

113TH CONGRESS
1ST SESSION

H. R. 2770

To provide subsidized employment for unemployed, low-income adults, provide summer employment and year-round employment opportunities for low-income youth, and carry out work-related and educational strategies and activities of demonstrated effectiveness, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 22, 2013

Mr. GEORGE MILLER of California (for himself, Mr. TIERNEY, Mr. RANGEL, Mr. NADLER, Mr. BISHOP of New York, Mrs. NAPOLITANO, Mr. GRIJALVA, Ms. SCHAKOWSKY, Ms. LEE of California, Ms. NORTON, Mr. SCOTT of Virginia, Mr. CARTWRIGHT, Mr. HUFFMAN, Mr. HINOJOSA, and Mr. LOEBSACK) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To provide subsidized employment for unemployed, low-income adults, provide summer employment and year-round employment opportunities for low-income youth, and carry out work-related and educational strategies and activities of demonstrated effectiveness, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Pathways Back to
3 Work Act of 2013”.

4 **SEC. 2. ESTABLISHMENT OF PATHWAYS BACK TO WORK**
5 **FUND.**

6 (a) **ESTABLISHMENT.**—There is established in the
7 Treasury of the United States an account, which shall be
8 known as the Pathways Back to Work Fund (referred to
9 in this Act as “the Fund”), consisting of the amounts as
10 are paid to the Fund under subsection (b).

11 (b) **PAYMENT INTO THE FUND.**—Out of any amounts
12 in the general fund of the Treasury not otherwise appro-
13 priated, there is appropriated \$12,500,000,000, which
14 shall be paid to the Fund, to be used by the Secretary
15 of Labor to carry out this Act.

16 (c) **PERIOD OF AVAILABILITY.**—The amounts appro-
17 priated under this Act shall be available for obligation by
18 the Secretary of Labor through December 31, 2014, and
19 shall be available for expenditure by recipients of grants
20 and subgrants under this Act through September 30,
21 2015.

22 **SEC. 3. AVAILABILITY OF FUNDS.**

23 (a) **IN GENERAL.**—Using the amounts available
24 through the Fund under section 2(b), the Secretary of
25 Labor shall, subject to subsection (b)—

1 (1) allot \$8,000,000,000 in accordance with
2 section 4 to provide subsidized employment to unem-
3 ployed, low-income adults;

4 (2) allot \$2,500,000,000 in accordance with
5 section 5 to provide summer employment and year-
6 round employment opportunities to low-income
7 youth; and

8 (3) use \$2,000,000,000 in accordance with sec-
9 tion 6 to award grants on a competitive basis to
10 local entities to carry out work-based training and
11 other work-related and educational strategies and
12 activities of demonstrated effectiveness to unem-
13 ployed, low-income adults and low-income youth to
14 provide the skills and assistance needed to obtain
15 employment.

16 (b) RESERVATION.—The Secretary of Labor may re-
17 serve not more than 1 percent of the amounts available
18 through the Fund under each of paragraphs (1) through
19 (3) of subsection (a) to pay for the costs of technical as-
20 sistance, evaluations, and Federal administration of this
21 Act.

22 **SEC. 4. SUBSIDIZED EMPLOYMENT FOR UNEMPLOYED,**
23 **LOW-INCOME ADULTS.**

24 (a) IN GENERAL.—

1 (1) ALLOTMENTS.—From the funds available
2 under section 3(a)(1), the Secretary of Labor shall
3 make an allotment under subsection (b) to each
4 State that has a State plan approved under sub-
5 section (c) and to each outlying area and recipient
6 under section 166(c) of the Workforce Investment
7 Act of 1998 (29 U.S.C. 2911(c)) that meets the re-
8 quirements of this section, for the purpose of pro-
9 viding subsidized employment opportunities to unem-
10 ployed, low-income adults.

11 (2) GUIDANCE.—Not later than 30 days after
12 the date of enactment of this Act, the Secretary of
13 Labor, in coordination with the Secretary of Health
14 and Human Services, shall issue guidance regarding
15 the implementation of this section. Such guidance
16 shall, consistent with this section, include procedures
17 for the submission and approval of State and local
18 plans and the allotment and allocation of funds, in-
19 cluding reallocation and reallocation of such funds,
20 that promote the expeditious and effective implemen-
21 tation of the activities authorized under this section.

22 (b) STATE ALLOTMENTS.—

23 (1) RESERVATIONS FOR OUTLYING AREAS AND
24 TRIBES.—Of the funds described in subsection
25 (a)(1), the Secretary shall reserve—

1 (A) not more than $\frac{1}{4}$ of 1 percent to pro-
2 vide assistance to outlying areas to provide sub-
3 sidized employment to unemployed, low-income
4 adults; and

5 (B) 1.5 percent to provide assistance to re-
6 cipients under section 166(c) of the Workforce
7 Investment Act of 1998 (relating to Native
8 Americans; 29 U.S.C. 2911(c)) to provide sub-
9 sidized employment to unemployed, low-income
10 adults.

11 (2) STATES.—After determining the amounts to
12 be reserved under section 3(b) and paragraph (1),
13 the Secretary of Labor shall allot the remainder of
14 the funds described in subsection (a)(1) among the
15 States by allotting—

16 (A) one-third on the basis of the relative
17 number of unemployed individuals in areas of
18 substantial unemployment in each State, com-
19 pared to the total number of unemployed indi-
20 viduals in areas of substantial unemployment in
21 all States;

22 (B) one-third on the basis of the relative
23 excess number of unemployed individuals in
24 each State, compared to the total excess num-
25 ber of unemployed individuals in all States; and

1 (C) one-third on the basis of the relative
2 number of disadvantaged adults and youth in
3 each State, compared to the total number of
4 disadvantaged adults and youth in all States.

5 (3) DEFINITIONS.—For purposes of the for-
6 mula described in paragraph (2)—

7 (A) AREA OF SUBSTANTIAL UNEMPLOY-
8 MENT.—The term “area of substantial unem-
9 ployment” means any contiguous area that has
10 a population of at least 10,000, and that has an
11 average rate of unemployment of at least 6.5
12 percent for the most recent 12 months, as de-
13 termined by the Secretary.

14 (B) DISADVANTAGED ADULT OR YOUTH.—
15 The term “disadvantaged adult or youth”
16 means an individual who is age 16 or older
17 (subject to section 132(b)(1)(B)(v)(I) of the
18 Workforce Investment Act of 1998 (29 U.S.C.
19 2862(b)(1)(B)(v)(I))) who received an income,
20 or is a member of a family that received a total
21 family income, that, in relation to family size,
22 does not exceed the higher of—

23 (i) the poverty line; or

24 (ii) 70 percent of the lower living
25 standard income level.

(C) EXCESS NUMBER.—The term “excess number” means, used with respect to unemployed individuals in a State, the higher of—

(i) the number that represents the number of unemployed individuals in excess of 4.5 percent of the civilian labor force in the State; or

(ii) the number that represents the number of unemployed individuals in excess of 4.5 percent of the civilian labor force in areas of substantial unemployment in such State.

(4) REALLOTMENT.—If the Governor of a State does not submit a State plan by the date specified in subsection (c)(2)(B), or a State does not receive approval of a State plan, the amount the State would have been eligible to receive pursuant to the formula under paragraph (2) shall be transferred within the Fund and added to the amounts available for competitive grants under section 3(a)(3).

(c) STATE PLAN.—

(1) IN GENERAL.—For a State to be eligible to receive an allotment of funds under subsection (b), the Governor of the State shall submit to the Secretary of Labor a State plan in such form and con-

1 taining such information as the Secretary may re-
2 quire. At a minimum, such plan shall include—

3 (A) a description of the strategies and ac-
4 tivities to be carried out by the State, in coordi-
5 nation with employers in the State, to provide
6 subsidized employment opportunities to unem-
7 ployed, low-income adults, including strategies
8 relating to the level and duration of subsidies
9 consistent with subsection (e)(2);

10 (B) a description of the requirements the
11 State will apply relating to the eligibility of un-
12 employed, low-income adults, consistent with
13 section 8, for subsidized employment opportuni-
14 ties, which requirements may include criteria to
15 target assistance to particular categories of
16 such adults, such as individuals with disabilities
17 or individuals who have exhausted all rights to
18 unemployment compensation;

19 (C) a description of how the funds allotted
20 to provide subsidized employment opportunities
21 will be administered in the State and (if admin-
22 istered by entities described in subsection
23 (d)(1)(A)) in local areas, in accordance with
24 subsection (d);

1 (D) a description of the performance out-
2 comes to be achieved by the State through the
3 activities carried out under this section and the
4 processes the State will use to track perform-
5 ance, consistent with guidance provided by the
6 Secretary of Labor regarding such outcomes
7 and processes and with section 7(b);

8 (E) a description of the coordination of ac-
9 tivities to be carried out with the funds pro-
10 vided under this section with activities under
11 title I of the Workforce Investment Act of 1998
12 (29 U.S.C. 2801 et seq.), the program of block
13 grants to States for temporary assistance for
14 needy families established under part A of title
15 IV of the Social Security Act (referred to in
16 this Act as the “TANF program”; 42 U.S.C.
17 601 et seq.) and other appropriate Federal and
18 State programs that may assist unemployed,
19 low-income adults in obtaining and retaining
20 employment;

21 (F) a description of the timelines for im-
22 plementation of the activities described in sub-
23 paragraph (A), and the number of unemployed,
24 low-income adults expected to be placed in sub-
25 sidized employment by calendar quarter;

1 (G) assurances that the State will report
2 such information as the Secretary of Labor may
3 require relating to fiscal, performance, and
4 other matters as the Secretary determines is
5 necessary to effectively monitor the activities
6 carried out under this section; and

7 (H) assurances that the State will ensure
8 compliance with the requirements, restrictions,
9 labor standards, and other provisions described
10 in section 7(a).

11 (2) SUBMISSION AND APPROVAL OF STATE
12 PLAN.—

13 (A) SUBMISSION WITH OTHER PLANS.—

14 The State plan described in paragraph (1) may
15 be submitted in conjunction with the State plan
16 modification or other request for funds by the
17 State required under section 5, and may be
18 submitted as a modification to a State plan
19 that has been approved under section 112 of
20 the Workforce Investment Act of 1998 (29
21 U.S.C. 2822).

22 (B) SUBMISSION AND APPROVAL.—

23 (i) SUBMISSION.—The Governor shall
24 submit the State plan described in para-
25 graph (1) to the Secretary of Labor not

1 later than 75 days after the date of enact-
2 ment of this Act and the Secretary of
3 Labor shall make a determination regard-
4 ing the approval or disapproval of such
5 plan not later than 45 days after the sub-
6 mission of such plan. If the plan is dis-
7 approved, the Secretary of Labor may pro-
8 vide a reasonable period of time in which
9 the plan may be amended and resubmitted
10 for approval.

11 (ii) APPROVAL.—The Secretary of
12 Labor shall approve a State plan that the
13 Secretary determines is consistent with the
14 requirements of this section and reasonably
15 appropriate and adequate to carry out the
16 objectives of this section. If the plan is ap-
17 proved, the Secretary shall allot funds to
18 the State under subsection (b) within 30
19 days after such approval.

20 (3) MODIFICATIONS TO STATE PLAN.—The
21 Governor may submit a modification to a State plan
22 under this subsection, consistent with the require-
23 ments of this section.

24 (d) ADMINISTRATION WITHIN THE STATE.—

1 (1) OPTION.—The State may administer the
2 funds for activities under this section through—

3 (A) the State and local entities responsible
4 for the administration of the formula program
5 of workforce investment activities for adults
6 under subtitle B of title I of the Workforce In-
7 vestment Act of 1998;

8 (B) the State agency or agencies respon-
9 sible for the administration of the TANF pro-
10 gram; or

11 (C) a combination of the entities and agen-
12 cy or agencies described in subparagraphs (A)
13 and (B).

14 (2) WITHIN-STATE ALLOCATIONS.—

15 (A) ALLOCATION OF FUNDS.—The Gov-
16 ernor may reserve not more than 5 percent of
17 the funds made available through the allotment
18 under subsection (b)(2), for administration and
19 technical assistance, and shall allocate the re-
20 mainder, in accordance with the option elected
21 under paragraph (1)—

22 (i) among local workforce investment
23 areas within the State in accordance with
24 subparagraphs (A), (B), and (C) of sub-
25 section (b)(2), except that for purposes of

1 such allocation references to a State in
2 such subsection shall be deemed to be ref-
3 erences to a local workforce investment
4 area and references to all States shall be
5 deemed to be references to all local work-
6 force investment areas in the State in-
7 volved, and not more than 10 percent of
8 the funds so allocated to a local workforce
9 investment area may be used for the costs
10 of administration of this section; or

11 (ii) through entities responsible for
12 the provision of services under the TANF
13 program to local populations in such man-
14 ner as the State agency or agencies re-
15 sponsible for the administration of the
16 TANF program may determine to be ap-
17 propriate.

18 (B) LOCAL PLANS.—

19 (i) IN GENERAL.—In a case in which
20 the responsibility for the administration of
21 the activities described in subsection (e) is
22 to be carried out by the entities described
23 in paragraph (1)(A), in order to receive an
24 allocation under subparagraph (A)(i), a
25 local workforce investment board, in part-

1 nership with the chief elected official of the
2 local workforce investment area involved,
3 shall submit to the Governor a local plan
4 for the use of such funds under this sec-
5 tion not later than 30 days after the sub-
6 mission of the State plan. Such local plan
7 may be submitted as a modification to a
8 local plan approved under section 118 of
9 the Workforce Investment Act of 1998 (29
10 U.S.C. 2828).

11 (ii) CONTENTS.—The local plan de-
12 scribed in clause (i) shall contain the infor-
13 mation described in subparagraphs (A)
14 through (H) of subsection (c)(1), as ap-
15 plied to the local workforce investment
16 area.

17 (iii) APPROVAL.—The Governor shall
18 approve or disapprove the local plan sub-
19 mitted under clause (i) not later than a
20 date (referred to in this clause as the
21 “final determination date”) that is the
22 later of the 30th day after the submission
23 of the local plan or the 30th day after the
24 approval of the State plan. The Governor
25 shall approve the local plan unless the Gov-

ernor determines that the plan is inconsistent with the requirements of this section or is not reasonably appropriate and adequate to carry out the objectives of this section. If the Governor has not made a determination by the final determination date, the plan shall be considered to be approved. If the plan is disapproved, the Governor may provide a reasonable period of time in which the plan may be amended and resubmitted for approval. If the plan is approved, the Governor shall allocate funds to the local workforce investment area involved under subparagraph (A)(i) within 30 days after such approval.

(C) REALLOCATION OF FUNDS TO LOCAL WORKFORCE INVESTMENT AREAS.—If a local workforce investment board and chief elected official do not submit a local plan by the date specified in subparagraph (B)(i), or the Governor disapproves a local plan, the amount the local workforce investment area would have been eligible to receive pursuant to the formula under subparagraph (A)(i) shall be allocated to local workforce investment areas that receive

1 approval of their local plans under subpara-
2 graph (B). Each such local workforce invest-
3 ment area shall receive a share of the total
4 amount available for reallocation under this
5 subparagraph, in accordance with the area's
6 share of the total amount allocated under sub-
7 paragraph (A)(i) to such local workforce invest-
8 ment areas.

9 (e) USE OF FUNDS.—

10 (1) IN GENERAL.—The funds made available
11 under this section shall be used to provide subsidized
12 employment for unemployed, low-income adults. The
13 entities described in subsection (d)(1) may use a va-
14 riety of strategies in recruiting employers and identi-
15 fying appropriate employment opportunities, but
16 shall give priority to providing employment opportu-
17 nities likely to lead to unsubsidized employment in
18 emerging or in-demand occupations in the area
19 served through the grant involved. Funds made
20 available under this section may be used to provide
21 support services, such as transportation and child
22 care, that are necessary to enable the participation
23 of such adults in subsidized employment opportuni-
24 ties.

1 (2) LEVEL OF SUBSIDY AND DURATION.—The
2 entities described in subsection (d)(1) may deter-
3 mine the percentage of the wages and costs of em-
4 ploying a participant for which an employer may re-
5 ceive a subsidy with the funds made available under
6 this section, and the duration of such subsidy, in ac-
7 cordance with guidance issued by the Secretary in
8 coordination with the Secretary of Health and
9 Human Services. The entities may establish criteria
10 for determining such percentage or duration, using
11 appropriate factors such as the size of the employer
12 and types of employment.

13 (f) COORDINATION OF FEDERAL ADMINISTRATION.—
14 The Secretary of Labor shall administer this section in
15 coordination with the Secretary of Health and Human
16 Services to ensure the effective implementation of this sec-
17 tion.

18 **SEC. 5. SUMMER EMPLOYMENT AND YEAR-ROUND EMPLOY-**
19 **MENT OPPORTUNITIES FOR LOW-INCOME**
20 **AND DISCONNECTED YOUTH.**

21 (a) IN GENERAL.—From the funds available under
22 section 3(a)(2), the Secretary of Labor shall make an al-
23 lotment under subsection (c) to each State that has a
24 modification to a State plan approved under section 112
25 of the Workforce Investment Act of 1998 (29 U.S.C.

1 2822) (referred to in this section as a “State plan modi-
 2 fication”) (or other State request for funds specified in
 3 guidance under subsection (b)) approved under subsection
 4 (d) and to each outlying area and recipient under section
 5 166(c) of the Workforce Investment Act of 1998 (29
 6 U.S.C. 2911(c)) (referred to in this section as a “Native
 7 American grantee”) that meets the requirements of this
 8 section, for the purpose of providing summer employment
 9 and year-round employment opportunities to low-income
 10 youth.

11 (b) GUIDANCE AND APPLICATION OF REQUIRE-
 12 MENTS.—

13 (1) GUIDANCE.—Not later than 20 days after
 14 the date of enactment of this Act, the Secretary of
 15 Labor shall issue guidance regarding the implemen-
 16 tation of this section.

17 (2) PROCEDURES.—Such guidance shall, con-
 18 sistent with this section, include procedures for—

19 (A) the submission and approval of State
 20 plan modifications, for such other forms of re-
 21 quests for funds by the State as may be identi-
 22 fied in such guidance, for modifications to local
 23 plans approved under section 118 of the Work-
 24 force Investment Act of 1998 (29 U.S.C. 2833)
 25 (referred to individually in this section as a

“local plan modification”), or for such other forms of requests for funds by local workforce investment areas as may be identified in such guidance, that promote the expeditious and effective implementation of the activities authorized under this section; and

(B) the allotment and allocation of funds, including reallocation and reallocation of such funds that promote such implementation.

(3) REQUIREMENTS.—Except as otherwise provided in the guidance described in paragraph (1) and in this section and other provisions of this Act, the funds provided for activities under this section shall be administered in accordance with the provisions of subtitles B and E of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2811 et seq., 2911 et seq.) relating to youth activities.

(c) STATE ALLOTMENTS.—

(1) RESERVATIONS FOR OUTLYING AREAS AND TRIBES.—Of the funds described in subsection (a), the Secretary shall reserve—

(A) not more than $\frac{1}{4}$ of 1 percent to provide assistance to outlying areas to provide summer employment and year-round employment opportunities to low-income youth; and

1 (B) 1.5 percent to provide assistance to
2 Native American grantees to provide summer
3 employment and year-round employment oppor-
4 tunities to low-income youth.

5 (2) STATES.—After determining the amounts to
6 be reserved under section 3(b) and paragraph (1),
7 the Secretary of Labor shall allot the remainder of
8 the funds described in subsection (a) among the
9 States in accordance with the subparagraphs (A),
10 (B), and (C) of section 4(b)(2).

11 (3) REALLOTMENT.—If the Governor of a State
12 does not submit a State plan modification or other
13 State request for funds specified in guidance under
14 subsection (b) by the date specified in subsection
15 (d)(2)(B), or a State does not receive approval of
16 such State plan modification or request, the amount
17 the State would have been eligible to receive pursu-
18 ant to the formula under paragraph (2) shall be
19 transferred within the Fund and added to the
20 amounts available for competitive grants under sec-
21 tion 3(a)(3).

22 (d) STATE PLAN MODIFICATION.—

23 (1) IN GENERAL.—For a State to be eligible to
24 receive an allotment of funds under subsection (c),
25 the Governor of the State shall submit to the Sec-

1 retary of Labor a State plan modification, or other
2 State request for funds specified in guidance under
3 subsection (b), in such form and containing such in-
4 formation as the Secretary may require. At a min-
5 imum, such State plan modification or request shall
6 include—

7 (A) a description of the strategies and ac-
8 tivities to be carried out to provide summer em-
9 ployment opportunities and year-round employ-
10 ment opportunities, including linkages to train-
11 ing and educational activities, consistent with
12 subsection (f);

13 (B) a description of the requirements the
14 States will apply relating to the eligibility of
15 low-income youth, consistent with section 8, for
16 summer employment opportunities and year-
17 round employment opportunities, which require-
18 ments may include criteria to target assistance
19 to particular categories of such low-income
20 youth, such as youth with disabilities, con-
21 sistent with subsection (f);

22 (C) a description of the performance out-
23 comes to be achieved by the State through the
24 activities carried out under this section and the
25 processes the State will use to track perform-

1 ance, consistent with guidance provided by the
2 Secretary of Labor regarding such outcomes
3 and processes and with section 7(b);

4 (D) a description of the timelines for im-
5 plementation of the activities described in sub-
6 paragraph (A), and the number of low-income
7 youth expected to be placed in summer employ-
8 ment opportunities, and year-round employment
9 opportunities, respectively, by calendar quarter;

10 (E) assurances that the State will report
11 such information as the Secretary may require
12 relating to fiscal, performance, and other mat-
13 ters as the Secretary determines is necessary to
14 effectively monitor the activities carried out
15 under this section;

16 (F) assurances that the State will ensure
17 compliance with the requirements, restrictions,
18 labor standards, and other provisions described
19 in section 7(a); and

20 (G) for any employment opportunity that
21 will provide participants with an industry-recog-
22 nized credential, a description of the credential.

23 (2) SUBMISSION AND APPROVAL OF STATE
24 PLAN MODIFICATION OR REQUEST.—

1 (A) SUBMISSION.—The Governor shall
2 submit the State plan modification or other
3 State request for funds specified in guidance
4 under subsection (b) to the Secretary of Labor
5 not later than 30 days after the issuance of
6 such guidance. The State plan modification or
7 other State request for funds may be submitted
8 in conjunction with the State plan required
9 under section 4.

10 (B) APPROVAL.—The Secretary of Labor
11 shall approve the State plan modification or re-
12 quest submitted under subparagraph (A) within
13 30 days after submission, unless the Secretary
14 determines that the plan or request is incon-
15 sistent with the requirements of this section. If
16 the Secretary has not made a determination
17 within that 30-day period, the plan or request
18 shall be considered to be approved. If the plan
19 or request is disapproved, the Secretary may
20 provide a reasonable period of time in which the
21 plan or request may be amended and resub-
22 mitted for approval. If the plan or request is
23 approved, the Secretary shall allot funds to the
24 State under subsection (c) within 30 days after
25 such approval.

1 (3) MODIFICATIONS TO STATE PLAN OR RE-
2 QUEST.—The Governor may submit further modi-
3 fications to a State plan modification or other State
4 request for funds specified under subsection (b),
5 consistent with the requirements of this section.

6 (e) WITHIN-STATE ALLOCATION AND ADMINISTRA-
7 TION.—

8 (1) IN GENERAL.—Of the funds allotted to the
9 State under subsection (c), the Governor—

10 (A) may reserve not more than 5 percent
11 of the funds for administration and technical
12 assistance; and

13 (B) shall allocate the remainder of the
14 funds among local workforce investment areas
15 within the State in accordance with subpara-
16 graphs (A), (B), and (C) of section 4(b)(2), ex-
17 cept that for purposes of such allocation ref-
18 erences to a State in such subsection shall be
19 deemed to be references to a local workforce in-
20 vestment area and references to all States shall
21 be deemed to be references to all local work-
22 force investment areas in the State involved.
23 Not more than 10 percent of the funds so allo-
24 cated to a local workforce investment area may

1 be used for the costs of administration of this
2 section.

3 (2) LOCAL PLAN.—

4 (A) SUBMISSION.—In order to receive an
5 allocation under paragraph (1)(B), the local
6 workforce investment board, in partnership with
7 the chief elected official for the local workforce
8 investment area involved, shall submit to the
9 Governor a local plan modification, or such
10 other request for funds by local workforce in-
11 vestment areas as may be specified in guidance
12 under subsection (b), not later than 30 days
13 after the submission by the State of the State
14 plan modification or other State request for
15 funds specified in guidance under subsection
16 (b), describing the strategies and activities to be
17 carried out under this section.

18 (B) APPROVAL.—The Governor shall ap-
19 prove the local plan modification or other local
20 request for funds submitted under subpara-
21 graph (A) within 30 days after submission, un-
22 less the Governor determines that the plan or
23 request is inconsistent with requirements of this
24 section. If the Governor has not made a deter-
25 mination within that 30-day period, the plan

1 shall be considered to be approved. If the plan
2 or request is disapproved, the Governor may
3 provide a reasonable period of time in which the
4 plan or request may be amended and resub-
5 mitted for approval. If the plan or request is
6 approved, the Governor shall allocate funds to
7 the local workforce investment area within 30
8 days after such approval.

9 (3) REALLOCATION.—If a local workforce in-
10 vestment board and chief elected official do not sub-
11 mit a local plan modification (or other local request
12 for funds specified in guidance under subsection (b))
13 by the date specified in paragraph (2), or the Gov-
14 ernor disapproves a local plan, the amount the local
15 workforce investment area would have been eligible
16 to receive pursuant to the formula under paragraph
17 (1)(B) shall be allocated to local workforce invest-
18 ment areas that receive approval of their local plan
19 modifications or local requests for funds under para-
20 graph (2). Each such local workforce investment
21 area shall receive a share of the total amount avail-
22 able for reallocation under this subparagraph, in ac-
23 cordance with the area's share of the total amount
24 allocated under paragraph (1)(B) to such local work-
25 force investment areas.

1 (f) USE OF FUNDS.—

2 (1) IN GENERAL.—The funds made available
3 under this section shall be used—

4 (A) to provide summer employment oppor-
5 tunities for low-income youth, with direct link-
6 ages to academic and occupational learning,
7 and may be used to provide supportive services,
8 such as transportation or child care, that is
9 necessary to enable the participation of such
10 youth in the opportunities; and

11 (B) to provide year-round employment op-
12 portunities, which may be combined with other
13 activities authorized under section 129 of the
14 Workforce Investment Act of 1998 (29 U.S.C.
15 2854), to low-income youth, giving priority to
16 out-of-school youth who are—

17 (i) high school dropouts; or

18 (ii) recipients of a secondary school
19 diploma or its recognized equivalent but
20 who are basic skills deficient, unemployed,
21 or underemployed.

22 (2) PROGRAM PRIORITIES.—In administering
23 the funds under this section, the local board and
24 chief elected official shall give priority to—

1 (A) identifying employment opportunities
2 that are—

3 (i) in emerging or in-demand occupa-
4 tions in the local workforce investment
5 area; or

6 (ii) in the public or nonprofit sector
7 and meet community needs; and

8 (B) linking participants in year-round em-
9 ployment opportunities to training and edu-
10 cational activities that will provide such partici-
11 pants with an industry-recognized credential.

12 (3) PERFORMANCE ACCOUNTABILITY.—For ac-
13 tivities funded under this section, in lieu of meeting
14 the requirements described in section 136 of the
15 Workforce Investment Act of 1998 (29 U.S.C.
16 2871), States and local workforce investment areas
17 shall provide such reports as the Secretary of Labor
18 may require regarding the performance outcomes de-
19 scribed in section 7(b)(5).

20 **SEC. 6. WORK-RELATED AND EDUCATIONAL STRATEGIES**
21 **AND ACTIVITIES OF DEMONSTRATED EFFEC-**
22 **TIVENESS.**

23 (a) IN GENERAL.—From the funds available under
24 section 3(a)(3), the Secretary of Labor shall award grants
25 on a competitive basis to eligible entities to carry out

1 work-related and educational strategies and activities of
2 demonstrated effectiveness.

3 (b) ELIGIBLE ENTITY.—To be eligible to receive a
4 grant under this section, an entity—

5 (1) shall include—

6 (A) a partnership involving a chief elected
7 official, and the local workforce investment
8 board for the local workforce investment area
9 involved (which may include a partnership with
10 elected officials and workforce investment
11 boards in the region and in the State); or

12 (B) an entity eligible to apply for a grant,
13 contract, or agreement under section 166 of the
14 Workforce Investment Act of 1998 (29 U.S.C.
15 2911); and

16 (2) may include, in combination with a partner-
17 ship or entity described in paragraph (1)—

18 (A) employers or employer associations;

19 (B) adult education providers or postsec-
20 ondary educational institutions, including com-
21 munity colleges;

22 (C) community-based organizations;

23 (D) joint labor-management committees;

24 (E) work-related intermediaries; or

25 (F) other appropriate organizations.

1 (c) APPLICATION.—To be eligible to receive a grant
2 under this section, an entity shall submit to the Secretary
3 of Labor an application at such time, in such manner, and
4 containing such information as the Secretary may require.
5 At a minimum, the application shall—

6 (1) describe the strategies and activities of dem-
7 onstrated effectiveness that the eligible entity will
8 carry out to provide unemployed, low-income adults
9 and low-income youth with skills that will lead to
10 employment upon completion of participation in such
11 activities;

12 (2) describe the requirements that will apply re-
13 lating to the eligibility of unemployed, low-income
14 adults or low-income youth, consistent with section
15 8, for activities carried out under this section, which
16 requirements may include criteria to target assist-
17 ance to particular categories of such adults and
18 youth, such as individuals with disabilities or indi-
19 viduals who have exhausted all rights to unemploy-
20 ment compensation;

21 (3) describe how the strategies and activities
22 will address the needs of the target populations iden-
23 tified in paragraph (2) and the needs of employers
24 in the local workforce investment area;

1 (4) describe the expected outcomes to be
2 achieved by implementing the strategies and activi-
3 ties;

4 (5) provide evidence that the funds provided
5 through the grant will be expended expeditiously and
6 efficiently to implement the strategies and activities;

7 (6) describe how the strategies and activities
8 will be coordinated with other Federal, State, and
9 local programs providing employment, education,
10 and supportive activities;

11 (7) provide evidence of employer commitment to
12 participate in the activities funded under this sec-
13 tion, including identification of anticipated occupa-
14 tional and skill needs;

15 (8) provide assurances that the eligible entity
16 will report such information as the Secretary may
17 require relating to fiscal, performance, and other
18 matters as the Secretary determines is necessary to
19 effectively monitor the activities carried out under
20 this section;

21 (9) provide assurances that the eligible entity
22 will ensure compliance with the requirements, re-
23 strictions, labor standards, and other provisions de-
24 scribed in section 7(a); and

1 (10) for any activity leading to the acquisition
2 of an industry-recognized credential, a description of
3 the credential.

4 (d) PRIORITY IN AWARDS.—In awarding grants
5 under this section, the Secretary of Labor shall give pri-
6 ority to applications submitted by eligible entities from
7 areas of high poverty and high unemployment, as defined
8 by the Secretary, such as Public Use Microdata Areas des-
9 ignated by the Bureau of the Census.

10 (e) USE OF FUNDS.—An entity that receives a grant
11 under this section shall use the funds made available
12 through the grant to support strategies and activities of
13 demonstrated effectiveness that are designed to provide
14 unemployed, low-income adults or low-income youth with
15 skills that will lead to employment as part of or upon com-
16 pletion of participation in such activities. Such strategies
17 and activities may include—

18 (1) on-the-job training, registered apprentice-
19 ship programs, or other programs that combine work
20 with skills development;

21 (2) sector-based training programs that have
22 been designed to meet the specific requirements of
23 an employer or group of employers in that sector
24 and for which employers are committed to hiring in-
25 dividuals upon successful completion of the training;

1 (3) training that supports an industry sector or
2 an employer-based or labor-management committee
3 industry partnership and that includes a significant
4 work experience component;

5 (4) activities that lead to the acquisition of in-
6 dustry-recognized credentials in a field identified by
7 the State or local workforce investment area as a
8 growth sector or in-demand industry in which there
9 are likely to be significant job opportunities in the
10 short term;

11 (5) activities that provide connections to imme-
12 diate work opportunities, including subsidized em-
13 ployment opportunities, or summer employment op-
14 portunities for youth, that include concurrent skills
15 training and other supports;

16 (6) activities offered through career academies
17 that provide students with the academic preparation
18 and training, such as paid internships and concur-
19 rent enrollment in community colleges or other post-
20 secondary institutions, needed to pursue a career
21 pathway that leads to postsecondary credentials and
22 high-demand jobs; and

23 (7) adult basic education and integrated basic
24 education and training for low-skilled adults that are
25 tied to employer workforce needs, hosted at commu-

1 nity colleges or at other sites, to prepare individuals
2 for jobs that are in demand in a local workforce in-
3 vestment area.

4 (f) COORDINATION OF FEDERAL ADMINISTRATION.—

5 The Secretary of Labor shall administer this section in
6 coordination with the Secretary of Education, the Sec-
7 retary of Health and Human Services, and other appro-
8 priate agency heads, to ensure the effective implementa-
9 tion of this section.

10 **SEC. 7. GENERAL REQUIREMENTS.**

11 (a) LABOR STANDARDS AND PROTECTIONS.—Activi-
12 ties provided with funds made available under this Act
13 shall be subject to the requirements and restrictions, in-
14 cluding the labor standards, described in section 181 of
15 the Workforce Investment Act of 1998 (29 U.S.C. 2931)
16 and the nondiscrimination provisions of section 188 of
17 such Act (29 U.S.C. 2938), in addition to other applicable
18 Federal laws.

19 (b) REPORTING.—The Secretary shall require the re-
20 porting of information relating to fiscal, performance, and
21 other matters that the Secretary determines is necessary
22 to effectively monitor the activities carried out with funds
23 provided under this Act. At a minimum, recipients of
24 grants or subgrants under this Act shall provide informa-
25 tion relating to—

1 (1) the number of individuals participating in
2 activities with funds provided under this Act and the
3 number of such individuals who have completed such
4 participation;

5 (2) the expenditures of funds provided under
6 this Act;

7 (3) the number of jobs created pursuant to the
8 activities carried out under this Act;

9 (4) the demographic characteristics of individ-
10 uals participating in activities under this Act; and

11 (5) the performance outcomes for individuals
12 participating in activities under this Act, including—

13 (A) for adults participating in activities
14 funded under section 4 performance on indica-
15 tors consisting of—

16 (i) entry into unsubsidized employ-
17 ment;

18 (ii) retention in unsubsidized employ-
19 ment; and

20 (iii) earnings in unsubsidized employ-
21 ment;

22 (B) for low-income youth participating in
23 summer employment activities under sections 5
24 and 6 performance on indicators consisting of—

1 (i) work readiness skill attainment,
2 using an employer-validated checklist; and

3 (ii) placement in or return to sec-
4 ondary or postsecondary education or
5 training, or entry into unsubsidized em-
6 ployment;

7 (C) for low-income youth participating in
8 year-round employment activities under section
9 5 or in activities under section 6 performance
10 on indicators consisting of—

11 (i) placement in or return to postsec-
12 ondary education;

13 (ii) attainment of a secondary school
14 diploma or its recognized equivalent;

15 (iii) attainment of an industry-recog-
16 nized credential; and

17 (iv) entry into unsubsidized employ-
18 ment, retention, and earnings as described
19 in subparagraph (A); and

20 (D) for unemployed, low-income adults
21 participating in activities under section 6—

22 (i) entry into unsubsidized employ-
23 ment, retention, and earnings as described
24 in subparagraph (A); and

1 (ii) attainment of an industry-recog-
2 nized credential.

3 (c) ACTIVITIES REQUIRED TO BE ADDITIONAL.—
4 Funds provided under this Act shall only be used for ac-
5 tivities that are in addition to activities that would other-
6 wise be available in the State or local workforce invest-
7 ment area in the absence of such funds.

8 (d) ADDITIONAL REQUIREMENTS.—The Secretary of
9 Labor may establish such additional requirements as the
10 Secretary determines may be necessary to ensure fiscal in-
11 tegrity, effective monitoring, and appropriate and prompt
12 implementation of the activities under this Act.

13 (e) REPORT OF INFORMATION AND EVALUATIONS TO
14 CONGRESS AND THE PUBLIC.—The Secretary of Labor
15 shall provide to the appropriate committees of Congress
16 and make available to the public the information reported
17 pursuant to subsection (b) and the evaluations of activities
18 carried out with the funds reserved under section 3(b).

19 **SEC. 8. DEFINITIONS.**

20 In this Act:

21 (1) CHIEF ELECTED OFFICIAL.—The term
22 “chief elected official” means the chief elected execu-
23 tive officer of a unit of local government in a local
24 workforce investment area or in the case in which
25 such an area includes more than one unit of general

1 government, the individuals designated under an
2 agreement described in section 117(c)(1)(B) of the
3 Workforce Investment Act of 1998 (29 U.S.C.
4 2832(c)(1)(B)).

5 (2) INDUSTRY-RECOGNIZED CREDENTIAL.—The
6 term “industry-recognized credential” means such a
7 credential within the meaning of section 3 of the
8 Carl D. Perkins Career and Technical Education
9 Act of 2006 (20 U.S.C. 2302).

10 (3) LOCAL WORKFORCE INVESTMENT AREA.—
11 The term “local workforce investment area” means
12 such area designated under section 116 of the Work-
13 force Investment Act of 1998 (29 U.S.C. 2831).

14 (4) LOCAL WORKFORCE INVESTMENT BOARD.—
15 The term “local workforce investment board” means
16 such board established under section 117 of the
17 Workforce Investment Act of 1998 (29 U.S.C.
18 2832).

19 (5) LOW-INCOME YOUTH.—

20 (A) IN GENERAL.—The term “low-income
21 youth” means an individual who is not younger
22 than age 16 and not older than age 24 and is
23 an individual described in subparagraph (B) or
24 (C).

1 (B) ELIGIBLE YOUTH.—For purposes of
2 this paragraph, an individual described in this
3 subparagraph—

4 (i) meets the definition of a low-in-
5 come individual provided in section
6 101(25) of the Workforce Investment Act
7 of 1998 (29 U.S.C. 2801(25)), except
8 that—

9 (I) States and local workforce in-
10 vestment areas, subject to approval in
11 the applicable State plans and local
12 plans, may increase the income level
13 specified in subparagraph (B)(i) of
14 such section to an amount not in ex-
15 cess of 200 percent of the poverty line
16 for purposes of determining eligibility
17 for participation in activities under
18 section 5; and

19 (II) eligible entities described in
20 section 6(b), subject to approval in
21 the applicable applications for funds,
22 may make such an increase for pur-
23 poses of determining eligibility for
24 participation in activities under sec-
25 tion 6; and

1 (ii) is in one or more of the categories
2 specified in section 101(13)(C) of the
3 Workforce Investment Act of 1998 (29
4 U.S.C. 2801(13)(C)).

5 (C) YOUTH ELIGIBLE FOR SCHOOL
6 LUNCHES.—For purposes of this paragraph, an
7 individual described in this subparagraph re-
8 ceives or is eligible to receive a free or reduced
9 price lunch under the Richard B. Russell Na-
10 tional School Lunch Act (42 U.S.C. 1751 et
11 seq.).

12 (6) OUTLYING AREA.—The term “outlying
13 area” means the United States Virgin Islands,
14 Guam, American Samoa, the Commonwealth of the
15 Northern Mariana Islands, and the Republic of
16 Palau (except during any period for which the Sec-
17 retary of Labor determines that a Compact of Free
18 Association is in effect and provides for Federal as-
19 sistance for education or training).

20 (7) POVERTY LINE.—The term “poverty line”
21 means a poverty line as defined in section 673 of the
22 Community Services Block Grant Act (42 U.S.C.
23 9902), applicable to family of the size involved.

1 (8) UNEMPLOYED, LOW-INCOME ADULT.—The
2 term “unemployed, low-income adult” means an in-
3 dividual who—

4 (A) is age 18 or older;

5 (B) is without employment and is seeking
6 assistance under this Act to obtain employment;
7 and

8 (C) meets the definition of a low-income
9 individual specified in section 101(25) of the
10 Workforce Investment Act of 1998 (29 U.S.C.
11 2801(25)), except that—

12 (i) States and local entities described
13 in section 4(d)(1)(A), subject to approval
14 in the applicable State plans and local
15 plans described in section 4, or a State
16 agency or agencies described in section
17 4(d)(1)(B), subject to approval in the
18 State plan described in section 4, may in-
19 crease the income level specified in sub-
20 paragraph (B)(i) of such section 101(25)
21 to an amount not in excess of 200 percent
22 of the poverty line for purposes of deter-
23 mining eligibility for participation in activi-
24 ties under section 4; and

1 (ii) eligible entities described in sec-
2 tion 6(b), subject to approval in the appli-
3 cable applications for funds, may make
4 such an increase for purposes of deter-
5 mining eligibility for participation in activi-
6 ties under section 6.

7 (9) STATE.—The term “State” means each of
8 the several States of the United States, the District
9 of Columbia, and the Commonwealth of Puerto Rico.

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