  
16                                    **TERS.**

17          “(a) *AUDIT.*—*Not later than 3 months after the date*  
18          *of enactment of the Workforce Investment Improvement Act*  
19          *of 2012, the Secretary shall conduct an audit on the past*  
20          *10 years of performance of Job Corps centers, including in-*  
21          *formation indicating—*

22                    “(1) *a comparison of each Job Corps center, by*  
23                    *rank, on the performance indicators described in sub-*  
24                    *sections (c) and (d) of section 159 (as such sections*  
25                    *were in effect on the day before the date of enactment*

1       *of the Workforce Investment Improvement Act of*  
2       *2012);*

3             “(2) *a comparison of each Job Corps center, by*  
4       *rank, on the average performance of all performance*  
5       *indicators described in subsections (c) and (d) of sec-*  
6       *tion 159 (as such sections were in effect on the day*  
7       *before the date of enactment of the Workforce Invest-*  
8       *ment Improvement Act of 2012); and*

9             “(3) *a listing of the centers, by rank, that have*  
10       *experienced the highest number of serious incidents of*  
11       *crimes of violence, as defined in section 16 of title 18,*  
12       *United States Code.*

13            “(b) *RECOMMENDATIONS.—Not later than 6 months*  
14       *after the date of enactment of the Workforce Investment Im-*  
15       *provement Act of 2012, the Secretary shall submit a report*  
16       *to the Education and the Workforce Committee of the House*  
17       *of Representatives and the Health, Education, Labor, and*  
18       *Pensions Committee of the Senate, which shall contain a*  
19       *detailed statement of the findings and conclusions from the*  
20       *audit described in subsection (a), including information in-*  
21       *dicating the centers that are ranked in the bottom quintile*  
22       *on the performance indicators described in paragraphs (1)*  
23       *and (2) of subsection (a).*

24            “(c) *CLOSURE.—Not later than 12 months after the*  
25       *date of enactment of the Workforce Investment Improvement*

1 *Act of 2012, the Secretary shall close the Job Corps centers*  
2 *identified under subsection (b) in accordance with section*  
3 *158(g).*

4 “(d) *TRANSITION.—The Secretary shall ensure that*  
5 *program participants enrolled in low-performing Job Corps*  
6 *centers slated for closure under this subsection receive pri-*  
7 *ority placement to enroll in another center in the State or*  
8 *neighboring State.”.*

9 **SEC. 131. REFORMS FOR OPENING NEW JOB CORPS CEN-**  
10 **TERS.**

11 *Subtitle C of title I (29 U.S.C. 2881 et seq.) is amended*  
12 *by adding at the end the following:*

13 **“SEC. 162. REFORMS FOR OPENING NEW JOB CORPS CEN-**  
14 **TERS.**

15 “(a) *IN GENERAL.—The Secretary shall develop and*  
16 *implement specific policies and procedures governing the se-*  
17 *lection of the State and local area for construction of Job*  
18 *Corps centers. Such policies and procedures shall be the*  
19 *same across all regions, based on a needs assessment of the*  
20 *assignment plan described under section 145(c), and free*  
21 *from political favoritism, biases, or considerations.*

22 “(b) *RESTRICTIONS.—*

23 “(1) *NOTIFICATION OF CONGRESS.—The Sec-*  
24 *retary shall notify the Education and the Workforce*  
25 *Committee of the House of Representatives and the*



1 *Health, Education, Labor, and Pensions Committee of*  
2 *the Senate before releasing a Request for Proposal for*  
3 *the designation and construction of a Job Corps cen-*  
4 *ter.*

5 “(2) *NUMBER OF CENTERS.*—*Except as provided*  
6 *under paragraph (3), the Secretary shall enter into*  
7 *agreements with not more than 20 Job Corps centers*  
8 *per region, as those regions were in effect on the date*  
9 *of enactment of the Workforce Investment Improve-*  
10 *ment Act of 2012.*

11 “(3) *EXCEPTION.*—*The Secretary may enter into*  
12 *agreements with more than 20 Job Corps centers*  
13 *upon approval, in writing, of the Chairman and*  
14 *Ranking Member of the Education and the Workforce*  
15 *Committee of the House of Representatives and the*  
16 *Health, Education, Labor, and Pensions Committee of*  
17 *the Senate.”.*

## 18 ***Subtitle D—National Programs***

### 19 ***SEC. 132. TECHNICAL ASSISTANCE.***

20 *Section 170 (29 U.S.C. 2915) is amended—*

21 *(1) by striking subsection (b);*

22 *(2) by striking:*

23 *“(a) GENERAL TECHNICAL ASSISTANCE.—”;*

1           (3) by redesignating paragraphs (1), (2), and (3)  
2           as subsections (a), (b), and (c) respectively, and mov-  
3           ing such subsections 2 ems to the left;

4           (4) in subsection (a) (as so redesignated)—

5           (A) by inserting “the training of staff pro-  
6           viding rapid response services, the training of  
7           other staff of recipients of funds under this title,  
8           assistance regarding accounting and program  
9           operation practices (when such assistance would  
10          not be duplicative to assistance provided by the  
11          State), technical assistance to States that do not  
12          meet State performance measures described in  
13          section 136,” after “localities,”; and

14          (B) by striking “from carrying out activi-  
15          ties” and all that follows up to the period and  
16          inserting “to implement the amendments made  
17          by the Workforce Investment Improvement Act of  
18          2012”;

19          (5) in subsection (b) (as so redesignated)—

20          (A) by striking “paragraph (1)” and insert-  
21          ing “subsection (a)”; and

22          (B) by striking “, or recipient of financial  
23          assistance under any of sections 166 through  
24          169,”;

1           (6) *in subsection (c) (as so redesignated), by*  
2 *striking “paragraph (1)” and inserting “subsection*  
3 *(a)”*; and

4           (7) *by inserting, after subsection (c) (as so redesi-*  
5 *gnated), the following:*

6           “(d) *BEST PRACTICES COORDINATION.—The Secretary*  
7 *shall—*

8           “(1) *establish a system through which States*  
9 *may share information regarding best practices with*  
10 *regard to the operation of workforce investment ac-*  
11 *tivities under this Act; and*

12           “(2) *evaluate and disseminate information re-*  
13 *garding best practices and identify knowledge gaps.”.*

14 **SEC. 133. EVALUATIONS.**

15           *Section 172 (29 U.S.C. 2917) is amended—*

16           (1) *in subsection (a), by striking “the Secretary*  
17 *shall provide for the continuing evaluation of the pro-*  
18 *grams and activities, including those programs and*  
19 *activities carried out under section 171” and insert-*  
20 *ing “the Secretary, through grants, contracts, or coop-*  
21 *erative agreements, shall conduct, at least once every*  
22 *5 years, an independent evaluation of the programs*  
23 *and activities funded under this Act”*;

24           (2) *in subsection (a)(4) is amended to read as*  
25 *follows:*

1           “(4) *the impact of receiving services and not re-*  
2           *ceiving services under such programs and activities*  
3           *on the community, businesses, and individuals;*”;

4           (3) *in subsection (c) is amended to read as fol-*  
5           *lows:*

6           “(c) *TECHNIQUES.—Evaluations conducted under this*  
7           *section shall utilize appropriate and rigorous methodology*  
8           *and research designs, including the use of control groups*  
9           *chosen by scientific random assignment methodologies,*  
10           *quasi-experimental methods, impact analysis and the use*  
11           *of administrative data. The Secretary shall conduct an im-*  
12           *pect analysis, as described in subsection (a)(4), of the for-*  
13           *mula grant program under subtitle B not later than 2014,*  
14           *and thereafter shall conduct such an analysis not less than*  
15           *once every four years.*”;

16           (4) *in subsection (e) is amended by striking “the*  
17           *Committee on Labor and Human Resources of the*  
18           *Senate” and inserting “the Committee on Health,*  
19           *Education, Labor, and Pensions of the Senate”; and*

20           (5) *by adding at the end, the following:*

21           “(g) *PUBLIC AVAILABILITY.—The results of the evalua-*  
22           *tions conducted under this section shall be made publicly*  
23           *available, including by posting such results on the Depart-*  
24           *ment’s website.*”.

1 **SEC. 134. MILITARY TRANSITIONAL ASSISTANCE.**

2 *Subtitle D of title I (29 U.S.C. 2911 et seq.) is amend-*  
3 *ed by adding at the end the following:*

4 **“SEC. 175. MILITARY TRANSITIONAL ASSISTANCE.**

5 *“(a) IN GENERAL.—The Secretary, in consultation*  
6 *with the Secretaries of Defense, Homeland Security, and*  
7 *Veterans Affairs, shall establish and carry out a program*  
8 *to furnish counseling, assistance in identifying employment*  
9 *and training opportunities, help in obtaining such employ-*  
10 *ment and training, and other related information and serv-*  
11 *ices to members of the armed forces under the jurisdiction*  
12 *of the Secretary concerned who are being separated from*  
13 *active duty and the spouses of such members. Such services*  
14 *shall be provided to a member within the time periods pro-*  
15 *vided under paragraph (3) of section 1142(a) of title 10,*  
16 *United States Code, except that the Secretary concerned*  
17 *shall not provide pre-separation counseling to a member de-*  
18 *scribed in paragraph (4)(A) of such section.*

19 *“(b) ELEMENTS OF PROGRAM.—In establishing and*  
20 *carrying out a program under this section, the Secretary*  
21 *shall—*

22 *“(1) provide information concerning employment*  
23 *and training assistance, including—*

24 *“(A) labor market information;*

25 *“(B) civilian work place requirements and*  
26 *employment opportunities;*

1           “(C) *instruction in resume preparation;*  
2           *and*

3           “(D) *job analysis techniques, job search*  
4           *techniques, and job interview techniques.*

5           “(2) *in providing information under paragraph*  
6           *(1), use experience obtained from implementation of*  
7           *the pilot program established under section 408 of*  
8           *Public Law 101-237;*

9           “(3) *provide information concerning Federal,*  
10          *State, and local programs, and programs of military*  
11          *and veterans’ service organizations, that may be of*  
12          *assistance to such members after separation from the*  
13          *armed forces, including, as appropriate, the informa-*  
14          *tion and services to be provided under section 1142*  
15          *of title 10, United States Code;*

16          “(4) *inform such members that the Department*  
17          *of Defense and the Department of Homeland Security*  
18          *are required under section 1143(a) of title 10, United*  
19          *States Code, to provide proper certification or*  
20          *verification of job skills and experience acquired while*  
21          *on active duty that may have application to employ-*  
22          *ment in the civilian sector for use in seeking civilian*  
23          *employment and in obtaining job search skills;*

24          “(5) *provide information and other assistance to*  
25          *such members in their efforts to obtain loans and*

1        *grants from the Small Business Administration and*  
2        *other Federal, State, and local agencies;*

3            *“(6) provide information about the geographic*  
4        *areas in which such members will relocate after sepa-*  
5        *ration from the armed forces, including, to the degree*  
6        *possible, information about employment opportuni-*  
7        *ties, the labor market, and the cost of living in those*  
8        *areas (including, to the extent practicable, the cost*  
9        *and availability of housing, child care, education,*  
10       *and medical and dental care);*

11           *“(7) work with military and veterans service or-*  
12        *ganizations and other appropriate organizations in*  
13        *promoting and publicizing job fairs for such members;*  
14        *and*

15           *“(8) provide information regarding the public*  
16        *and community service jobs program carried out*  
17        *under section 1143a of title 10, United States Code.*

18        *“(c) PARTICIPATION.—(1) Except as provided in para-*  
19        *graph (2), the Secretary shall enter into an agreement with*  
20        *the Secretary of Defense and the Secretary of Homeland Se-*  
21        *curity, to require the participation in the program carried*  
22        *out under this section of the members eligible for assistance*  
23        *under the program.*

24           *“(2) The Secretary may, under regulations the Sec-*  
25        *retary of Defense and the Secretary of Homeland Security*

1 *prescribe, waive the participation requirement of para-*  
2 *graph (1) with respect to—*

3           “(A) *such groups or classifications of members as*  
4 *the Secretary determines, after consultation with the*  
5 *Secretary of Defense, Secretary of Homeland Security*  
6 *and the Secretary of Veterans Affairs, for whom par-*  
7 *ticipation is not and would not be of assistance to*  
8 *such members based on the Secretaries’ articulable*  
9 *justification that there is extraordinarily high reason*  
10 *to believe the exempted members are unlikely to face*  
11 *major readjustment, health care, employment, or other*  
12 *challenges associated with transition to civilian life;*  
13 *and*

14           “(B) *individual members possessing specialized*  
15 *skills who, due to unavoidable circumstances, are*  
16 *needed to support a unit’s imminent deployment.*

17           “(d) *USE OF PERSONNEL AND ORGANIZATIONS.—In*  
18 *carrying out the program established under this section, the*  
19 *Secretaries—*

20           “(1) *shall use the veterans employment specialist*  
21 *appointed under section 134(f); and*

22           “(2) *may—*

23           “(A) *use other employment service personnel*  
24 *funded by the Department of Labor to the extent*  
25 *that the Secretary of Labor determines that such*



1           *use will not significantly interfere with the pro-*  
2           *vision of services or other benefits to eligible vet-*  
3           *erans and other eligible recipients of such serv-*  
4           *ices or benefits;*

5           *“(B) use military and civilian personnel of*  
6           *the Department of Defense and the Department*  
7           *of Homeland Security;*

8           *“(C) use personnel of the Veterans Benefits*  
9           *Administration of the Department of Veterans*  
10          *Affairs and other appropriate personnel of that*  
11          *Department;*

12          *“(D) use representatives of military and*  
13          *veterans service organizations;*

14          *“(E) enter into contracts with public enti-*  
15          *ties;*

16          *“(F) enter into contracts with private enti-*  
17          *ties, particularly with qualified private entities*  
18          *that have experience with instructing members of*  
19          *the armed forces eligible for assistance under the*  
20          *program carried out under this section on—*

21                  *“(i) private sector culture, resume*  
22                  *writing, career networking, and training on*  
23                  *job search technologies;*

24                  *“(ii) academic readiness and edu-*  
25                  *cational opportunities; or*

1                   “(iii) other relevant topics; and  
2                   “(G) take other necessary action to develop  
3                   and furnish the information and services to be  
4                   provided under this section.

5           “(e) *PARTICIPATION IN APPRENTICESHIP PRO-*  
6 *GRAMS.—As part of the program carried out under this sec-*  
7 *tion, the Secretary, in consultation with the Secretary of*  
8 *Defense and the Secretary of Homeland Security, may per-*  
9 *mit a member of the armed forces eligible for assistance*  
10 *under the program to participate in an apprenticeship pro-*  
11 *gram registered under the Act of August 16, 1937 (com-*  
12 *monly known as the ‘National Apprenticeship Act’; 50 Stat.*  
13 *664, chapter 663; 29 U.S.C. 50 et seq.), or a pre-apprentice-*  
14 *ship program that provides credit toward a program reg-*  
15 *istered under such Act, that provides members of the armed*  
16 *forces with the education, training, and services necessary*  
17 *to transition to meaningful employment that leads to eco-*  
18 *nomie self-sufficiency.”.*

## 19                   ***Subtitle E—Administration***

### 20           ***SEC. 135. REQUIREMENTS AND RESTRICTIONS.***

21           *Section 181 (29 U.S.C. 2931) is amended—*

22                   (1) *in subsection (b)(6), by striking “, including*  
23                   *representatives of businesses and of labor organiza-*  
24                   *tions”;*

1           (2) *in subsection (c)(2)(A), in the matter pre-*  
2           *ceding clause (i), by striking “shall” and inserting*  
3           *“may”;*

4           (3) *in subsection (e)—*

5                 (A) *by striking “training for” and inserting*  
6                 *“the entry into employment, retention in em-*  
7                 *ployment, or increases in earnings of”;* and

8                 (B) *by striking “under subtitle B” and in-*  
9                 *serting “this Act”;* and

10           (4) *by adding at the end the following:*

11           “(g) *SALARY AND BONUS LIMITATION.—No funds pro-*  
12           *vided under this title shall be used by a recipient or sub-*  
13           *recipient of such funds to pay the salary and bonuses of*  
14           *an individual, either as direct costs or indirect costs, at*  
15           *a rate in excess of Level II of the Federal Executive Pay*  
16           *Schedule (5 U.S.C. 5313). This limitation shall not apply*  
17           *to vendors providing goods and services as defined in OMB*  
18           *Circular A–133. Where States are recipients of such funds,*  
19           *States may establish a lower limit for salaries and bonuses*  
20           *of those receiving salaries and bonuses from subrecipients*  
21           *of such funds, taking into account factors including the rel-*  
22           *ative cost-of-living in the State, the compensation levels for*  
23           *comparable State or local government employees, and the*  
24           *size of the organizations that administer the programs.*

25           “(h) *GENERAL AUTHORITY.—*

1           “(1) *IN GENERAL.*—*The Employment and*  
2           *Training Administration of the U.S. Department of*  
3           *Labor (hereinafter in this Act referred to as the ‘Ad-*  
4           *ministration’)* shall administer all programs author-  
5           *ized under title I and III of this Act. The Adminis-*  
6           *tration shall be headed by an Assistant Secretary ap-*  
7           *pointed by the President by and with the advice and*  
8           *consent of the Senate. Except for titles II and IV, the*  
9           *Administration shall be the principal agency, and the*  
10          *Assistant Secretary shall be the principal officer, of*  
11          *such Department for carrying out this Act.*

12          “(2) *QUALIFICATIONS.*—*The Assistant Secretary*  
13          *shall be an individual with substantial experience in*  
14          *workforce development and in workforce development*  
15          *management. The Assistant Secretary shall also, to*  
16          *the maximum extent possible, possess knowledge and*  
17          *have worked in or with the State or local workforce*  
18          *investment system or have been a member of the busi-*  
19          *ness community. In the performance of the functions*  
20          *of the office, the Assistant Secretary shall be directly*  
21          *responsible to the Secretary or the Under Secretary as*  
22          *designed by the Secretary. The functions of the Assist-*  
23          *ant Secretary shall not be delegated to any officer not*  
24          *directly responsible, both with respect to program op-*  
25          *eration and administration, to the Assistant Sec-*

1        *retary. Any reference in this Act to duties to be car-*  
2        *ried out by the Assistant Secretary shall be considered*  
3        *to be a reference to duties to be carried out by the*  
4        *Secretary acting through the Assistant Secretary.”.*

5        **SEC. 136. PROMPT ALLOCATION OF FUNDS.**

6        *Section 182 (29 U.S.C. 2932) is amended—*

7                *(1) in subsection (c), by striking “127 or”; and*

8                *(2) in subsection (e)—*

9                        *(A) by striking “sections 128 and 133” and*  
10                      *inserting “section 133”; and*

11                      *(B) by striking “127 or”.*

12        **SEC. 137. FISCAL CONTROLS; SANCTIONS.**

13        *Section 184(a)(2) (29 U.S.C. 2934(a)(2)) is amended*  
14 *by striking subparagraph (B).*

15        **SEC. 138. REPORTS TO CONGRESS.**

16        *Section 185 (29 U.S.C. 2935) is amended—*

17                *(1) in subsection (c)—*

18                        *(A) in paragraph (2), by striking “and”*  
19                      *after the semicolon;*

20                        *(B) in paragraph (3), by striking the period*  
21                      *and inserting “; and”; and*

22                        *(C) by adding at the end the following:*

23                      *“(4) shall have the option to submit or dissemi-*  
24                      *nate electronically any reports, records, plans, or any*

1 *other data that are required to be collected or dissemi-*  
 2 *nated under this title.”; and*

3 *(2) in subsection (e)(2), by inserting “and the*  
 4 *Secretary shall submit to the Committee on Edu-*  
 5 *cation and the Workforce of the House of Representa-*  
 6 *tives and the Committee on Health, Education,*  
 7 *Labor, and Pensions of the Senate,” after “Sec-*  
 8 *retary,”.*

9 **SEC. 139. ADMINISTRATIVE PROVISIONS.**

10 *Section 189 (29 U.S.C. 2939) is amended—*

11 *(1) in subsection (g)—*

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

14 *“(1) IN GENERAL.—Appropriations for any fis-*  
 15 *cal year for programs and activities carried out*  
 16 *under this title shall be available for obligation only*  
 17 *on the basis of a program year. The program year*  
 18 *shall begin on July 1 in the fiscal year for which the*  
 19 *appropriation is made.”; and*

20 *(B) in paragraph (2)—*

21 *(i) by striking “each State” and insert-*  
 22 *ing “each recipient”; and*

23 *(ii) by striking “171 or”;*

24 *(2) in subsection (i)(4)—*

25 *(A) in subparagraph (A)—*

1           (i) by striking “requirements of sub-  
2           paragraph (B)” and all that follows through  
3           “any of the statutory or regulatory require-  
4           ments of subtitle B” and inserting “require-  
5           ments of subparagraph (B) or (D), any of  
6           the statutory or regulatory requirements of  
7           subtitle B”;

8           (ii) by striking clause (ii); and

9           (iii) in clause (i), by striking “; and”  
10          and inserting a period at the end; and

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

12          “(D) *EXPEDITED PROCESS FOR EXTENDING*  
13          *APPROVED WAIVERS TO ADDITIONAL STATES.—*  
14          *In lieu of the requirements of subparagraphs (B)*  
15          *and (C), the Secretary may establish an expe-*  
16          *ditated procedure for the purpose of extending to*  
17          *additional States the waiver of statutory or regu-*  
18          *latory requirements that have been approved for*  
19          *a State pursuant to a request under subpara-*  
20          *graph (B). Such procedure shall ensure that the*  
21          *extension of such waivers to additional States*  
22          *are accompanied by appropriate conditions re-*  
23          *lating the implementation of such waivers.”.*

24   **SEC. 140. STATE LEGISLATIVE AUTHORITY.**

25          Section 191(a) (29 U.S.C. 2941(a)) is amended—

1           (1) *by striking “consistent with the provisions of*  
2 *this title” and inserting “consistent with State law*  
3 *and the provisions of this title”; and*

4           (2) *by striking “consistent with the terms and*  
5 *conditions required under this title” and inserting*  
6 *“consistent with State law and the terms and condi-*  
7 *tions required under this title”.*

8 **SEC. 141. CONTINUATION OF STATE ACTIVITIES AND POLI-**  
9 **CIES.**

10 *Section 194 (29 U.S.C. 2944) is amended—*

11           (1) *in subsection (a)(1)(A), by striking “127 or”;*

12           (2) *in subsection (a)(1)(B), by striking “127 or”;*

13 *and*

14           (3) *in subsection (a)(2), by striking “127 or”.*

15 **SEC. 142. GENERAL PROGRAM REQUIREMENTS.**

16 *Section 195 (29 U.S.C. 2945) is amended—*

17           (1) *in paragraph (7), by inserting at the end the*  
18 *following:*

19           *“(D) Funds received by a public or private non-*  
20 *profit entity that are not described in paragraph (B),*  
21 *such as funds privately raised from philanthropic*  
22 *foundations, businesses, or other private entities, shall*  
23 *not be considered to be income under this title and*  
24 *shall not be subject to the requirements of this sec-*  
25 *tion.”; and*



1           (2) *by adding at the end the following new para-*  
2 *graphs:*

3           “(14) *Funds provided under this title shall not*  
4 *be used to establish or operate stand-alone fee-for-serv-*  
5 *ice enterprises that compete with private sector em-*  
6 *ployment agencies within the meaning of section*  
7 *701(c) of the Civil Rights Act of 1964 (42 U.S.C.*  
8 *2000e(c)), except that for purposes of this paragraph,*  
9 *such an enterprise does not include one-stop centers.*

10           “(15) *Any report required to be submitted to*  
11 *Congress, or to a Committee of Congress, under this*  
12 *title shall be submitted to both the chairmen and*  
13 *ranking minority members of the Committee on Edu-*  
14 *cation and the Workforce of the House of Representa-*  
15 *tives and the Committee on Health, Education,*  
16 *Labor, and Pensions of the Senate.”.*

17 **SEC. 143. DEPARTMENT STAFF.**

18           *Subtitle E of title I (29 U.S.C. 2931 et seq.) is amend-*  
19 *ed by adding at the end the following new section:*

20 **“SEC. 196. DEPARTMENT STAFF.**

21           *“The Secretary shall—*

22           *“(1) not later than 60 days after the date of the*  
23 *enactment of the Workforce Investment Improvement*  
24 *Act of 2012—*

1           “(A) identify the number of Department of  
2           Labor employees who work on or administer pro-  
3           grams under this Act, as such programs were in  
4           effect on the day before such date of enactment;  
5           and

6           “(B) publish such information on the De-  
7           partment’s website;

8           “(2) not later than 60 days after such date of en-  
9           actment, identify the number of full-time equivalent  
10          employees who work on or administer programs au-  
11          thorized under this Act, as such programs were in ef-  
12          fect on the day before such date of enactment, that  
13          have been eliminated or consolidated on or after such  
14          date; and

15          “(3) not later than 1 year after such date of en-  
16          actment—

17                  “(A) reduce the workforce of the Department  
18                  of Labor by the number of full-time equivalent  
19                  employees identified under paragraph (2); and

20                  “(B) submit to Congress a report on—

21                          “(i) the number of employees associated  
22                          with each program authorized under this  
23                          Act and administered by the Department;

1                   “(ii) the number of full-time equivalent  
2                   employees identified under paragraph (2);  
3                   and

4                   “(iii) how the Secretary reduced the  
5                   number of employees at the Department  
6                   under subparagraph (A).”.

7                   ***Subtitle F—State Unified Plan***

8                   ***SEC. 144. STATE UNIFIED PLAN.***

9                   *Section 501 (29 U.S.C. 9271) is amended—*

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

12                   “(b) *STATE UNIFIED PLAN.*—

13                   “(1) *IN GENERAL.*—A State may develop and  
14                   submit to the appropriate Secretaries a State unified  
15                   plan for 2 or more of the activities or programs set  
16                   forth in paragraph (2). The State unified plan shall  
17                   cover one or more of the activities set forth in sub-  
18                   paragraphs (A) and (B) of paragraph (2) and may  
19                   cover one or more of the activities set forth in sub-  
20                   paragraphs (C) through (N) of paragraph (2). For  
21                   purposes of this paragraph, the activities and pro-  
22                   grams described in subparagraphs (A) and (B) of  
23                   paragraph (2) shall not be considered to be 2 or more  
24                   activities or programs for purposes of the unified

1        *plan. Such activities or programs shall be considered*  
2        *to be 1 activity or program.*

3                “(2) *ACTIVITIES AND PROGRAMS.—The activities*  
4        *and programs referred to in paragraph (1) are as fol-*  
5        *lows:*

6                “(A) *Programs and activities authorized*  
7        *under title I.*

8                “(B) *Programs and activities authorized*  
9        *under title II.*

10               “(C) *Programs authorized under the Reha-*  
11        *ilitation Act of 1973.*

12               “(D) *Secondary career education programs*  
13        *authorized under the Carl D. Perkins Career and*  
14        *Applied Technology Education Act.*

15               “(E) *Postsecondary career education pro-*  
16        *grams authorized under the Carl D. Perkins Ca-*  
17        *reer and Applied Technology Education Act.*

18               “(F) *Programs and activities authorized*  
19        *under title II of the Trade Act of 1974.*

20               “(G) *National Apprenticeship Act of 1937.*

21               “(H) *Programs authorized under the Com-*  
22        *munity Services Block Grant Act.*

23               “(I) *Programs authorized under the part A*  
24        *of title IV of the Social Security Act.*

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

4           “(K) Work programs authorized under sec-  
5           tion 6(o) of the Food Stamp Act of 1977.

6           “(L) Programs and activities authorized  
7           title I of the Housing and Community Develop-  
8           ment Act of 1974.

9           “(M) Programs and activities authorized  
10          under the Public Workers and Economic Devel-  
11          opment Act of 1965.

12          “(N) Activities as defined under chapter 41  
13          of title 38, United States Code.”; and

14          (2) by adding at the end, the following:

15          “(e) *AUTHORITY TO CONSOLIDATE FUNDS INTO*  
16          *WORKFORCE INVESTMENT FUND.—*

17                 “(1) *IN GENERAL.—*A State may consolidate  
18          funds allotted to a State under an approved applica-  
19          tion under subsection (d) into the Workforce Invest-  
20          ment Fund under section 132(b) in order to reduce  
21          inefficiencies in the administration of federally-fund-  
22          ed State and local employment and training pro-  
23          grams.

24                 “(2) *TREATMENT OF FUNDS.—*

1           “(A) *IN GENERAL.*—Notwithstanding sub-  
2           *section (c), a State with an approved applica-*  
3           *tion under subsection (d) may treat any and all*  
4           *funds consolidated into the Workforce Investment*  
5           *Fund as if they were original funds allotted to*  
6           *a State under section 132(b).*

7           “(B) *APPLICABILITY.*—Such a State shall  
8           *continue to make reservations, except the reserva-*  
9           *tion under section 133(a)(1), and allotments in*  
10          *accordance with section 133(b)(2).*

11          “(3) *SPECIAL RULE.*—A State may not consoli-  
12          *date funds allocated to the State under the Carl D.*  
13          *Perkins Career and Technical Education Act of 2006*  
14          *and funds allocated to the State under the Rehabilita-*  
15          *tion Act of 1973.”.*

16       **TITLE II—ADULT EDUCATION**  
17       **AND FAMILY LITERACY EDU-**  
18       **CATION**

19       **SEC. 201. AMENDMENT.**

20          *Title II (29 U.S.C. 2901 et seq.) is amended to read*  
21       *as follows:*

1 **“TITLE II—ADULT EDUCATION**  
2 **AND FAMILY LITERACY EDU-**  
3 **CATION**

4 **“SEC. 201. SHORT TITLE.**

5 *“This title may be cited as the ‘Adult Education and*  
6 *Family Literacy Education Act’.*

7 **“SEC. 202. PURPOSE.**

8 *“It is the purpose of this title to provide instructional*  
9 *opportunities for adults seeking to improve their literacy*  
10 *skills, including their basic reading, writing, speaking, and*  
11 *math skills, and support States and local communities in*  
12 *providing, on a voluntary basis, adult education and fam-*  
13 *ily literacy education programs, in order to—*

14 *“(1) increase the literacy of adults, including the*  
15 *basic reading, writing, speaking, and math skills, to*  
16 *a level of proficiency necessary for adults to obtain*  
17 *employment and self-sufficiency and to successfully*  
18 *advance in the workforce;*

19 *“(2) assist adults in the completion of a sec-*  
20 *ondary school education (or its equivalent) and the*  
21 *transition to a postsecondary educational institution;*

22 *“(3) assist adults who are parents to enable them*  
23 *to support the educational development of their chil-*  
24 *dren and make informed choices regarding their chil-*

1        *dren’s education including, through instruction in*  
2        *basic reading, writing, speaking, and math skills; and*  
3            *“(4) assist adults who are not proficient in*  
4        *English in improving their reading, writing, speak-*  
5        *ing, listening, comprehension, and math skills.*

6        **“SEC. 203. DEFINITIONS.**

7            *“In this title:*

8            *“(1) ADULT EDUCATION AND FAMILY LITERACY*  
9        *EDUCATION PROGRAMS.—The term ‘adult education*  
10        *and family literacy education programs’ means a se-*  
11        *quence of academic instruction and educational serv-*  
12        *ices below the postsecondary level that increase an in-*  
13        *dividual’s ability to read, write, and speak English*  
14        *and perform mathematical computations leading to a*  
15        *level of proficiency equivalent to at least a secondary*  
16        *school completion that is provided for individuals—*

17            *“(A) who are at least 16 years of age;*

18            *“(B) who are not enrolled or required to be*  
19        *enrolled in secondary school under State law;*  
20        *and*

21            *“(C) who—*

22            *“(i) lack sufficient mastery of basic*  
23        *reading, writing, speaking, and math skills*  
24        *to enable the individuals to function effec-*  
25        *tively in society;*



1           “(ii) do not have a secondary school  
2           diploma or its equivalent and have not  
3           achieved an equivalent level of education; or

4           “(iii) are English learners.

5           “(2) *ELIGIBLE AGENCY*.—The term ‘eligible  
6           agency’—

7           “(A) means the primary entity or agency in  
8           a State or an outlying area responsible for ad-  
9           ministering or supervising policy for adult edu-  
10          cation and family literacy education programs  
11          in the State or outlying area, respectively, con-  
12          sistent with the law of the State or outlying  
13          area, respectively; and

14          “(B) may be the State educational agency,  
15          the State agency responsible for administering  
16          workforce investment activities, or the State  
17          agency responsible for administering community  
18          or technical colleges.

19          “(3) *ELIGIBLE PROVIDER*.—The term ‘eligible  
20          provider’ means an organization of demonstrated ef-  
21          fectiveness which is—

22                  “(A) a local educational agency;

23                  “(B) a community-based or faith-based or-  
24                  ganization;

25                  “(C) a volunteer literacy organization;

1                   “(D) an institution of higher education;

2                   “(E) a public or private educational agen-

3                   cy;

4                   “(F) a library;

5                   “(G) a public housing authority;

6                   “(H) an institution that is not described in  
7                   any of subparagraphs (A) through (G) and has  
8                   the ability to provide adult education, basic  
9                   skills, and family literacy education programs to  
10                  adults and families; or

11                  “(I) a consortium of the agencies, organiza-  
12                  tions, institutions, libraries, or authorities de-  
13                  scribed in any of subparagraphs (A) through  
14                  (H).

15                  “(4) *ENGLISH LANGUAGE ACQUISITION PRO-*  
16                  *GRAM.*—The term ‘English language acquisition pro-  
17                  gram’ means a program of instruction—

18                  “(A) designed to help English learners  
19                  achieve competence in reading, writing, speak-  
20                  ing, and comprehension of the English language;  
21                  and

22                  “(B) that may lead to—

23                          “(i) attainment of a secondary school  
24                          diploma or its recognized equivalent;

1                   “(ii) transition to success in postsec-  
2                   ondary education and training; and

3                   “(iii) employment or career advance-  
4                   ment.

5                   “(5) FAMILY LITERACY EDUCATION PROGRAM.—  
6                   The term ‘family literacy education program’ means  
7                   an educational program that—

8                   “(A) assists parents and students, on a vol-  
9                   untary basis, in achieving the purposes of this  
10                  title as described in section 202; and

11                  “(B) is of sufficient intensity in terms of  
12                  hours and of sufficient quality to make sustain-  
13                  able changes in a family, is evidence-based, and,  
14                  for the purpose of substantially increasing the  
15                  ability of parents and children to read, write,  
16                  and speak English, integrates—

17                  “(i) interactive literacy activities be-  
18                  tween parents and their children;

19                  “(ii) training for parents regarding  
20                  how to be the primary teacher for their chil-  
21                  dren and full partners in the education of  
22                  their children;

23                  “(iii) parent literacy training that  
24                  leads to economic self-sufficiency; and

1                   “(iv) *an age-appropriate education to*  
2                   *prepare children for success in school and*  
3                   *life experiences.*

4                   “(6) *GOVERNOR.—The term ‘Governor’ means*  
5                   *the chief executive officer of a State or outlying area.*

6                   “(7) *INDIVIDUAL WITH A DISABILITY.—*

7                   “(A) *IN GENERAL.—The term ‘individual*  
8                   *with a disability’ means an individual with any*  
9                   *disability (as defined in section 3 of the Ameri-*  
10                   *cans with Disabilities Act of 1990).*

11                   “(B) *INDIVIDUALS WITH DISABILITIES.—*  
12                   *The term ‘individuals with disabilities’ means*  
13                   *more than one individual with a disability.*

14                   “(8) *ENGLISH LEARNER.—The term ‘English*  
15                   *learner’ means an adult or out-of-school youth who*  
16                   *has limited ability in reading, writing, speaking, or*  
17                   *understanding the English language, and—*

18                   “(A) *whose native language is a language*  
19                   *other than English; or*

20                   “(B) *who lives in a family or community*  
21                   *environment where a language other than*  
22                   *English is the dominant language.*

23                   “(9) *INTEGRATED EDUCATION AND TRAINING.—*  
24                   *The term ‘integrated education and training’ means*  
25                   *services that provide adult education and literacy ac-*

1 *tivities contextually and concurrently with workforce*  
2 *preparation activities and workforce training for a*  
3 *specific occupation or occupational cluster. Such serv-*  
4 *ices may include offering adult education services*  
5 *concurrent with credit-bearing postsecondary edu-*  
6 *cation and training, including through co-instruction.*

7 “(10) *INSTITUTION OF HIGHER EDUCATION.*—  
8 *The term ‘institution of higher education’ has the*  
9 *meaning given the term in section 101 of the Higher*  
10 *Education Act of 1965.*

11 “(11) *LITERACY.*—*The term ‘literacy’ means an*  
12 *individual’s ability to read, write, and speak in*  
13 *English, compute, and solve problems at a level of*  
14 *proficiency necessary to obtain employment and to*  
15 *successfully make the transition to postsecondary edu-*  
16 *cation.*

17 “(12) *LOCAL EDUCATIONAL AGENCY.*—*The term*  
18 *‘local educational agency’ has the meaning given the*  
19 *term in section 9101 of the Elementary and Sec-*  
20 *ondary Education Act of 1965.*

21 “(13) *OUTLYING AREA.*—*The term ‘outlying*  
22 *area’ has the meaning given the term in section 101*  
23 *of this Act.*

1           “(14) *POSTSECONDARY EDUCATIONAL INSTITU-*  
2           *TION.*—The term ‘postsecondary educational institu-

3           *tion’ means—*

4                   “(A) *an institution of higher education that*  
5                   *provides not less than a 2-year program of in-*  
6                   *struction that is acceptable for credit toward a*  
7                   *bachelor’s degree;*

8                   “(B) *a tribally controlled community col-*  
9                   *lege; or*

10                   “(C) *a nonprofit educational institution of-*  
11                   *fering certificate or apprenticeship programs at*  
12                   *the postsecondary level.*

13           “(15) *SECRETARY.*—The term ‘Secretary’ means  
14           *the Secretary of Education.*

15           “(16) *STATE.*—The term ‘State’ means each of  
16           *the several States of the United States, the District of*  
17           *Columbia, and the Commonwealth of Puerto Rico.*

18           “(17) *STATE EDUCATIONAL AGENCY.*—The term  
19           ‘State educational agency’ has the meaning given the  
20           term in section 9101 of the *Elementary and Sec-*  
21           *ondary Education Act of 1965.*

22           “(18) *WORKPLACE LITERACY PROGRAM.*—The  
23           term ‘workplace literacy program’ means an edu-  
24           cational program that is offered in collaboration be-  
25           tween eligible providers and employers or employee



1       proved under section 224 in an amount equal to the  
2       sum of the initial allotment under subsection (c)(1)  
3       and the additional allotment under subsection (c)(2)  
4       for the eligible agency for the fiscal year, subject to  
5       subsections (f) and (g).

6               “(2) *PURPOSE OF GRANTS.*—The Secretary may  
7       award a grant under paragraph (1) only if the eligi-  
8       ble agency involved agrees to expend the grant in ac-  
9       cordance with the provisions of this title.

10              “(c) *ALLOTMENTS.*—

11               “(1) *INITIAL ALLOTMENTS.*—From the sums ap-  
12       propriated under section 205 and not reserved under  
13       subsection (a) for a fiscal year, the Secretary shall  
14       allot to each eligible agency having a State plan ap-  
15       proved under section 224—

16                      “(A) \$100,000, in the case of an eligible  
17                      agency serving an outlying area; and

18                      “(B) \$250,000, in the case of any other eli-  
19                      gible agency.

20               “(2) *ADDITIONAL ALLOTMENTS.*—From the sums  
21       appropriated under section 205, not reserved under  
22       subsection (a), and not allotted under paragraph (1),  
23       for a fiscal year, the Secretary shall allot to each eli-  
24       gible agency that receives an initial allotment under  
25       paragraph (1) an additional amount that bears the



1 same relationship to such sums as the number of  
2 qualifying adults in the State or outlying area served  
3 by the eligible agency bears to the number of such  
4 adults in all States and outlying areas.

5 “(d) *QUALIFYING ADULT.*—For the purpose of sub-  
6 section (c)(2), the term ‘qualifying adult’ means an adult  
7 who—

8 “(1) is at least 16 years of age;

9 “(2) is beyond the age of compulsory school at-  
10 tendance under the law of the State or outlying area;

11 “(3) does not have a secondary school diploma or  
12 its recognized equivalent; and

13 “(4) is not enrolled in secondary school.

14 “(e) *SPECIAL RULE.*—

15 “(1) *IN GENERAL.*—From amounts made avail-  
16 able under subsection (c) for the Republic of Palau,  
17 the Secretary shall award grants to Guam, American  
18 Samoa, the Commonwealth of the Northern Mariana  
19 Islands, or the Republic of Palau to carry out activi-  
20 ties described in this title in accordance with the pro-  
21 visions of this title as determined by the Secretary.

22 “(2) *TERMINATION OF ELIGIBILITY.*—Notwith-  
23 standing any other provision of law, the Republic of  
24 Palau shall be eligible to receive a grant under this  
25 title until an agreement for the extension of United

1       *States education assistance under the Compact of*  
2       *Free Association for the Republic of Palau becomes ef-*  
3       *fective.*

4       “(f) *HOLD-HARMLESS PROVISIONS.*—

5               “(1) *IN GENERAL.*—*Notwithstanding subsection*  
6       *(c), and subject to paragraphs (2) and (3), for fiscal*  
7       *year 2013 and each succeeding fiscal year, no eligible*  
8       *agency shall receive an allotment under this title that*  
9       *is less than 90 percent of the allotment the eligible*  
10       *agency received for the preceding fiscal year under*  
11       *this title.*

12              “(2) *EXCEPTION.*—*An eligible agency that re-*  
13       *ceives for the preceding fiscal year only an initial al-*  
14       *lotment under subsection (c)(1) (and no additional al-*  
15       *lotment under subsection (c)(2)) shall receive an allot-*  
16       *ment equal to 100 percent of the initial allotment.*

17              “(3) *RATABLE REDUCTION.*—*If for any fiscal*  
18       *year the amount available for allotment under this*  
19       *title is insufficient to satisfy the provisions of para-*  
20       *graph (1), the Secretary shall ratably reduce the pay-*  
21       *ments to all eligible agencies, as necessary.*

22              “(g) *REALLOTMENT.*—*The portion of any eligible*  
23       *agency’s allotment under this title for a fiscal year that the*  
24       *Secretary determines will not be required for the period*  
25       *such allotment is available for carrying out activities under*

1 *this title, shall be available for reallocation from time to*  
2 *time, on such dates during such period as the Secretary*  
3 *shall fix, to other eligible agencies in proportion to the origi-*  
4 *nal allotments to such agencies under this title for such*  
5 *year.*

6 **“SEC. 212. PERFORMANCE ACCOUNTABILITY SYSTEM.**

7 *“Programs and activities authorized under this title*  
8 *are subject to the performance accountability provisions de-*  
9 *scribed in paragraph (2)(A) and (3) of section 136(b) and*  
10 *may, at a State’s discretion, include additional indicators*  
11 *identified in the State plan approved under section 224.*

12 **“Subtitle B—State Provisions**

13 **“SEC. 221. STATE ADMINISTRATION.**

14 *“Each eligible agency shall be responsible for the fol-*  
15 *lowing activities under this title:*

16 *“(1) The development, submission, implementa-*  
17 *tion, and monitoring of the State plan.*

18 *“(2) Consultation with other appropriate agen-*  
19 *cies, groups, and individuals that are involved in, or*  
20 *interested in, the development and implementation of*  
21 *activities assisted under this title.*

22 *“(3) Coordination and avoidance of duplication*  
23 *with other Federal and State education, training, cor-*  
24 *rections, public housing, and social service programs.*

1 **“SEC. 222. STATE DISTRIBUTION OF FUNDS; MATCHING RE-**  
2 **QUIREMENT.**

3 *“(a) STATE DISTRIBUTION OF FUNDS.—Each eligible*  
4 *agency receiving a grant under this title for a fiscal year—*

5 *“(1) shall use an amount not less than 82.5 per-*  
6 *cent of the grant funds to award grants and contracts*  
7 *under section 231 and to carry out section 225, of*  
8 *which not more than 10 percent of such amount shall*  
9 *be available to carry out section 225;*

10 *“(2) shall use not more than 12.5 percent of the*  
11 *grant funds to carry out State leadership activities*  
12 *under section 223; and*

13 *“(3) shall use not more than 5 percent of the*  
14 *grant funds, or \$65,000, whichever is greater, for the*  
15 *administrative expenses of the eligible agency.*

16 *“(b) MATCHING REQUIREMENT.—*

17 *“(1) IN GENERAL.—In order to receive a grant*  
18 *from the Secretary under section 211(b), each eligible*  
19 *agency shall provide, for the costs to be incurred by*  
20 *the eligible agency in carrying out the adult edu-*  
21 *cation and family literacy education programs for*  
22 *which the grant is awarded, a non-Federal contribu-*  
23 *tion in an amount that is not less than—*

24 *“(A) in the case of an eligible agency serv-*  
25 *ing an outlying area, 12 percent of the total*  
26 *amount of funds expended for adult education*

1           *and family literacy education programs in the*  
2           *outlying area, except that the Secretary may de-*  
3           *crease the amount of funds required under this*  
4           *subparagraph for an eligible agency; and*

5                   *“(B) in the case of an eligible agency serv-*  
6                   *ing a State, 25 percent of the total amount of*  
7                   *funds expended for adult education and family*  
8                   *literacy education programs in the State.*

9                   *“(2) NON-FEDERAL CONTRIBUTION.—An eligible*  
10           *agency’s non-Federal contribution required under*  
11           *paragraph (1) may be provided in cash or in kind,*  
12           *fairly evaluated, and shall include only non-Federal*  
13           *funds that are used for adult education and family*  
14           *literacy education programs in a manner that is con-*  
15           *sistent with the purpose of this title.*

16   **“SEC. 223. STATE LEADERSHIP ACTIVITIES.**

17           *“(a) IN GENERAL.—Each eligible agency may use*  
18           *funds made available under section 222(a)(2) for any of*  
19           *the following adult education and family literacy education*  
20           *programs:*

21                   *“(1) The establishment or operation of profes-*  
22                   *sional development programs to improve the quality*  
23                   *of instruction provided pursuant to local activities re-*  
24                   *quired under section 231(b).*

1           “(2) *The provision of technical assistance to eli-*  
2           *gible providers of adult education and family literacy*  
3           *education programs, including for the development*  
4           *and dissemination of evidence based research instruc-*  
5           *tional practices in reading, writing, speaking, math,*  
6           *and English language acquisition programs.*

7           “(3) *The provision of assistance to eligible pro-*  
8           *viders in developing, implementing, and reporting*  
9           *measurable progress in achieving the objectives of this*  
10          *title.*

11          “(4) *The provision of technology assistance, in-*  
12          *cluding staff training, to eligible providers of adult*  
13          *education and family literacy education programs,*  
14          *including distance education activities, to enable the*  
15          *eligible providers to improve the quality of such ac-*  
16          *tivities.*

17          “(5) *The development and implementation of*  
18          *technology applications or distance education, includ-*  
19          *ing professional development to support the use of in-*  
20          *structional technology.*

21          “(6) *Coordination with other public programs,*  
22          *including welfare-to-work, workforce development, and*  
23          *job training programs.*

24          “(7) *Coordination with existing support services,*  
25          *such as transportation, child care, and other assist-*

1        *ance designed to increase rates of enrollment in, and*  
2        *successful completion of, adult education and family*  
3        *literacy education programs, for adults enrolled in*  
4        *such activities.*

5                *“(8) The development and implementation of a*  
6        *system to assist in the transition from adult basic*  
7        *education to postsecondary education.*

8                *“(9) Activities to promote workplace literacy*  
9        *programs.*

10               *“(10) Other activities of statewide significance,*  
11        *including assisting eligible providers in achieving*  
12        *progress in improving the skill levels of adults who*  
13        *participate in programs under this title.*

14               *“(11) Integration of literacy, instructional, and*  
15        *occupational skill training and promotion of linkages*  
16        *with employees.*

17               *“(b) COORDINATION.—In carrying out this section, eli-*  
18        *gible agencies shall coordinate where possible, and avoid du-*  
19        *plicating efforts, in order to maximize the impact of the*  
20        *activities described in subsection (a).*

21               *“(c) STATE-IMPOSED REQUIREMENTS.—Whenever a*  
22        *State or outlying area implements any rule or policy relat-*  
23        *ing to the administration or operation of a program au-*  
24        *thorized under this title that has the effect of imposing a*  
25        *requirement that is not imposed under Federal law (includ-*

1 *ing any rule or policy based on a State or outlying area*  
2 *interpretation of a Federal statute, regulation, or guide-*  
3 *line), the State or outlying area shall identify, to eligible*  
4 *providers, the rule or policy as being imposed by the State*  
5 *or outlying area.*

6 **“SEC. 224. STATE PLAN.**

7 *“(a) 3-YEAR PLANS.—*

8 *“(1) IN GENERAL.—Each eligible agency desiring*  
9 *a grant under this title for any fiscal year shall sub-*  
10 *mit to, or have on file with, the Secretary a 3-year*  
11 *State plan.*

12 *“(2) STATE UNIFIED PLAN.—The eligible agency*  
13 *may submit the State plan as part of a State unified*  
14 *plan described in section 501.*

15 *“(b) PLAN CONTENTS.—The eligible agency shall in-*  
16 *clude in the State plan or any revisions to the State plan—*

17 *“(1) an objective assessment of the needs of indi-*  
18 *viduals in the State or outlying area for adult edu-*  
19 *cation and family literacy education programs, in-*  
20 *cluding individuals most in need or hardest to serve;*

21 *“(2) a description of the adult education and*  
22 *family literacy education programs that will be car-*  
23 *ried out with funds received under this title;*



1           “(3) an assurance that the funds received under  
2           this title will not be expended for any purpose other  
3           than for activities under this title;

4           “(4) a description of how the eligible agency will  
5           fund local activities in accordance with the measur-  
6           able goals described in section 231(d);

7           “(5) an assurance that the eligible agency will  
8           expend the funds under this title only in a manner  
9           consistent with fiscal requirements in section 241;

10           “(6) a description of the process that will be used  
11           for public participation and comment with respect to  
12           the State plan, which process—

13                   “(A) shall include consultation with the  
14                   State workforce investment board, the State  
15                   board responsible for administering community  
16                   or technical colleges, the Governor, the State edu-  
17                   cational agency, the State board or agency re-  
18                   sponsible for administering block grants for tem-  
19                   porary assistance to needy families under title  
20                   IV of the Social Security Act, the State council  
21                   on disabilities, the State vocational rehabilita-  
22                   tion agency, and other State agencies that pro-  
23                   mote the improvement of adult education and  
24                   family literacy education programs, and direct  
25                   providers of such programs; and

1           “(B) may include consultation with the  
2           State agency on higher education, institutions  
3           responsible for professional development of adult  
4           education and family literacy education pro-  
5           grams instructors, representatives of business  
6           and industry, refugee assistance programs, and  
7           faith-based organizations;

8           “(7) a description of the eligible agency’s strate-  
9           gies for serving populations that include, at a min-  
10          imum—

11                   “(A) low-income individuals;

12                   “(B) individuals with disabilities;

13                   “(C) the unemployed;

14                   “(D) the underemployed; and

15                   “(E) individuals with multiple barriers to  
16           educational enhancement, including English  
17           learners;

18           “(8) a description of how the adult education  
19           and family literacy education programs that will be  
20           carried out with any funds received under this title  
21           will be integrated with other adult education, career  
22           development, and employment and training activities  
23           in the State or outlying area served by the eligible  
24           agency;

1           “(9) a description of the steps the eligible agency  
2           will take to ensure direct and equitable access, as re-  
3           quired in section 231(c)(1), including—

4                   “(A) how the State will build the capacity  
5                   of community-based and faith-based organiza-  
6                   tions to provide adult education and family lit-  
7                   eracy education programs; and

8                   “(B) how the State will increase the partici-  
9                   pation of business and industry in adult edu-  
10                  cation and family literacy education programs;

11           “(10) an assessment of the adequacy of the sys-  
12           tem of the State or outlying area to ensure teacher  
13           quality and a description of how the State or out-  
14           lying area will use funds received under this subtitle  
15           to improve teacher quality, including evidence-based  
16           professional development to improve instruction; and

17           “(11) a description of how the eligible agency  
18           will consult with any State agency responsible for  
19           postsecondary education to develop adult education  
20           that prepares students to enter postsecondary edu-  
21           cation without the need for remediation upon comple-  
22           tion of secondary school equivalency programs.

23           “(c) *PLAN REVISIONS.*—When changes in conditions  
24           or other factors require substantial revisions to an approved

1 *State plan, the eligible agency shall submit the revisions*  
2 *of the State plan to the Secretary.*

3 “(d) *CONSULTATION.—The eligible agency shall—*

4 “(1) *submit the State plan, and any revisions to*  
5 *the State plan, to the Governor, the chief State school*  
6 *officer, or the State officer responsible for admin-*  
7 *istering community or technical colleges, or outlying*  
8 *area for review and comment; and*

9 “(2) *ensure that any comments regarding the*  
10 *State plan by the Governor, the chief State school offi-*  
11 *cer, or the State officer responsible for administering*  
12 *community or technical colleges, and any revision to*  
13 *the State plan, are submitted to the Secretary.*

14 “(e) *PLAN APPROVAL.—The Secretary shall—*

15 “(1) *approve a State plan within 120 days after*  
16 *receiving the plan unless the Secretary makes a writ-*  
17 *ten determination within 30 days after receiving the*  
18 *plan that the plan does not meet the requirements of*  
19 *this section or is inconsistent with specific provisions*  
20 *of this subtitle; and*

21 “(2) *not finally disapprove of a State plan before*  
22 *offering the eligible agency the opportunity, prior to*  
23 *the expiration of the 30-day period beginning on the*  
24 *date on which the eligible agency received the written*  
25 *determination described in paragraph (3), to review*

1       *the plan and providing technical assistance in order*  
2       *to assist the eligible agency in meeting the require-*  
3       *ments of this subtitle.*

4       **“SEC. 225. PROGRAMS FOR CORRECTIONS EDUCATION AND**  
5               **OTHER INSTITUTIONALIZED INDIVIDUALS.**

6       “(a) *PROGRAM AUTHORIZED.*—*From funds made*  
7       *available under section 222(a)(1) for a fiscal year, each eli-*  
8       *gible agency shall carry out corrections education and edu-*  
9       *cation for other institutionalized individuals.*

10       “(b) *USES OF FUNDS.*—*The funds described in sub-*  
11       *section (a) shall be used for the cost of educational programs*  
12       *for criminal offenders in correctional institutions and for*  
13       *other institutionalized individuals, including academic*  
14       *programs for—*

15               “(1) *basic skills education;*

16               “(2) *special education programs as determined*  
17       *by the eligible agency;*

18               “(3) *reading, writing, speaking, and math pro-*  
19       *grams;*

20               “(4) *secondary school credit or diploma pro-*  
21       *grams or their recognized equivalent;*

22               “(5) *integrated education and training;*

23               “(6) *postsecondary correctional education linked*  
24       *to employment; and*

1           “(7) *transition to re-entry initiatives and other*  
2           *post-release services with the goal of reducing recidi-*  
3           *vism.*

4           “(c) *PRIORITY.—Each eligible agency that is using as-*  
5           *sistance provided under this section to carry out a program*  
6           *for criminal offenders within a correctional institution*  
7           *shall give priority to serving individuals who are likely to*  
8           *leave the correctional institution within 5 years of partici-*  
9           *pation in the program.*

10          “(d) *DEFINITIONS.—For purposes of this section:*

11           “(1) *CORRECTIONAL INSTITUTION.—The term*  
12           *‘correctional institution’ means any—*

13                   “(A) *prison;*

14                   “(B) *jail;*

15                   “(C) *reformatory;*

16                   “(D) *work farm;*

17                   “(E) *detention center; or*

18                   “(F) *halfway house, community-based reha-*  
19                   *ilitation center, or any other similar institution*  
20                   *designed for the confinement or rehabilitation of*  
21                   *criminal offenders.*

22           “(2) *CRIMINAL OFFENDER.—The term ‘criminal*  
23           *offender’ means any individual who is charged with,*  
24           *or convicted of, any criminal offense.*

1           **“Subtitle C—Local Provisions**

2   **“SEC. 231. GRANTS AND CONTRACTS FOR ELIGIBLE PRO-**  
3                           **VIDERS.**

4           “(a) *GRANTS AND CONTRACTS.*—*From grant funds*  
5 *made available under section 222(a)(1), each eligible agency*  
6 *shall award multi-year grants or contracts, on a competi-*  
7 *tive basis, to eligible providers within the State or outlying*  
8 *area that meet the conditions and requirements of this title*  
9 *to enable the eligible providers to develop, implement, and*  
10 *improve adult education and family literacy education pro-*  
11 *grams within the State.*

12           “(b) *LOCAL ACTIVITIES.*—*The eligible agency shall re-*  
13 *quire eligible providers receiving a grant or contract under*  
14 *subsection (a) to establish or operate—*

15                   “(1) *programs that provide adult education and*  
16 *literacy activities;*

17                   “(2) *programs that provide such activities con-*  
18 *currently with postsecondary education or training or*  
19 *employment activities; or*

20                   “(3) *credit-bearing postsecondary coursework.*

21           “(c) *DIRECT AND EQUITABLE ACCESS; SAME PROC-*  
22 *ESS.*—*Each eligible agency receiving funds under this title*  
23 *shall ensure that—*

1           “(1) all eligible providers have direct and equi-  
2           table access to apply for grants or contracts under  
3           this section; and

4           “(2) the same grant or contract announcement  
5           process and application process is used for all eligible  
6           providers in the State or outlying area.

7           “(d) *MEASURABLE GOALS*.—The eligible agency shall  
8           require eligible providers receiving a grant or contract  
9           under subsection (a) to demonstrate—

10           “(1) the eligible provider’s measurable goals for  
11           participant outcomes to be achieved annually on the  
12           core indicators of performance described in section  
13           136(b)(2)(A);

14           “(2) the past effectiveness of the eligible provider  
15           in improving the basic academic skills of adults and,  
16           for eligible providers receiving grants in the prior  
17           year, the success of the eligible provider receiving  
18           funding under this title in exceeding its performance  
19           goals in the prior year;

20           “(3) the commitment of the eligible provider to  
21           serve individuals in the community who are the most  
22           in need of basic academic skills instruction services,  
23           including individuals with disabilities and individ-  
24           uals who are low-income or have minimal reading,



1 *writing, speaking, and math skills, or are English*  
2 *learners;*

3 *“(4) the program is of sufficient intensity and*  
4 *quality for participants to achieve substantial learn-*  
5 *ing gains;*

6 *“(5) educational practices are evidence-based;*

7 *“(6) the activities of the eligible provider effec-*  
8 *tively employ advances in technology, and delivery*  
9 *systems including distance education;*

10 *“(7) the activities provide instruction in real-life*  
11 *contexts, including integrated education and training*  
12 *when appropriate, to ensure that an individual has*  
13 *the skills needed to compete in the workplace and ex-*  
14 *ercise the rights and responsibilities of citizenship;*

15 *“(8) the activities are staffed by well-trained in-*  
16 *structors, counselors, and administrators who meet*  
17 *minimum qualifications established by the State;*

18 *“(9) the activities are coordinated with other*  
19 *available resources in the community, such as through*  
20 *strong links with elementary schools and secondary*  
21 *schools, postsecondary educational institutions, local*  
22 *workforce investment boards, one-stop centers, job*  
23 *training programs, community-based and faith-based*  
24 *organizations, and social service agencies;*

1           “(10) the activities offer flexible schedules and  
2 support services (such as child care and transpor-  
3 tation) that are necessary to enable individuals, in-  
4 cluding individuals with disabilities or other special  
5 needs, to attend and complete programs;

6           “(11) the activities include a high-quality infor-  
7 mation management system that has the capacity to  
8 report measurable participant outcomes (consistent  
9 with section 136) and to monitor program perform-  
10 ance;

11           “(12) the local communities have a demonstrated  
12 need for additional English language acquisition pro-  
13 grams, and integrated education and training pro-  
14 grams;

15           “(13) the capacity of the eligible provider to  
16 produce valid information on performance results, in-  
17 cluding enrollments and measurable participant out-  
18 comes;

19           “(14) adult education and family literacy edu-  
20 cation programs offer rigorous reading, writing,  
21 speaking, and math content that are evidence based;  
22 and

23           “(15) applications of technology, and services to  
24 be provided by the eligible providers, are of sufficient  
25 intensity and duration to increase the amount and

1       *quality of learning and lead to measurable learning*  
2       *gains within specified time periods.*

3       “(e) *SPECIAL RULE.—Eligible providers may use*  
4       *grant funds under this title to serve children participating*  
5       *in family literacy programs assisted under this part, pro-*  
6       *vided that other sources of funds available to provide simi-*  
7       *lar services for such children are used first.*

8       **“SEC. 232. LOCAL APPLICATION.**

9       *“Each eligible provider desiring a grant or contract*  
10       *under this title shall submit an application to the eligible*  
11       *agency containing such information and assurances as the*  
12       *eligible agency may require, including—*

13               “(1) *a description of how funds awarded under*  
14       *this title will be spent consistent with the require-*  
15       *ments of this title;*

16               “(2) *a description of any cooperative arrange-*  
17       *ments the eligible provider has with other agencies,*  
18       *institutions, or organizations for the delivery of adult*  
19       *education and family literacy education programs;*  
20       *and*

21               “(3) *each of the demonstrations required by sec-*  
22       *tion 231(d).*

1 **“SEC. 233. LOCAL ADMINISTRATIVE COST LIMITS.**

2       “(a) *IN GENERAL.*—Subject to subsection (b), of the  
3 amount that is made available under this title to an eligible  
4 provider—

5               “(1) *at least 95 percent shall be expended for*  
6 *carrying out adult education and family literacy edu-*  
7 *cation programs; and*

8               “(2) *the remaining amount shall be used for*  
9 *planning, administration, personnel and professional*  
10 *development, development of measurable goals in*  
11 *reading, writing, speaking, and math, and inter-*  
12 *agency coordination.*

13       “(b) *SPECIAL RULE.*—*In cases where the cost limits*  
14 *described in subsection (a) are too restrictive to allow for*  
15 *adequate planning, administration, personnel development,*  
16 *and interagency coordination, the eligible provider may ne-*  
17 *gotiate with the eligible agency in order to determine an*  
18 *adequate level of funds to be used for noninstructional pur-*  
19 *poses.*

20 **“Subtitle D—General Provisions**

21 **“SEC. 241. ADMINISTRATIVE PROVISIONS.**

22       “*Funds made available for adult education and family*  
23 *literacy education programs under this title shall supple-*  
24 *ment and not supplant other State or local public funds*  
25 *expended for adult education and family literacy education*  
26 *programs.*

1 **“SEC. 242. NATIONAL ACTIVITIES.**

2       *“The Secretary shall establish and carry out a pro-*  
3 *gram of national activities that may include the following:*

4           *“(1) Providing technical assistance to eligible en-*  
5 *tities, on request, to—*

6                   *“(A) improve their fiscal management, re-*  
7 *search-based instruction, and reporting require-*  
8 *ments to carry out the requirements of this title;*

9                   *“(B) improve its performance on the core*  
10 *indicators of performance described in section*  
11 *136;*

12                   *“(C) provide adult education professional*  
13 *development; and*

14                   *“(D) use distance education and improve*  
15 *the application of technology in the classroom,*  
16 *including instruction in English language acqui-*  
17 *sition for English learners.*

18           *“(2) Providing for the conduct of research on na-*  
19 *tional literacy basic skill acquisition levels among*  
20 *adults, including the number of adult English learn-*  
21 *ers functioning at different levels of reading pro-*  
22 *ficiency.*

23                   *“(3) Improving the coordination, efficiency, and*  
24 *effectiveness of adult education and workforce develop-*  
25 *ment services at the national, State, and local levels.*

1           “(4) *Determining how participation in adult*  
2 *education, English language acquisition, and family*  
3 *literacy education programs prepares individuals for*  
4 *entry into and success in postsecondary education*  
5 *and employment, and in the case of prison-based serv-*  
6 *ices, the effect on recidivism.*

7           “(5) *Evaluating how different types of providers,*  
8 *including community and faith-based organizations*  
9 *or private for-profit agencies measurably improve the*  
10 *skills of participants in adult education, English lan-*  
11 *guage acquisition, and family literacy education pro-*  
12 *grams.*

13           “(6) *Identifying model integrated basic and*  
14 *workplace skills education programs, including pro-*  
15 *grams for English learners coordinated literacy and*  
16 *employment services, and effective strategies for serv-*  
17 *ing adults with disabilities.*

18           “(7) *Initiating other activities designed to im-*  
19 *prove the measurable quality and effectiveness of*  
20 *adult education, English language acquisition, and*  
21 *family literacy education programs nationwide.”.*

1 **TITLE III—AMENDMENTS TO THE**  
2 **WAGNER-PEYSER ACT**

3 **SEC. 301. AMENDMENTS TO THE WAGNER-PEYSER ACT.**

4 *The Wagner-Peyser Act (29 U.S.C. 49 et seq.) is*  
5 *amended by amending section 15 to read as follows:*

6 **“SEC. 15. WORKFORCE AND LABOR MARKET INFORMATION**  
7 **SYSTEM.**

8 *“(a) SYSTEM CONTENT.—*

9 *“(1) IN GENERAL.—The Secretary of Labor, in*  
10 *accordance with the provisions of this section, shall*  
11 *oversee the development, maintenance, and continuous*  
12 *improvement of a nationwide workforce and labor*  
13 *market information system that includes—*

14 *“(A) statistical data from cooperative sta-*  
15 *tistical survey and projection programs and data*  
16 *from administrative reporting systems that,*  
17 *taken together, enumerate, estimate, and project*  
18 *employment opportunities and conditions at na-*  
19 *tional, State, and local levels in a timely man-*  
20 *ner, including statistics on—*

21 *“(i) employment and unemployment*  
22 *status of national, State, and local popu-*  
23 *lations, including self-employed, part-time,*  
24 *and seasonal workers;*

1           “(ii) industrial distribution of occupa-  
2           tions, as well as current and projected em-  
3           ployment opportunities, wages, benefits  
4           (where data is available), and skill trends  
5           by occupation and industry, with par-  
6           ticular attention paid to State and local  
7           conditions;

8           “(iii) the incidence of, industrial and  
9           geographical location of, and number of  
10          workers displaced by, permanent layoffs  
11          and plant closings; and

12          “(iv) employment and earnings infor-  
13          mation maintained in a longitudinal man-  
14          ner to be used for research and program  
15          evaluation;

16          “(B) information on State and local em-  
17          ployment opportunities, and other appropriate  
18          statistical data related to labor market dynam-  
19          ics, which—

20                 “(i) shall be current and comprehen-  
21                 sive;

22                 “(ii) shall meet the needs identified  
23                 through the consultations described in sub-  
24                 paragraphs (A) and (B) of subsection (e)(2);  
25                 and



1                   “(iii) shall meet the needs for the infor-  
2                   mation identified in section 121;

3                   “(C) technical standards (which the Sec-  
4                   retary shall publish annually) for data and in-  
5                   formation described in subparagraphs (A) and  
6                   (B) that, at a minimum, meet the criteria of  
7                   chapter 35 of title 44, United States Code;

8                   “(D) procedures to ensure compatibility and  
9                   additivity of the data and information described  
10                  in subparagraphs (A) and (B) from national,  
11                  State, and local levels;

12                  “(E) procedures to support standardization  
13                  and aggregation of data from administrative re-  
14                  porting systems described in subparagraph (A)  
15                  of employment-related programs;

16                  “(F) analysis of data and information de-  
17                  scribed in subparagraphs (A) and (B) for uses  
18                  such as—

19                         “(i) national, State, and local policy-  
20                         making;

21                         “(ii) implementation of Federal poli-  
22                         cies (including allocation formulas);

23                         “(iii) program planning and evalua-  
24                         tion; and

1                   “(iv) researching labor market dynam-  
2                   ics;

3                   “(G) wide dissemination of such data, in-  
4                   formation, and analysis in a user-friendly man-  
5                   ner and voluntary technical standards for dis-  
6                   semination mechanisms; and

7                   “(H) programs of—

8                   “(i) training for effective data dissemi-  
9                   nation;

10                  “(ii) research and demonstration; and

11                  “(iii) programs and technical assist-  
12                  ance.

13                  “(2) INFORMATION TO BE CONFIDENTIAL.—

14                  “(A) IN GENERAL.—No officer or employee  
15                  of the Federal Government or agent of the Fed-  
16                  eral Government may—

17                  “(i) use any submission that is fur-  
18                  nished for exclusively statistical purposes  
19                  under the provisions of this section for any  
20                  purpose other than the statistical purposes  
21                  for which the submission is furnished;

22                  “(ii) disclose to the public any publica-  
23                  tion or media transmittal of the data con-  
24                  tained in the submission described in clause  
25                  (i) that permits information concerning an

1           *individual subject to be reasonably inferred*  
2           *by either direct or indirect means; or*

3           “(iii) *permit anyone other than a*  
4           *sworn officer, employee, or agent of any*  
5           *Federal department or agency, or a con-*  
6           *tractor (including an employee of a con-*  
7           *tractor) of such department or agency, to*  
8           *examine an individual submission described*  
9           *in clause (i),*

10          *without the consent of the individual, agency, or*  
11          *other person who is the subject of the submission*  
12          *or provides that submission.*

13          “(B) *IMMUNITY FROM LEGAL PROCESS.—*  
14          *Any submission (including any data derived*  
15          *from the submission) that is collected and re-*  
16          *tained by a Federal department or agency, or an*  
17          *officer, employee, agent, or contractor of such a*  
18          *department or agency, for exclusively statistical*  
19          *purposes under this section shall be immune*  
20          *from the legal process and shall not, without the*  
21          *consent of the individual, agency, or other person*  
22          *who is the subject of the submission or provides*  
23          *that submission, be admitted as evidence or used*  
24          *for any purpose in any action, suit, or other ju-*  
25          *dicial or administrative proceeding.*

1           “(C) *RULE OF CONSTRUCTION.*—*Nothing in*  
2           *this section shall be construed to provide immu-*  
3           *nity from the legal process for such submission*  
4           *(including any data derived from the submis-*  
5           *sion) if the submission is in the possession of*  
6           *any person, agency, or entity other than the Fed-*  
7           *eral Government or an officer, employee, agent,*  
8           *or contractor of the Federal Government, or if*  
9           *the submission is independently collected, re-*  
10           *tained, or produced for purposes other than the*  
11           *purposes of this Act.*

12           “(b) *SYSTEM RESPONSIBILITIES.*—

13           “(1) *IN GENERAL.*—*The workforce and labor*  
14           *market information system described in subsection (a)*  
15           *shall be planned, administered, overseen, and evalu-*  
16           *ated through a cooperative governance structure in-*  
17           *volving the Federal Government and States.*

18           “(2) *DUTIES.*—*The Secretary, with respect to*  
19           *data collection, analysis, and dissemination of work-*  
20           *force and labor market information for the system,*  
21           *shall carry out the following duties:*

22           “(A) *Assign responsibilities within the De-*  
23           *partment of Labor for elements of the workforce*  
24           *and labor market information system described*  
25           *in subsection (a) to ensure that all statistical*

1           *and administrative data collected is consistent*  
2           *with appropriate Bureau of Labor Statistics*  
3           *standards and definitions.*

4           “(B) *Actively seek the cooperation of other*  
5           *Federal agencies to establish and maintain*  
6           *mechanisms for ensuring complementarity and*  
7           *nonduplication in the development and oper-*  
8           *ation of statistical and administrative data col-*  
9           *lection activities.*

10           “(C) *Eliminate gaps and duplication in*  
11           *statistical undertakings, with the systemization*  
12           *of wage surveys as an early priority.*

13           “(D) *In collaboration with the Bureau of*  
14           *Labor Statistics and States, develop and main-*  
15           *tain the elements of the workforce and labor mar-*  
16           *ket information system described in subsection*  
17           *(a), including the development of consistent pro-*  
18           *cedures and definitions for use by the States in*  
19           *collecting the data and information described in*  
20           *subparagraphs (A) and (B) of subsection (a)(1).*

21           “(E) *Establish procedures for the system to*  
22           *ensure that—*

23                   “(i) *such data and information are*  
24                   *timely;*

1                   “(ii) *paperwork and reporting for the*  
2                   *system are reduced to a minimum; and*

3                   “(iii) *States and localities are fully in-*  
4                   *olved in the development and continuous*  
5                   *improvement of the system at all levels.*

6           “(c) *NATIONAL ELECTRONIC TOOLS TO PROVIDE*  
7 *SERVICES.—The Secretary is authorized to assist in the de-*  
8 *velopment of national electronic tools that may be used to*  
9 *facilitate the delivery of work ready services described in*  
10 *section 134(c)(2) and to provide workforce information to*  
11 *individuals through the one-stop delivery systems described*  
12 *in section 121 and through other appropriate delivery sys-*  
13 *tems.*

14           “(d) *COORDINATION WITH THE STATES.—*

15                   “(1) *IN GENERAL.—The Secretary, working*  
16 *through the Bureau of Labor Statistics and the Em-*  
17 *ployment and Training Administration, shall regu-*  
18 *larly consult with representatives of State agencies*  
19 *carrying out workforce information activities regard-*  
20 *ing strategies for improving the workforce and labor*  
21 *market information system.*

22                   “(2) *FORMAL CONSULTATIONS.—At least twice*  
23 *each year, the Secretary, working through the Bureau*  
24 *of Labor Statistics, shall conduct formal consultations*  
25 *regarding programs carried out by the Bureau of*

1     *Labor Statistics with representatives of each of the*  
2     *Federal regions of the Bureau of Labor Statistics,*  
3     *elected (pursuant to a process established by the Sec-*  
4     *retary) from the State directors affiliated with State*  
5     *agencies that perform the duties described in sub-*  
6     *section (e)(2).*

7     “(e) *STATE RESPONSIBILITIES.*—

8             “(1) *IN GENERAL.*—*In order to receive Federal*  
9     *financial assistance under this section, the Governor*  
10    *of a State shall—*

11                 “(A) *be responsible for the management of*  
12     *the portions of the workforce and labor market*  
13     *information system described in subsection (a)*  
14     *that comprise a statewide workforce and labor*  
15     *market information system and for the State’s*  
16     *participation in the development of the annual*  
17     *plan;*

18                 “(B) *establish a process for the oversight of*  
19     *such system;*

20                 “(C) *consult with State and local employ-*  
21     *ers, participants, and local workforce investment*  
22     *boards about the labor market relevance of the*  
23     *data to be collected and disseminated through the*  
24     *statewide workforce and labor market informa-*  
25     *tion system;*

1           “(D) consult with State educational agen-  
2           cies and local educational agencies concerning  
3           the provision of employment statistics in order to  
4           meet the needs of secondary school and postsec-  
5           ondary school students who seek such informa-  
6           tion;

7           “(E) collect and disseminate for the system,  
8           on behalf of the State and localities in the State,  
9           the information and data described in subpara-  
10          graphs (A) and (B) of subsection (a)(1);

11          “(F) maintain and continuously improve  
12          the statewide workforce and labor market infor-  
13          mation system in accordance with this section;

14          “(G) perform contract and grant respon-  
15          sibilities for data collection, analysis, and dis-  
16          semination for such system;

17          “(H) conduct such other data collection,  
18          analysis, and dissemination activities as will en-  
19          sure an effective statewide workforce and labor  
20          market information system;

21          “(I) actively seek the participation of other  
22          State and local agencies in data collection, anal-  
23          ysis, and dissemination activities in order to en-  
24          sure complementarity, compatibility, and useful-  
25          ness of data;



1           “(J) participate in the development of the  
2           annual plan described in subsection (c); and

3           “(K) utilize the quarterly records described  
4           in section 136(f)(2) to assist the State and other  
5           States in measuring State progress on State per-  
6           formance measures.

7           “(2) *RULE OF CONSTRUCTION.*—Nothing in this  
8           section shall be construed as limiting the ability of a  
9           Governor to conduct additional data collection, anal-  
10          ysis, and dissemination activities with State funds or  
11          with Federal funds from sources other than this sec-  
12          tion.

13          “(f) *NONDUPLICATION REQUIREMENT.*—None of the  
14          functions and activities carried out pursuant to this section  
15          shall duplicate the functions and activities carried out  
16          under the Carl D. Perkins Career and Technical Education  
17          Act of 2006 (20 U.S.C. 2301 et seq.).

18          “(g) *AUTHORIZATION OF APPROPRIATIONS.*—There  
19          are authorized to be appropriated to carry out this section  
20          \$63,473,000 for fiscal year 2013 and each of the 5 suc-  
21          ceeding fiscal years.

22          “(h) *DEFINITION.*—In this section, the term ‘local  
23          area’ means the smallest geographical area for which data  
24          can be produced with statistical reliability.”.

1                   **TITLE IV—REPEALS AND**  
2                   **CONFORMING AMENDMENTS**

3   **SEC. 401. REPEALS.**

4           *The following provisions are repealed:*

5                   (1) *Chapter 4 of subtitle B of title I, and sections*  
6                   *123, 155, 166, 167, 168, 169, 171, 173, 173A, 174,*  
7                   *192, 502, 503, and 506 of the Workforce Investment*  
8                   *Act of 1998 (as such provisions were in effect on the*  
9                   *day before the date of enactment of the Workforce In-*  
10                   *vestment Improvement Act of 2012).*

11                   (2) *Title V of the Older Americans Act of 1965.*

12                   (3) *Sections 1 through 14 of the Wagner-Peyser*  
13                   *Act.*

14                   (4) *Subsection (c) of section 414 of the American*  
15                   *Competitiveness and Workforce Improvement Act (29*  
16                   *U.S.C. 2916a).*

17                   (5) *Youth Conservation Corps Act of 1970 (16*  
18                   *U.S.C. 1701 et seq.).*

19                   (6) *Section 821 of the Higher Education Amend-*  
20                   *ments of 1998 (20 U.S.C. 1151) (Grants to States for*  
21                   *workplace and community transition training for in-*  
22                   *carcerated individuals).*

23                   (7) *Section 412 of the Immigration and Nation-*  
24                   *ality Act (8 U.S.C. 1522) and section 501(a) of the*

1 *Refugee Education Assistance Act of 1980 (94 Stat.*  
2 *1809; 8 U.S.C. 1522 note).*

3 (8) *Section 231 of the Second Chance Act of*  
4 *2007 (Public Law 110–199).*

5 (9) *The Women in Apprenticeship and Nontradi-*  
6 *tional Occupations Act (29 U.S.C. 2501 et seq.).*

7 (10) *Sections 4103A and 4104 of title 38, United*  
8 *States Code.*

9 (11) *Section 2021 of title 38, United States Code*  
10 *(Homeless Veterans Reintegration Programs).*

11 (12) *Section 1144 of title 10, United States Code*  
12 *(Employment assistance, job training assistance, and*  
13 *other transitional services).*

14 **SEC. 402. AMENDMENT TO THE COMPREHENSIVE ENVIRON-**  
15 **MENTAL RESPONSE, COMPENSATION, AND LI-**  
16 **ABILITY ACT OF 1980.**

17 *Section 104(k)(6) of the Comprehensive Environ-*  
18 *mental Response, Compensation, and Liability Act of 1980*  
19 *(42 U.S.C. 9604) is amended by striking “, training.”.*

20 **SEC. 403. AMENDMENTS TO THE FOOD AND NUTRITION ACT**  
21 **OF 2008.**

22 (a) *DEFINITION.—Section 3(t) of the Food and Nutri-*  
23 *tion Act of 2008 (7 U.S.C. 2012(t)) is amended—*

24 (1) *by striking “and (2)” and inserting “(2)”,*  
25 *and*

1           (2) by inserting before the period at the end the  
2       *following: “*  
3       *, and (3) when referencing employment and training activi-*  
4       *ties under section 6(d)(4), a State board as defined in sec-*  
5       *tion 101 of the Workforce Investment Act of 1998 (29 U.S.C.*  
6       *2801)”.*

7       (b) *ELIGIBLE HOUSEHOLDS.*—Section 5 of the Food  
8       and Nutrition Act of 2008 (7 U.S.C. 2014) is amended—  
9           (1) in subsection (d)(14) by striking “section  
10       6(d)(4)(I)” and inserting “section 6(d)(4)(C)”, and  
11          (2) in subsection (g)(3) by striking “constitutes  
12       adequate participation in an employment and train-  
13       ing program under section 6(d)” and inserting “al-  
14       lows the individual to participate in employment and  
15       training activities under section 6(d)(4)”.

16       (c) *ELIGIBILITY DISQUALIFICATIONS.*—Section 6(d)(4)  
17       of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(d)(4))  
18       is amended to read as follows:

19           “(4) *EMPLOYMENT AND TRAINING.*—  
20           “(A) *IMPLEMENTATION.*—Each State agen-  
21           cy shall provide employment and training serv-  
22           ices authorized under section 134 of the Work-  
23           force Investment Act of 1998 (29 U.S.C. 2864) to  
24           eligible members of households participating in  
25           the supplemental nutrition assistance program

1           *in gaining skills, training, work, or experience*  
2           *that will increase their ability to obtain regular*  
3           *employment.*

4           “(B) *STATEWIDE WORKFORCE DEVELOP-*  
5           *MENT SYSTEM.—Consistent with subparagraph*  
6           *(A), employment and training services shall be*  
7           *provided through the statewide workforce devel-*  
8           *opment system, including the One-Stop delivery*  
9           *system, authorized by the Workforce Investment*  
10           *Act of 1998 (29 U.S.C. 2801 et seq.).*

11           “(C) *REIMBURSEMENTS.—*

12           “(i) *ACTUAL COSTS.—The State agency*  
13           *shall provide payments or reimbursement to*  
14           *participants served under this paragraph*  
15           *for—*

16                   “(I) *the actual costs of transpor-*  
17                   *tation and other actual costs (other*  
18                   *than dependent care costs) that are*  
19                   *reasonably necessary and directly re-*  
20                   *lated to the individual participating*  
21                   *in employment and training activities;*  
22                   *and*

23                   “(II) *the actual costs of such de-*  
24                   *pendent care expenses that are deter-*  
25                   *mined by the State agency to be nec-*

1                    *essary for the individual to participate*  
2                    *in employment and training activities*  
3                    *(other than an individual who is the*  
4                    *caretaker relative of a dependent in a*  
5                    *family receiving benefits under part A*  
6                    *of title IV of the Social Security Act*  
7                    *(42 U.S.C. 601 et seq.) in a local area*  
8                    *where an employment, training, or*  
9                    *education program under title IV of*  
10                   *such Act is in operation), except that*  
11                   *no such payment or reimbursement*  
12                   *shall exceed the applicable local market*  
13                   *rate.*

14                   *“(ii) SERVICE CONTRACTS AND VOUCH-*  
15                   *ERS.—In lieu of providing reimbursements*  
16                   *or payments for dependent care expenses*  
17                   *under clause (i), a State agency may, at its*  
18                   *option, arrange for dependent care through*  
19                   *providers by the use of purchase of service*  
20                   *contracts or vouchers or by providing*  
21                   *vouchers to the household.*

22                   *“(iii) VALUE OF REIMBURSEMENTS.—*  
23                   *The value of any dependent care services*  
24                   *provided for or arranged under clause (i),*

1           or any amount received as a payment or re-  
2           imbursement under clause (i), shall—

3                   “(I) not be treated as income for  
4                   the purposes of any other Federal or  
5                   federally assisted program that bases  
6                   eligibility for, or the amount of benefits  
7                   on, need; and

8                   “(II) not be claimed as an em-  
9                   ployment-related expense for the pur-  
10                  poses of the credit provided under sec-  
11                  tion 21 of the Internal Revenue Code of  
12                  1986 (26 U.S.C. 21).”.

13           (d) *ADMINISTRATION*.—Section 11(e)(19) of the Food  
14 and Nutrition Act of 2008 (7 U.S.C. 2020(e)(11) is amend-  
15 ed to read as follows:

16                   “(19) the plans of the State agency for providing  
17                   employment and training services under section  
18                   6(d)(4);”.

19           (e) *ADMINISTRATIVE COST-SHARING AND QUALITY*  
20 *CONTROL*.—Section 16(h) of the Food and Nutrition Act  
21 of 2008 (7 U.S.C. 2025) is amended—

22                   (1) in paragraph (1)—

23                           (A) in subparagraph (A) by striking “carry  
24                           out employment and training programs” and in-  
25                           serting “provide employment and training serv-

1           ices to eligible households under section 6(d)(4)”,  
2           and

3                   (B) in subparagraph (D) by striking “oper-  
4           ating an employment and training program”  
5           and inserting “providing employment and train-  
6           ing services consistent with section 6(d)(4)”,

7                   (2) in paragraph (3) by striking “related to par-  
8           ticipation in an employment and training program”  
9           and inserting “the individual participating in em-  
10          ployment and training activities”,

11                   (3) in paragraph (4) by striking “for operating  
12          an employment and training program” and inserting  
13          “to provide employment and training services”, and

14                   (4) by amending paragraph (5) to read as fol-  
15          lows:

16                   “(5) *MONITORING.*—The Secretary, in conjunc-  
17          tion with the Secretary of Labor, shall monitor each  
18          State agency responsible for administering employ-  
19          ment and training services under section 6(d)(4) to  
20          ensure funds are being spent effectively and effi-  
21          ciently. Each program of employment and training  
22          receiving funds under section 6(d)(4) shall be subject  
23          to the requirements of the performance accountability  
24          system, including having to meet the state perform-



1        *ance measures included in section 136 of the Work-*  
2        *force Investment Act (29 U.S.C. 2871).”.*

3        (f) *RESEARCH, DEMONSTRATION, AND EVALUA-*  
4        *TIONS.—Section 17 of the Food and Nutrition Act of 2008*  
5        *(7 U.S.C. 2026) is amended—*

6            (1) *in subsection (b) by striking paragraph (3),*  
7        *and*

8            (2) *in subsection (g)—*

9                    (A) *by inserting “, in conjunction with the*  
10                    *Secretary of Labor,” after “Secretary”, and*

11                    (B) *by striking “programs established” and*  
12                    *inserting “activities provided to eligible house-*  
13                    *holds”.*

14        (g) *MINNESOTA FAMILY INVESTMENT PROJECT.—Sec-*  
15        *tion 22(b)(4) of the Food and Nutrition Act of 2008 (7*  
16        *U.S.C. 2031(b)(4)) is amended by striking “equivalent to*  
17        *those offered under the employment and training program”.*

18        **SEC. 404. CONFORMING AMENDMENTS TO THE UNITED**

19                    **STATES CODE.**

20        *Title 38, United States Code, is amended—*

21            (1) *by striking the item relating to section 4103A*  
22        *and section 4104 in the table of sections at the begin-*  
23        *ning of chapter 41 of such title;*

24            (2) *in section 4102A—*

25                    (A) *in subsection (b)—*

1                   (i) by striking paragraphs (5), (6),  
2                   and (7);

3                   (ii) by redesignating paragraph (8) as  
4                   paragraph (5);

5                   (B) by striking subsections (c) and (h);

6                   (C) by redesignating subsection (d), (e), (f),  
7                   and (g) as subsection (c), (d), (e), and (f);

8                   (D) in subsection (e)(1) (as so redesign-  
9                   ated)—

10                   (i) by striking “, including disabled  
11                   veterans’ outreach program specialists and  
12                   local veterans’ employment representatives  
13                   providing employment, training, and place-  
14                   ment services under this chapter in a  
15                   State”;

16                   (ii) by striking “for purposes of sub-  
17                   section (c)”.

18                   (3) in section 4109(a), by striking “disabled vet-  
19                   erans’ outreach program specialists, local veterans’  
20                   employment representatives” and inserting “veteran  
21                   employment specialists appointed under section  
22                   134(f) of the Workforce Investment Act”;

23                   (4) in section 4109(d)(1), by striking “disabled  
24                   veterans’ outreach program specialists and local vet-  
25                   erans’ employment representatives” and inserting

1       *“veteran employment specialists appointed under sec-*  
2       *tion 134(f) of the Workforce Investment Act”;*

3             *(5) in section 4112(d)—*

4                 *(A) in paragraph (1), by striking “disabled*  
5                 *veterans’ outreach program specialist” and in-*  
6                 *serting “veteran employment specialist ap-*  
7                 *pointed under section 134(f) of the Workforce In-*  
8                 *vestment Act”; and*

9                 *(B) by striking paragraph (2) and redesign-*  
10                *ating paragraph (3) as paragraph (2);*

11            *(6) in section 3672(d)(1), by striking “disabled*  
12            *veterans’ outreach program specialists under section*  
13            *4103A” and inserting “veteran employment special-*  
14            *ists appointed under section 134(f) of the Workforce*  
15            *Investment Act of 1998”.*

16            *(7) in section 4113—*

17                 *(A) in subsection (a), by striking “section*  
18                 *1144 of title 10” and inserting “section 175 of*  
19                 *the Workforce Investment Act of 1998”; and*

20                 *(B) in subsection (b), by striking “section*  
21                 *1144(a)(1) of title 10” and inserting “section*  
22                 *175(a) of the Workforce Investment Act of 1998”;*  
23                 *and*

24            *(8) in section 4104A—*

1           (A) in subsection (b)(1), by striking sub-  
2           paragraph (A) and inserting the following:

3           “(A) the appropriate veteran employment  
4           specialist (in carrying out the functions de-  
5           scribed in section 134(f));” and

6           (B) in subsection (c)(1), by striking sub-  
7           paragraph (A) and inserting the following:

8           “(A) collaborate with the appropriate vet-  
9           eran employment specialist (as described in sec-  
10          tion 134(f)) and the appropriate State boards  
11          and local boards (as such terms are defined in  
12          section 101 of the Workforce Investment Act of  
13          1998 (29 U.S.C. 2801));”.

14 **SEC. 405. CONFORMING AMENDMENT TO TABLE OF CON-**  
15 **TENTS.**

16          *The table of contents in section 1(b) is amended to read*  
17 *as follows:*

“Sec. 1. Short title; table of contents.

“TITLE I—WORKFORCE INVESTMENT SYSTEMS

“Subtitle A—Workforce Investment Definitions

“Sec. 101. Definitions.

“Subtitle B—Statewide and Local Workforce Investment Systems

“Sec. 106. Purpose.

“CHAPTER 1—STATE PROVISIONS

“Sec. 111. State workforce investment boards.

“Sec. 112. State plan.

“CHAPTER 2—LOCAL PROVISIONS

“Sec. 116. Local workforce investment areas.

*“Sec. 117. Local workforce investment boards.*

*“Sec. 118. Local plan.*

*“CHAPTER 3—WORKFORCE INVESTMENT ACTIVITIES PROVIDERS*

*“Sec. 121. Establishment of one-stop delivery systems.*

*“Sec. 122. Identification of eligible providers of training services.*

*“Sec. 123. [Repealed].*

*“CHAPTER 4—[REPEALED]*

*“CHAPTER 5—EMPLOYMENT AND TRAINING ACTIVITIES*

*“Sec. 131. General authorization.*

*“Sec. 132. State allotments.*

*“Sec. 133. Within State allocations.*

*“Sec. 134. Use of funds for employment and training activities.*

*“CHAPTER 6—GENERAL PROVISIONS*

*“Sec. 136. Performance accountability system.*

*“Sec. 137. Authorization of appropriations.*

*“Subtitle C—Job Corps*

*“Sec. 141. Purposes.*

*“Sec. 142. Definitions.*

*“Sec. 143. Establishment.*

*“Sec. 144. Individuals eligible for the Job Corps.*

*“Sec. 145. Recruitment, screening, selection, and assignment of enrollees.*

*“Sec. 146. Enrollment.*

*“Sec. 147. Job Corps centers.*

*“Sec. 148. Program activities.*

*“Sec. 149. Counseling and job placement.*

*“Sec. 150. Support.*

*“Sec. 151. Operations.*

*“Sec. 152. Standards of conduct.*

*“Sec. 153. Community participation.*

*“Sec. 154. Workforce councils.*

*“Sec. 155. [Repealed].*

*“Sec. 156. Technical assistance to centers.*

*“Sec. 157. Application of provisions of Federal law.*

*“Sec. 158. Special provisions.*

*“Sec. 159. Management information.*

*“Sec. 160. General provisions.*

*“Sec. 161. Closure of low-performing Job Corps centers.*

*“Sec. 162. Reforms to remove political favoritism in the opening of new Job Corps centers.*

*“Subtitle D—National Programs*

*“Sec. 166. [Repealed].*

*“Sec. 167. [Repealed].*

*“Sec. 168. [Repealed].*

*“Sec. 169. [Repealed].*

*“Sec. 170. Technical assistance.*

*“Sec. 171. [Repealed].*

*“Sec. 172. Evaluations.*

- “Sec. 173. *[Repealed]*.
- “Sec. 173A. *[Repealed]*.
- “Sec. 174. *[Repealed]*.
- “Sec. 175. *Military transitional assistance.*

*“Subtitle E—Administration*

- “Sec. 181. *Requirements and restrictions.*
- “Sec. 182. *Prompt allocation of funds.*
- “Sec. 183. *Monitoring.*
- “Sec. 184. *Fiscal controls; sanctions.*
- “Sec. 185. *Reports; recordkeeping; investigations.*
- “Sec. 186. *Administrative adjudication.*
- “Sec. 187. *Judicial review.*
- “Sec. 188. *Nondiscrimination.*
- “Sec. 189. *Administrative provisions.*
- “Sec. 190. *References.*
- “Sec. 191. *State legislative authority.*
- “Sec. 192. *[Repealed]*.
- “Sec. 193. *Use of certain real property.*
- “Sec. 194. *Continuation of State activities and policies.*
- “Sec. 195. *General program requirements.*
- “Sec. 196. *Department Staff.*

*“Subtitle F—Repeals and Conforming Amendments*

- “Sec. 199. *Repeals.*
- “Sec. 199A. *Conforming amendments.*

*“TITLE II—ADULT EDUCATION AND FAMILY LITERACY EDUCATION*

- “Sec. 201. *Short title.*
- “Sec. 202. *Purpose.*
- “Sec. 203. *Definitions.*
- “Sec. 204. *Home schools.*
- “Sec. 205. *Authorization of appropriations.*

*“Subtitle A—Federal Provisions*

- “Sec. 211. *Reservation of funds; grants to eligible agencies; allotments.*
- “Sec. 212. *Performance accountability system.*

*“Subtitle B—State Provisions*

- “Sec. 221. *State administration.*
- “Sec. 222. *State distribution of funds; matching requirement.*
- “Sec. 223. *State leadership activities.*
- “Sec. 224. *State plan.*
- “Sec. 225. *Programs for corrections education and other institutionalized individuals.*

*“Subtitle C—Local Provisions*

- “Sec. 231. *Grants and contracts for eligible providers.*
- “Sec. 232. *Local application.*
- “Sec. 233. *Local administrative cost limits.*

*“Subtitle D—General Provisions**“Sec. 241. Administrative provisions.**“Sec. 242. National activities.**“TITLE III—WORKFORCE INVESTMENT–RELATED ACTIVITIES**“Subtitle A—Wagner-Peyser Act**“Sec. 301. Definitions.**“Sec. 302. Functions.**“Sec. 303. Designation of State agencies.**“Sec. 304. Appropriations.**“Sec. 305. Disposition of allotted funds.**“Sec. 306. State plans.**“Sec. 307. Repeal of Federal advisory council.**“Sec. 308. Regulations.**“Sec. 309. Employment statistics.**“Sec. 310. Technical amendments.**“Sec. 311. Effective date.**“Subtitle B—Linkages With Other Programs**“Sec. 321. Trade Act of 1974.**“Sec. 322. Veterans’ employment programs.**“Sec. 323. Older Americans Act of 1965.**“Subtitle C—Twenty-First Century Workforce Commission**“Sec. 331. Short title.**“Sec. 332. Findings.**“Sec. 333. Definitions.**“Sec. 334. Establishment of Twenty-First Century Workforce Commission.**“Sec. 335. Duties of the Commission.**“Sec. 336. Powers of the Commission.**“Sec. 337. Commission personnel matters.**“Sec. 338. Termination of the Commission.**“Sec. 339. Authorization of appropriations.**“Subtitle D—Application of Civil Rights and Labor-Management Laws to the Smithsonian Institution**“Sec. 341. Application of civil rights and labor-management laws to the Smithsonian Institution.**“TITLE IV—REHABILITATION ACT AMENDMENTS OF 1998**“Sec. 401. Short title.**“Sec. 402. Title.**“Sec. 403. General provisions.**“Sec. 404. Vocational rehabilitation services.**“Sec. 405. Research and training.**“Sec. 406. Professional development and special projects and demonstrations.**“Sec. 407. National Council on Disability.**“Sec. 408. Rights and advocacy.**“Sec. 409. Employment opportunities for individuals with disabilities.**“Sec. 410. Independent living services and centers for independent living.**“Sec. 411. Repeal.*

“Sec. 412. *Helen Keller National Center Act.*

“Sec. 413. *President’s Committee on Employment of People With Disabilities.*

“Sec. 414. *Conforming amendments.*

“TITLE V—GENERAL PROVISIONS

“Sec. 501. *State unified plan.*

“Sec. 502. *[Repealed].*

“Sec. 503. *[Repealed].*

“Sec. 504. *Privacy.*

“Sec. 505. *Buy-American requirements.*

“Sec. 506. *[Repealed].*

“Sec. 507. *Effective date.*”.

1 **TITLE V—AMENDMENTS TO THE**  
 2 **REHABILITATION ACT OF 1973**

3 **SEC. 501. FINDINGS.**

4 *Section 2(a) of the Rehabilitation Act of 1973 (29*  
 5 *U.S.C. 701(a)) is amended—*

6 *(1) in paragraph (5), by striking “and” at the*  
 7 *end;*

8 *(2) in paragraph (6), by striking the period and*  
 9 *inserting “; and”; and*

10 *(3) by adding at the end the following:*

11 *“(7) there is a substantial need to improve and*  
 12 *expand services for students with disabilities under*  
 13 *this Act.”.*

14 **SEC. 502. REHABILITATION SERVICES ADMINISTRATION.**

15 *(a) REHABILITATION SERVICES ADMINISTRATION.—*

16 *The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) is*  
 17 *amended—*

18 *(1) in section 3(a) (29 U.S.C. 702(a))—*



1           (A) by striking “Office of the Secretary”  
2           and inserting “Department of Education”;

3           (B) by striking “President by and with the  
4           advice and consent of the Senate” and inserting  
5           “Secretary”; and

6           (C) by striking “, and the Commissioner  
7           shall be the principal officer,”;

8           (2) by striking “Commissioner” each place it ap-  
9           pears (except in section 21) and inserting “Director”;

10          (3) in section 12(c) (29 U.S.C. 709), is amended  
11          by striking “Commissioner’s” and inserting “Direc-  
12          tor’s”;

13          (4) in the heading for subparagraph (B) of sec-  
14          tion 100(d)(2), by striking “COMMISSIONER” and in-  
15          serting “DIRECTOR”;

16          (5) in the heading for section 706, by striking  
17          “**COMMISSIONER**” and inserting “**DIRECTOR**”;

18          (6) in the heading for paragraph (3) of section  
19          723(a), by striking “COMMISSIONER” and inserting  
20          “DIRECTOR”; and

21          (7) in section 21 (29 U.S.C. 718)—

22                 (A) in subsection (b)(1)—

23                         (i) by striking “Commissioner” the  
24                         first place it appears and inserting “Direc-

1           *tor of the Rehabilitation Services Adminis-*  
2           *tration”;*

3           (ii) *by striking “(referred to in this*  
4           *subsection as the ‘Director’)”; and*

5           (iii) *by striking “The Commissioner*  
6           *and the Director” and inserting “Both such*  
7           *Directors”; and*

8           (B) *by striking “the Commissioner and the*  
9           *Director” each place it appears and inserting*  
10          *“both such Directors”.*

11       (b) *EFFECTIVE DATE; APPLICATION.—The amend-*  
12       *ments made by subsection (a) shall—*

13           (1) *take effect on the date of the enactment of*  
14           *this Act; and*

15           (2) *apply with respect to the appointments of*  
16           *Directors of the Rehabilitation Services Administra-*  
17           *tion made on or after the date of enactment of this*  
18           *Act, and the Directors so appointed.*

19       **SEC. 503. DEFINITIONS.**

20       *Section 7 of the Rehabilitation Act of 1973 (29 U.S.C.*  
21       *705) is amended—*

22           (1) *by redesignating paragraphs (35) through*  
23           *(39) as paragraphs (36) through (40), respectively;*

24           (2) *in subparagraph (A)(ii) of paragraph (36)*  
25           *(as redesignated by paragraph (1)), by striking*

1 “paragraph (36)(C)” and inserting “paragraph  
2 (37)(C)”; and

3 (3) by inserting after paragraph (34) the fol-  
4 lowing:

5 “(35)(A) The term ‘student with a disability’  
6 means an individual with a disability who—

7 “(i) is not younger than 16 and not  
8 older than 21;

9 “(ii) has been determined to be eligible  
10 under section 102(a) for assistance under  
11 this title; and

12 “(iii)(I) is eligible for, and is receiv-  
13 ing, special education under part B of the  
14 Individuals with Disabilities Education Act  
15 (20 U.S.C. 1411 et seq.); or

16 “(II) is an individual with a dis-  
17 ability, for purposes of section 504.

18 “(B) The term ‘students with disabilities’ means  
19 more than 1 student with a disability.”.

20 **SEC. 504. STATE PLAN.**

21 Section 101(a) of the Rehabilitation Act of 1973 (29  
22 U.S.C. 721(a)) is amended—

23 (1) in paragraph (11)—

24 (A) in subparagraph (D)(i), by inserting  
25 before the semicolon the following: “, which may

1           *be provided using alternative means of meeting*  
2           *participation (such as video conferences and con-*  
3           *ference calls)”; and*

4                   *(B) by adding at the end the following:*

5                           *“(G) COORDINATION WITH ASSISTIVE TECH-*  
6                           *NOLOGY PROGRAMS.—The State plan shall in-*  
7                           *clude an assurance that the designated State*  
8                           *unit and the lead agency or implementing entity*  
9                           *responsible for carrying out duties under the As-*  
10                           *ssistive Technology Act of 1998 (29 U.S.C. 3001*  
11                           *et seq.) have developed working relationships and*  
12                           *coordinate their activities.”;*

13           *(2) in paragraph (15)—*

14                   *(A) in subparagraph (A)—*

15                           *(i) in clause (i)—*

16                                   *(I) in subclause (II), by striking*  
17                                   *“and” at the end;*

18                                   *(II) in subclause (III), by adding*  
19                                   *“and” at the end; and*

20                                   *(III) by adding at the end the fol-*  
21                                   *lowing:*

22   *“(IV) students with disabilities,*  
23   *including their need for transition*  
24   *services;”;*

1                   (ii) by redesignating clauses (ii) and  
2                   (iii) as clauses (iii) and (iv), respectively;  
3                   and

4                   (iii) by inserting after clause (i) the  
5                   following:

6                   “(ii) include an assessment of the tran-  
7                   sition services provided under this Act, and  
8                   coordinated with transition services under  
9                   the Individuals with Disabilities Education  
10                  Act, as to those services meeting the needs of  
11                  individuals with disabilities;”;

12                  (B) in subparagraph (D)—

13                  (i) by redesignating clauses (iii), (iv),  
14                  and (v) as clauses (iv), (v), and (vi), respec-  
15                  tively; and

16                  (ii) by inserting after clause (ii) the  
17                  following:

18                  “(iii) the methods to be used to im-  
19                  prove and expand vocational rehabilitation  
20                  services for students with disabilities, in-  
21                  cluding the coordination of services designed  
22                  to facilitate the transition of such students  
23                  from the receipt of educational services in  
24                  school to the receipt of vocational rehabilita-

1            *tion services under this title or to postsec-*  
2            *ondary education or employment;”;*

3            *(3) in paragraph (22)—*

4            *(A) by striking “carrying out part B of title*  
5            *VI, including”; and*

6            *(B) by striking “that part to supplement*  
7            *funds made available under part B of”;*

8            *(4) in paragraph (24)(A), by striking “part A of*  
9            *title VI” and inserting “section 109A”; and*

10           *(5) by adding at the end the following:*

11           *“(25) COLLABORATION WITH INDUSTRY.—The*  
12           *State plan shall describe how the designated State*  
13           *agency will carry out the provisions of section 109A,*  
14           *including—*

15           *“(A) the criteria such agency will use to*  
16           *award grants under such section; and*

17           *“(B) how the activities carried out under*  
18           *such grants will be coordinated with other serv-*  
19           *ices provided under this title.*

20           *“(26) SERVICES FOR STUDENTS WITH DISABIL-*  
21           *ITIES.—The State plan shall provide an assurance*  
22           *satisfactory to the Secretary that the State—*

23           *“(A) has developed and implemented strate-*  
24           *gies to address the needs identified in the assess-*  
25           *ment described in paragraph (15), and achieve*

1           *the goals and priorities identified by the State,*  
2           *to improve and expand vocational rehabilitation*  
3           *services for students with disabilities on a state-*  
4           *wide basis in accordance with paragraph (15);*  
5           *and*

6           “(B) *from funds reserved under section*  
7           *110A, shall carry out programs or activities de-*  
8           *signed to improve and expand vocational reha-*  
9           *ilitation services for students with disabilities*  
10          *that—*

11                   “(i) *facilitate the transition of students*  
12                   *with disabilities from the receipt of edu-*  
13                   *cational services in school, to the receipt of*  
14                   *vocational rehabilitation services under this*  
15                   *title, including, at a minimum, those serv-*  
16                   *ices specified in the interagency agreement*  
17                   *required in paragraph (11)(D);*

18                   “(ii) *improve the achievement of post-*  
19                   *school goals of students with disabilities, in-*  
20                   *cluding improving the achievement through*  
21                   *participation (as appropriate when career*  
22                   *goals are discussed) in meetings regarding*  
23                   *individualized education programs devel-*  
24                   *oped under section 614 of the Individuals*

1                   *with Disabilities Education Act (20 U.S.C.*  
2                   *1414);*

3                   “*(iii) provide career guidance, career*  
4                   *exploration services, job search skills and*  
5                   *strategies, and technical assistance to stu-*  
6                   *dents with disabilities;*

7                   “*(iv) support the provision of training*  
8                   *and technical assistance to State and local*  
9                   *educational agencies and designated State*  
10                  *agency personnel responsible for the plan-*  
11                  *ning and provision of services to students*  
12                  *with disabilities; and*

13                  “*(v) support outreach activities to stu-*  
14                  *dents with disabilities who are eligible for,*  
15                  *and need, services under this title.”.*

16 **SEC. 505. SCOPE OF SERVICES.**

17                  *Section 103 of the Rehabilitation Act of 1973 (29*  
18                  *U.S.C. 723) is amended—*

19                         *(1) in subsection (a), by striking paragraph (15)*  
20                         *and inserting the following:*

21                         “*(15) transition services for students with dis-*  
22                         *abilities, that facilitate the achievement of the em-*  
23                         *ployment outcome identified in the individualized*  
24                         *plan for employment, including services described in*  
25                         *clauses (i) through (iii) of section 101(a)(26)(B);”;*



1           (2) *in subsection (b), by striking paragraph (6)*  
2           *and inserting the following:*

3           “(6)(A)(i) *Consultation and technical assistance*  
4           *services to assist State and local educational agencies*  
5           *in planning for the transition of students with dis-*  
6           *abilities from school to post-school activities, includ-*  
7           *ing employment.*

8           “(ii) *Training and technical assistance described*  
9           *in section 101(a)(26)(B)(iv).*

10          “(B) *Services for groups of individuals with dis-*  
11          *abilities who meet the requirements of clauses (i) and*  
12          *(iii) of section 7(35)(A), including services described*  
13          *in clauses (i), (ii), (iii), and (v) of section*  
14          *101(a)(26)(B), to assist in the transition from school*  
15          *to post-school activities.”; and*

16          (3) *in subsection (b) by inserting at the end, the*  
17          *following:*

18          “(7) *The establishment, development, or improve-*  
19          *ment of assistive technology demonstration, loan, re-*  
20          *utilization, or financing programs in coordination*  
21          *with activities authorized under the Assistive Tech-*  
22          *nology Act of 1998 (29 U.S.C. 3001) to promote ac-*  
23          *cess to assistive technology for individuals with dis-*  
24          *abilities and employers.”.*

1 **SEC. 506. STANDARDS AND INDICATORS.**

2 *Section 106 of the Rehabilitation Act of 1973 (29*  
3 *U.S.C. 726(a)) is amended—*

4 *(1) by striking subsection (a) and inserting the*  
5 *following:*

6 *“(a) STANDARDS AND INDICATORS.—The performance*  
7 *standards and indicators for the vocational rehabilitation*  
8 *program carried out under this title—*

9 *“(1) shall be subject to paragraphs (2)(A) and*  
10 *(3) of section 136(b) of the Workforce Investment Act*  
11 *of 1998; and*

12 *“(2) may, at a State’s discretion, include addi-*  
13 *tional indicators identified in the State plan sub-*  
14 *mitted under section 101.”; and*

15 *(2) in subsection (b)(2)(B), by striking clause (i)*  
16 *and inserting the following:*

17 *“(i) on a biannual basis, review the*  
18 *program improvement efforts of the State*  
19 *and, if the State has not improved its per-*  
20 *formance to acceptable levels, as determined*  
21 *by the Director, direct the State to make re-*  
22 *visions to the plan to improve performance;*  
23 *and”.*

24 **SEC. 507. COLLABORATION WITH INDUSTRY.**

25 *The Rehabilitation Act of 1973 is amended by insert-*  
26 *ing after section 109 (29 U.S.C. 729) the following:*

1 **“SEC. 109A. COLLABORATION WITH INDUSTRY.**

2       “(a) *AUTHORITY.*—A State shall use not less than one-  
3 half of one percent of the payment the State receives under  
4 section 111 for a fiscal year to award grants to eligible enti-  
5 ties to create practical job and career readiness and train-  
6 ing programs, and to provide job placements and career ad-  
7 vancement.

8       “(b) *APPLICATION.*—To receive a grant under this sec-  
9 tion, an eligible entity shall submit an application to a des-  
10 ignated State agency at such time, in such manner, and  
11 containing such information as such agency shall require.  
12 Such application shall include, at a minimum—

13               “(1) a plan for evaluating the effectiveness of the  
14 program;

15               “(2) a plan for collecting and reporting the data  
16 and information described under subparagraphs (A)  
17 through (C) of section 101(a)(10), as determined ap-  
18 propriate by the designated State agency; and

19               “(3) a plan for providing for the non-Federal  
20 share of the costs of the program.

21       “(c) *ACTIVITIES.*—An eligible entity receiving a grant  
22 under this section shall use the grant funds to carry out  
23 a program that provides one or more of the following:

24               “(1) Job development, job placement, and career  
25 advancement services for individuals with disabilities.

1           “(2) *Training in realistic work settings in order*  
2           *to prepare individuals with disabilities for employ-*  
3           *ment and career advancement in the competitive*  
4           *market.*

5           “(3) *Providing individuals with disabilities with*  
6           *such support services as may be required in order to*  
7           *maintain the employment and career advancement*  
8           *for which the individuals have received training.*

9           “(d) *AWARDS.—Grants under this section shall—*

10            “(1) *be awarded for a period not to exceed 5*  
11            *years; and*

12            “(2) *be awarded competitively.*

13           “(e) *ELIGIBLE ENTITY DEFINED.—For the purposes of*  
14            *this section, the term ‘eligible entity’ means a for-profit*  
15            *business, alone or in partnership with one or more of the*  
16            *following:*

17            “(1) *Community rehabilitation program pro-*  
18            *viders.*

19            “(2) *Indian tribes.*

20            “(3) *Tribal organizations.*

21           “(f) *FEDERAL SHARE.—The Federal share of a pro-*  
22            *gram under this section shall not exceed 80 percent of the*  
23            *costs of the program.*

24           “(g) *ELIGIBILITY FOR SERVICES.—An individual*  
25            *shall be eligible for services provided under a program*

1 *under this section if the individual is determined under sec-*  
2 *tion 102(a)(1) to be eligible for assistance under this title.”.*

3 **SEC. 508. RESERVATION FOR EXPANDED TRANSITION SERV-**  
4 **ICES.**

5 *The Rehabilitation Act of 1973 is amended by insert-*  
6 *ing after section 110 (29 U.S.C. 730) the following:*

7 **“SEC. 110A. RESERVATION FOR EXPANDED TRANSITION**  
8 **SERVICES.**

9 *“Each State shall reserve not less than 10 percent of*  
10 *the funds allotted to the State under section 110(a) to carry*  
11 *out programs and activities under sections 101(a)(26)(B)*  
12 *and 103(b)(6).”.*

13 **SEC. 509. CLIENT ASSISTANCE PROGRAM.**

14 *Section 112(e)(1) of the Rehabilitation Act of 1973 (29*  
15 *U.S.C. 732(e)(1)) is amended by redesignating subpara-*  
16 *graph (D) as subparagraph (E) and inserting after sub-*  
17 *paragraph (C) the following:*

18 *“(D) The Secretary shall make grants to the*  
19 *protection and advocacy system serving the*  
20 *American Indian Consortium to provide services*  
21 *in accordance with this section. The amount of*  
22 *such grants shall be the same as provided to ter-*  
23 *ritories under this subsection.”.*

1 **SEC. 510. TITLE III REPEALS.**

2 *Title III of the Rehabilitation Act of 1973 (29 U.S.C.*  
3 *771 et seq.) is amended—*

4 *(1) in section 301(a)—*

5 *(A) in paragraph (2), by inserting “and” at*  
6 *the end;*

7 *(B) by striking paragraphs (3) and (4); and*

8 *(C) by redesignating paragraph (5) as*  
9 *paragraph (3);*

10 *(2) in section 302(g)—*

11 *(A) in the heading, by striking “AND IN-*  
12 *SERVICE TRAINING”; and*

13 *(B) by striking paragraph (3);*

14 *(3) by striking sections 304 and 305; and*

15 *(4) by redesignating section 306 as section 304.*

16 **SEC. 511. REPEAL OF TITLE VI.**

17 *The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.)*  
18 *is amended by repealing title VI.*

19 **SEC. 512. CHAIRPERSON.**

20 *Section 705(b)(5) of the Rehabilitation Act of 1973 (29*  
21 *U.S.C. 796d(b)(5)) is amended to read as follows:*

22 *“(5) CHAIRPERSON.—The Council shall select a*  
23 *chairperson from among the voting membership of the*  
24 *Council.”.*

1 **SEC. 513. AUTHORIZATIONS OF APPROPRIATIONS.**

2 *The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.)*  
3 *is further amended—*

4 *(1) in section 100(b)(1) (29 U.S.C. 720(b)(1)),*  
5 *by striking “such sums as may be necessary for fiscal*  
6 *years 1999 through 2003” and inserting*  
7 *“\$3,121,712,000 for fiscal year 2013 and each of the*  
8 *5 succeeding fiscal years”;*

9 *(2) in section 110(c) (29 U.S.C. 730(c)), by*  
10 *amending paragraph (2) to read as follows:*

11 *“(2) The sum referred to in paragraph (1) shall*  
12 *be, as determined by the Secretary, not less than 1*  
13 *percent and not more than 1.5 percent of the amount*  
14 *referred to in paragraph (1) for each of fiscal years*  
15 *2013 through 2018.”;*

16 *(3) in section 112(h) (29 U.S.C. 732(h)) by strik-*  
17 *ing “such sums as may be necessary for fiscal years*  
18 *1999 through 2003” and inserting “\$12,240,000 for*  
19 *fiscal year 2013 and each of the 5 succeeding fiscal*  
20 *years”;*

21 *(4) by amending subsection (a) of section 201*  
22 *(29 U.S.C. 761(a)) to read as follows: “(a) There are*  
23 *authorized to be appropriated \$108,817,000 for fiscal*  
24 *year 2013 and each of the 5 succeeding fiscal years*  
25 *to carry out this title.”;*

1           (5) in section 302(i) (29 U.S.C. 772(i)) by strik-  
2           ing “such sums as may be necessary for each of the  
3           fiscal years 1999 through 2003” and inserting  
4           “\$35,515,000 for fiscal year 2013 and each of the 5  
5           succeeding fiscal years”;

6           (6) in section 303(e) (29 U.S.C. 773(e)) by strik-  
7           ing “such sums as may be necessary for each of the  
8           fiscal years 1999 through 2003” and inserting  
9           “\$5,325,000 for fiscal year 2013 and each of the 5  
10          succeeding fiscal years”;

11          (7) in section 405 (29 U.S.C. 785) by striking  
12          “such sums as may be necessary for each of the fiscal  
13          years 1999 through 2003” and inserting “\$3,258,000  
14          for fiscal year 2013 and each of the 5 succeeding fis-  
15          cal years”;

16          (8) in section 502(j) (29 U.S.C. 792(j)) by strik-  
17          ing “such sums as may be necessary for each of the  
18          fiscal years 1999 through 2003” and inserting  
19          “\$7,400,000 for fiscal year 2013 and each of the 5  
20          succeeding fiscal years”;

21          (9) in section 509(l) (29 U.S.C. 794e(l)) by strik-  
22          ing “such sums as may be necessary for each of the  
23          fiscal years 1999 through 2003” and inserting  
24          “\$18,031,000 for fiscal year 2013 and each of the 5  
25          succeeding fiscal years”;



1           (10) in section 714 (29 U.S.C. 796e-3), by strik-  
2           ing “such sums as may be necessary for each of the  
3           fiscal years 1999 through 2003” and inserting  
4           “\$23,359,000 for fiscal year 2013 and each of the 5  
5           succeeding fiscal years”;

6           (11) in section 727 (29 U.S.C. 796f-6), by strik-  
7           ing “such sums as may be necessary for each of the  
8           fiscal years 1999 through 2003” and inserting  
9           “\$79,953,000 for fiscal year 2013 and each of the 5  
10          succeeding fiscal years”; and

11          (12) in section 753 (29 U.S.C. 7961), by striking  
12          “such sums as may be necessary for each of the fiscal  
13          years 1999 through 2003” and inserting “\$34,018,000  
14          for fiscal year 2013 and each of the 5 succeeding fis-  
15          cal years”.

16 **SEC. 514. CONFORMING AMENDMENTS.**

17          Section 1(b) of the Rehabilitation Act of 1973 is  
18          amended—

19               (1) by inserting after the item relating to section  
20               109 the following:

          “Sec. 109A. Collaboration with industry.”;

21               (2) by inserting after the item relating to section  
22               110 the following:

          “Sec. 110A. Reservation for expanded transition services.”;

1           (3) *by striking the item related to section 304*

2           *and inserting the following:*

          “Sec. 304. *Measuring of project outcomes and performance.*”;

3           (4) *by striking the items related to sections 305*

4           *and 306; and*

5           (5) *by striking the items related to title VI.*



Union Calendar No. 513

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

**H. R. 4297**

[Report No. 112-699, Part I]

---

---

**A BILL**

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

---

---

DECEMBER 14, 2012

The Committee on Veterans' Affairs discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed