

114TH CONGRESS  
2D SESSION

# S. 3174

To establish an Interagency Council on Workforce Attachment to promote effective and coordinated workforce attachment strategies, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JULY 13, 2016

Mr. KING introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To establish an Interagency Council on Workforce Attachment to promote effective and coordinated workforce attachment strategies, and for other purposes.

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

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Leveling Access to  
5       Demonstrated Drivers of Employment Results Act” or the  
6       “LADDER Act”.

7       **SEC. 2. DEFINITIONS.**

8       In this Act:

1           (1) COUNCIL.—The term “Council” means the  
2   Interagency Council on Workforce Attachment es-  
3   tablished in section 3.

4           (2) DISCOURAGED WORKER.—

5           (A) IN GENERAL.—The term “discouraged  
6   worker” means an individual who is available  
7   for and interested in employment, but who is  
8   not in the labor force and is not looking for em-  
9   ployment because that individual believes there  
10   are no jobs available or no jobs available for  
11   which that individual would qualify.

12          (B) DETERMINATION.—The determination  
13   whether an individual is a discouraged worker,  
14   for purposes of this paragraph, shall be made  
15   in accordance with the criteria used by the Bu-  
16   reau of Labor Statistics of the Department of  
17   Labor in defining individuals as discouraged  
18   workers.

19          (3) ELIGIBLE ENTITY.—The term “eligible enti-  
20   ty” means an entity that provides services to pro-  
21   mote workforce attachment among one or more pop-  
22   ulations with an employment barrier and that is one  
23   or more of the following entities:

24           (A) A Federal agency.

25           (B) A State agency.

1 (C) A local agency.

2 (D) A nonprofit foundation, corporation,  
3 institution, or association.

4 (E) A business.

5 (F) A partnership consisting of two or  
6 more entities described in any of subparagraphs  
7 (A) through (E).

8 (4) FEDERAL AGENCY.—The term “Federal  
9 agency” has the meaning given the term “agency”  
10 in section 551(1) of title 5, United States Code.

11 (5) INDIVIDUAL WITH A BARRIER TO EMPLOY-  
12 MENT.—The term “individual with a barrier to em-  
13 ployment” has the meaning given the term in section  
14 3 of the Workforce Innovation and Opportunity Act  
15 (29 U.S.C. 3102).

16 (6) POPULATION WITH AN EMPLOYMENT BAR-  
17 RIER.—

18 (A) IN GENERAL.—The term “population  
19 with an employment barrier” means a collection  
20 of working-age individuals who face a challenge  
21 in consistently maintaining full-time employ-  
22 ment and who reside in the United States.

23 (B) INDIVIDUAL WHO FACES A CHAL-  
24 LENGE IN CONSISTENTLY MAINTAINING FULL-  
25 TIME EMPLOYMENT.—The term “individual who

1 faces a challenge in consistently maintaining  
2 full-time employment” means an individual who  
3 has been unemployed for at least 4 weeks dur-  
4 ing the past year and who is a member of one  
5 or more of the following populations:

6 (i) Individuals with a barrier to em-  
7 ployment.

8 (ii) Individuals served under any of  
9 the core programs, as defined in section 3  
10 of the Workforce Innovation and Oppor-  
11 tunity Act (29 U.S.C. 3102).

12 (iii) Veterans.

13 (iv) Individuals who are receiving as-  
14 sistance through the low-income home en-  
15 ergy assistance program established under  
16 the Low-Income Home Energy Assistance  
17 Act of 1981 (42 U.S.C. 8621 et seq.).

18 (v) Individuals who are receiving So-  
19 cial Security Disability Insurance benefits  
20 under title II of the Social Security Act  
21 (42 U.S.C. 401 et seq.).

22 (vi) Individuals who are receiving  
23 trade adjustment assistance under the  
24 Trade Act of 1974 (19 U.S.C. 2101 et  
25 seq.).

1 (vii) Individuals who are receiving  
2 benefits through any State program funded  
3 with qualified State expenditures as de-  
4 fined in section 409(a)(7)(B)(i) of the So-  
5 cial Security Act (42 U.S.C.  
6 609(a)(7)(B)(i)).

7 (viii) Individuals who are receiving  
8 workers' compensation.

9 (ix) Discouraged workers.

10 (x) Individuals who are enrolled in a  
11 Medicaid Buy-In program established  
12 under subclause (XIII), (XV), or (XVI) of  
13 section 1902(a)(10)(A)(ii) of the Social Se-  
14 curity Act (42 U.S.C. 1396a(a)(10)(A)(ii))  
15 or under a Medicaid waiver approved  
16 under section 1115 of the Social Security  
17 Act (42 U.S.C. 1315).

18 (xi) Individuals who are enrolled in  
19 Medicaid under section  
20 1902(a)(10)(A)(i)(II)(bb) of the Social Se-  
21 curity Act (42 U.S.C.  
22 1396a(a)(10)(A)(i)(II)(bb)) in accordance  
23 with sections 1619(b) and 1905(q) of the  
24 Social Security Act (42 U.S.C. 1382h(b),  
25 1396d(q)).

1 (xii) Any other group that faces a  
2 challenge in consistently maintaining full-  
3 time employment, as determined by the  
4 Council.

5 (7) WORKFORCE ATTACHMENT.—The term  
6 “workforce attachment” means placement and reten-  
7 tion in employment that substantially improves the  
8 financial security and self-sufficiency of a household.

9 **SEC. 3. ESTABLISHMENT.**

10 There is established in the executive branch an inde-  
11 pendent establishment to be known as the Interagency  
12 Council on Workforce Attachment.

13 **SEC. 4. MEMBERSHIP.**

14 (a) MEMBERS.—The Council shall be composed of  
15 the following members:

16 (1) The Secretary of Agriculture, or the des-  
17 ignee of the Secretary.

18 (2) The Secretary of Education, or the designee  
19 of the Secretary.

20 (3) The Secretary of Health and Human Serv-  
21 ices, or the designee of the Secretary.

22 (4) The Secretary of Housing and Urban Devel-  
23 opment, or the designee of the Secretary.

24 (5) The Secretary of Labor, or the designee of  
25 the Secretary.

1           (6) The Secretary of Transportation, or the  
2           designee of the Secretary.

3           (7) The Secretary of the Treasury, or the des-  
4           ignee of the Secretary.

5           (8) The Secretary of Veterans Affairs, or the  
6           designee of the Secretary.

7           (9) The Commissioner of Social Security, or the  
8           designee of the Commissioner.

9           (10) The Attorney General, or the designee of  
10          the Attorney General.

11          (11) The Director of the Office of Management  
12          and Budget, or the designee of the Director.

13          (12) The Chair of the Equal Employment Op-  
14          portunity Commission, or the designee of the Chair.

15          (13) The heads of such other Federal agencies  
16          as the Council considers appropriate, or their des-  
17          ignees.

18          (b) CHAIRPERSON.—The Council shall elect a Chair-  
19          person and a Vice Chairperson from among the members  
20          of the Council. The positions of Chairperson and Vice  
21          Chairperson shall rotate among Council members on an  
22          annual basis.

23          (c) MEETINGS.—The Council shall meet at the call  
24          of the Chairperson or a majority of Council members, but  
25          not less often than 4 times each year, and the rotation

1 of the positions of Chairperson and Vice Chairperson re-  
 2 quired under subsection (b) shall occur at the first meet-  
 3 ing of each year.

4 (d) PROHIBITION OF ADDITIONAL PAY.—Members of  
 5 the Council shall receive no additional pay, allowances, or  
 6 benefits by reason of their service on the Council.

7 (e) ADMINISTRATION.—The Executive Director of  
 8 the Council shall report to the Chairperson of the Council.

9 **SEC. 5. FUNCTIONS.**

10 (a) GENERAL AUTHORITY.—The Council shall—

11 (1) facilitate the coordination of Federal pro-  
 12 grams and activities to promote workforce attach-  
 13 ment among populations with employment barriers;

14 (2) collect evidence of effective strategies to  
 15 promote workforce attachment among populations  
 16 with employment barriers at every level of govern-  
 17 ment and within the private sector;

18 (3) ensure the evaluation of the effectiveness of  
 19 strategies to promote workforce attachment among  
 20 populations with employment barriers by funding  
 21 demonstration projects;

22 (4) encourage the implementation of those  
 23 strategies that the Council identifies as effective—

24 (A) in the course of the review required  
 25 under subsection (b)(1);

1 (B) under subsection (c); or

2 (C) based on review of the final reports re-  
3 ceived under subsection (e)(5)(A)(ii); and

4 (5) ensure the authorities described in para-  
5 graphs (1) through (4) are implemented in a manner  
6 that—

7 (A) utilizes available information supplied  
8 by any prior or ongoing review, evaluation, or  
9 demonstration regarding strategies to promote  
10 workforce attachment among populations with  
11 employment barriers;

12 (B) avoids duplicating any prior or ongoing  
13 review, evaluation, or demonstration regard-  
14 ing strategies to promote workforce attachment  
15 among populations with employment barriers;

16 (C) supports individuals with an impair-  
17 ment that is a disability under section 7(9)(A)  
18 of the Rehabilitation Act of 1973 (29 U.S.C.  
19 705(9)(A)); and

20 (D) addresses discrimination that individ-  
21 uals described in subparagraph (C) may experi-  
22 ence in the course of pursuing workforce at-  
23 tachment.

24 (b) COORDINATION OF FEDERAL PROGRAMS AND AC-  
25 TIVITIES.—The Council shall—

1           (1) review all Federal programs and activities  
 2       designed to promote workforce attachment among  
 3       populations with employment barriers;

4           (2) recommend to Federal and State agencies  
 5       such action as may be necessary to increase coordi-  
 6       nation and reduce duplication among such programs  
 7       and activities; and

8           (3) ensure the authorities described in para-  
 9       graphs (1) and (2) are implemented in a manner  
 10      that includes a review of, and issuance of rec-  
 11      ommendations related to, Medicaid Buy-In programs  
 12      described in section 2(6)(B)(x).

13       (c) REVIEW OF NON-FEDERAL PROGRAMS AND AC-  
 14      TIVITIES.—The Council shall, in coordination with the re-  
 15      view of Federal programs and activities required under  
 16      subsection (b)(1), review regional, State, and local pro-  
 17      grams and activities, whether public or private, designed  
 18      to promote workforce attachment among populations with  
 19      employment barriers, including identifying the effective  
 20      programs and activities.

21       (d) DISSEMINATION AND IMPLEMENTATION OF  
 22      FINDINGS.—

23           (1) STRATEGIC PLANS.—

24           (A) IN GENERAL.—Not later than 18  
 25       months after the date of enactment of this Act,

1 the Council shall develop, make available for  
2 public comment, and submit to the President  
3 and to Congress a National Strategic Plan to  
4 Promote Workforce Attachment.

5 (B) ANNUAL UPDATES.—The Council shall  
6 update annually the strategic plan described in  
7 subparagraph (A). Such updates shall include  
8 information relating to—

9 (i) Federal programs and activities  
10 that the Council identifies as effective in  
11 the course of the review required under  
12 subsection (b)(1);

13 (ii) regional, State, or local programs  
14 and activities that the Council identifies as  
15 effective under subsection (c);

16 (iii) the strategies described in sub-  
17 section (e)(1) that the Council identifies as  
18 effective based on review of the final re-  
19 ports received under subsection  
20 (e)(5)(A)(ii); and

21 (iv) recommendations for appropriate  
22 and necessary legislative and administra-  
23 tive actions to improve the coordination  
24 and effectiveness of Federal programs and  
25 activities to promote workforce attachment

1                   among populations with employment bar-  
2                   riers.

3                   (2) ANNUAL REPORTS.—The Council shall pre-  
4                   pare and submit to the President and to Congress  
5                   an annual report that describes the accomplishments  
6                   and activities of the Council in working with Fed-  
7                   eral, State, and local agencies and public and private  
8                   organizations to promote workforce attachment  
9                   among populations with employment barriers.

10                  (3) OTHER RESPONSIBILITIES.—The Council  
11                  shall develop joint Federal agency and other initia-  
12                  tives to fulfill the goals of this Act.

13                  (e) DEMONSTRATION PROJECTS.—

14                   (1) IN GENERAL.—Not earlier than the date of  
15                   submission of the strategic plan under subsection  
16                   (d)(1)(A), the Council shall award grants to eligible  
17                   entities to conduct demonstration projects designed  
18                   to develop, implement, and evaluate strategies to  
19                   promote workforce attachment among populations  
20                   with employment barriers.

21                   (2) GRANT AMOUNT AND PROJECT DURA-  
22                   TION.—

23                   (A) GRANT AMOUNTS.—The amount of a  
24                   grant described in paragraph (1)—

1 (i) shall not be less than \$100,000;

2 and

3 (ii) shall not be more than

4 \$100,000,000.

5 (B) PROJECT DURATION.—The duration of

6 a demonstration project described in paragraph

7 (1)—

8 (i) shall not be less than 4 years; and

9 (ii) shall not be more than 10 years.

10 (3) APPLICATION REQUIREMENTS.—The Coun-

11 cil shall require each eligible entity that seeks a

12 grant under this subsection to submit an application

13 to the Council that contains each of the following:

14 (A) A description of how, using the funds

15 provided under this subsection, the entity will

16 implement a strategy to promote workforce at-

17 tachment among one or more populations with

18 employment barriers, which shall include—

19 (i) the goals of the project involved;

20 (ii) the metrics to be used to assess

21 progress towards the goals of the project;

22 (iii) the strategy to be used in the

23 project;

1 (iv) evidence that the proposed strat-  
2 egy can be expected to be effective at  
3 achieving the goals of the project;

4 (v) the one or more target populations  
5 to be served by the project;

6 (vi) the roles and responsibilities of  
7 each entity involved in the project;

8 (vii) the project budget; and

9 (viii) the project timeline.

10 (B) A description of how the entity will co-  
11 ordinate the development and implementation  
12 of the project with any other programs and ac-  
13 tivities promoting workforce attachment among  
14 the one or more target populations.

15 (C) A description of how, using the funds  
16 provided under this subsection, the entity will  
17 enter into a contract with an independent third-  
18 party evaluator that will conduct a statistically  
19 valid evaluation of the strategy that allows for  
20 strong causal inferences regarding the effect of  
21 the strategy on the workforce attachment out-  
22 comes of participants.

23 (D) A description of how the entity will ob-  
24 tain the informed consent of the participants.

1 (E) A description of any Federal regu-  
2 latory or statutory provision that would need to  
3 be waived in order for the entity to implement  
4 the project.

5 (4) CONSIDERATIONS IN AWARDING FUND-  
6 ING.—In awarding funding for a demonstration  
7 project (for which an application was submitted  
8 under paragraph (3)), the Council shall consider  
9 each of the following:

10 (A) The value of the project in promoting  
11 the purposes described in subsection (a).

12 (B) The expected quality of the evaluation  
13 to be conducted.

14 (C) The likelihood, based on evidence pro-  
15 vided in the application, evaluations of prior  
16 demonstration projects conducted by Federal or  
17 State agencies, including a project carried out  
18 under this subsection, and other evidence, that  
19 the applicant entity, in collaboration with any  
20 other participating entities, will achieve the  
21 goals of the project.

22 (D) Whether the project builds upon effec-  
23 tive regional, State, or local programs and ac-  
24 tivities identified by the Council under sub-  
25 section (c).

1 (E) The length of time required to com-  
2 plete the project, including the evaluation of the  
3 strategy used in the project.

4 (F) Whether the project avoids duplicating  
5 a prior or ongoing demonstration project con-  
6 ducted by a Federal or State agency.

7 (5) REPORTS.—

8 (A) INTERIM AND FINAL REPORTS.—An  
9 entity that receives a grant to conduct a dem-  
10 onstration project under this subsection shall  
11 contract with an independent third-party eval-  
12 uator that will submit to the Council—

13 (i) not later than 1 year after the  
14 grant for the project has been approved,  
15 and annually thereafter until the project is  
16 concluded, a written report summarizing  
17 the progress that has been made in devel-  
18 oping, implementing, and evaluating the  
19 project, including an interim assessment of  
20 whether the strategy used in the project is  
21 enabling the eligible entity to make  
22 progress towards achieving the goals of the  
23 project; and

24 (ii) not later than 2 months following  
25 the completion of the evaluation of the

1 strategy used in the project, a written re-  
2 port that includes an assessment of the  
3 outcomes of the project, an analysis of fac-  
4 tors that contributed to the success or fail-  
5 ure of the strategy of the project, an anal-  
6 ysis of the statistical validity of the results  
7 of the evaluation, and suggestions for im-  
8 proving the future implementation of simi-  
9 lar workforce attachment strategies.

10 (B) AVAILABILITY THROUGH WEBSITE.—

11 The Council shall, not later than 30 days after  
12 receipt of a written report pursuant to subpara-  
13 graph (A), make the report publicly available on  
14 a website of the Council.

15 (f) POWERS.—

16 (1) MEETINGS.—The Council may hold such  
17 meetings, and sit and act at such times and places,  
18 as the Council considers advisable to carry out this  
19 Act.

20 (2) CONFERENCES.—The Council may arrange  
21 such national, regional, State, and local conferences  
22 as the Council considers advisable to carry out this  
23 Act.

24 (3) DELEGATION.—Any member or employee of  
25 the Council may, if authorized by the Council, take

1 any action that the Council is authorized to take  
2 under this Act.

3 (4) INFORMATION.—The Council is authorized  
4 to secure directly from any Federal agency such in-  
5 formation as may be necessary to carry out this Act.  
6 The head of each agency shall, to the extent author-  
7 ized by law, furnish such information directly to the  
8 Council upon request made by the Chairperson.

9 (5) POSTAL SERVICES.—The Council may use  
10 the United States mails in the same manner and  
11 under the same conditions as other Federal agencies.

12 (6) SPACE FOR USE OF COUNCIL.—Not later  
13 than 60 days after the date of enactment of this  
14 Act, the Administrator of General Services shall sup-  
15 port on a reimbursable basis the operations of the  
16 Council, including by identifying and making avail-  
17 able suitable space to house the Council. If the Ad-  
18 ministrator is not able to make such suitable space  
19 available within the 60-day period, the Council shall  
20 lease space to the extent that funds are available.

21 (7) WAIVER RECOMMENDATIONS.—The Council  
22 may offer recommendations to Federal agencies re-  
23 garding regulatory and statutory requirements that  
24 should be waived under agency waiver authorities,  
25 under provisions other than this Act, in order to fa-

1 facilitate the conduct of particular demonstration  
 2 projects under subsection (e).

3 (g) PERSONNEL MATTERS.—

4 (1) DIRECTOR.—The Council shall appoint an  
 5 Executive Director at the first meeting of the Coun-  
 6 cil held under subsection (f)(1). The position of Ex-  
 7 ecutive Director shall be a Senior Executive Service  
 8 position, as defined under section 3132(a)(2) of title  
 9 5, United States Code.

10 (2) ADDITIONAL PERSONNEL.—With the ap-  
 11 proval of the Council, the Executive Director of the  
 12 Council may appoint and fix the compensation of  
 13 such additional personnel as the Executive Director  
 14 considers necessary to carry out the duties of the  
 15 Council. Additional personnel shall include—

16 (A) not fewer than 4, but in no case more  
 17 than 8, regional coordinators, each having re-  
 18 sponsibility for conducting reviews of non-Fed-  
 19 eral programs and activities under section 5(c)  
 20 and coordinating the activities of the Council  
 21 within the 4 regions of the Bureau of the Cen-  
 22 sus; and

23 (B) not less than 1 demonstration project  
 24 application evaluator, for applications submitted

1 under subsection (e), who shall have expertise  
2 in evaluating social science research design.

3 (3) DETAILS FROM OTHER AGENCIES.—Upon  
4 request of the Council, the head of any Federal  
5 agency may detail, on a reimbursable basis, an em-  
6 ployee of the agency to the Council to assist the  
7 Council in carrying out this Act, and such detail  
8 shall be without interruption or loss of civil service  
9 status or privilege.

10 (4) EXPERTS AND CONSULTANTS.—With the  
11 approval of the Council, the Executive Director of  
12 the Council may procure temporary and intermittent  
13 services under section 3109(b) of title 5, United  
14 States Code.

15 (5) ADMINISTRATIVE SUPPORT.—Upon request  
16 of the Council, the Administrator of General Serv-  
17 ices shall provide to the Council, on a reimbursable  
18 basis, the administrative support services necessary  
19 for the Council to carry out its responsibilities under  
20 this Act.

21 (h) AUTHORIZATION OF APPROPRIATIONS.—

22 (1) IN GENERAL.—There are authorized to be  
23 appropriated to carry out this Act such sums as may  
24 be necessary for each of fiscal years 2017 through  
25 2026.

- 1           (2) AVAILABILITY.—Any sums appropriated  
2     under paragraph (1) shall remain available, without  
3     fiscal year limitation, until expended.

○