

Public Law 109–72
109th Congress

An Act

To provide special rules for disaster relief employment under the Workforce Investment Act of 1998 for individuals displaced by Hurricane Katrina.

Sept. 23, 2005
[H.R. 3761]

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

Flexibility for
Displaced
Workers Act.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Flexibility for Displaced Workers Act”.

SEC. 2. SPECIAL RULES FOR NATIONAL EMERGENCY GRANTS RELATED TO HURRICANE KATRINA.

(a) **USE OF GRANTS FOR PROJECTS OUTSIDE DISASTER AREA.**—Funds provided to States that submit applications for assistance described in section 173(a)(2) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(a)(2)) to address the effects of Hurricane Katrina may be used to provide disaster relief employment and other assistance under section 173(d)(1) of such Act (29 U.S.C. 2918(d)(1)) on projects that provide assistance in areas outside of the disaster area (as such term is defined in section 173(a)(2) of such Act).

(b) **EXPANDED ELIGIBILITY FOR DISASTER RELIEF EMPLOYMENT.**—Funds provided to States that submit applications for assistance described under section 173(a)(2) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(a)(2)) to address the effects of Hurricane Katrina may be used to provide disaster relief employment and other assistance under section 173(d)(1) of such Act, or public sector employment authorized under subsection (c) of this Act, to individuals affected by Hurricane Katrina, including those who have relocated from States in which a major disaster was declared under section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) due to the effects of Hurricane Katrina, who were unemployed at the time of the disaster or who are without employment history, in addition to individuals who are eligible for such employment under section 173(d)(2) of the Workforce Investment Act of 1998.

(c) **AUTHORIZATION FOR GENERAL PUBLIC SECTOR EMPLOYMENT.**—Funds provided to States that submit applications for assistance described in section 173(a)(2) of the Workforce Investment Act of 1998 to address the effects of Hurricane Katrina may be used to provide to eligible individuals temporary employment by public sector entities for a period not to exceed 6 months in addition to disaster relief employment described in section 173(d)(1) of such Act.

(d) **EXTENSION OF THE DURATION OF DISASTER RELIEF EMPLOYMENT.**—The Secretary of Labor may extend the 6-month maximum duration of employment under this Act and under section 173(d) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(d)) for not more than an additional 6 months due to extraordinary circumstances.

(e) **PRIORITY FOR DISASTER RELIEF EMPLOYMENT FUNDS.**—In awarding national emergency grants to States under section 173(a)(2) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(a)(2)) to address the effects of Hurricane Katrina by providing disaster relief employment, the Secretary of Labor shall—

(1) first, give priority to States in which areas that have suffered major disasters (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) are located; and

(2) second, give priority to the remaining States that have been most heavily impacted by the demand for services by workers affected by Hurricane Katrina.

(f) **ELIGIBILITY FOR NEEDS-RELATED PAYMENTS.**—Funds provided to States that submit applications for assistance described in section 173(a)(2) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(a)(2)) to address the effects of Hurricane Katrina may be used to provide needs-related payments (described in section 134(e)(3) of such Act (29 U.S.C. 2864(e)(3))) to individuals described in subsection (b) who do not qualify for (or have ceased to qualify for) unemployment compensation, and who are not employed on a project described under section 173(d) of such Act, for the purpose of enabling such individuals to participate in activities described in paragraphs (2), (3), or (4) of section 134(d) of such Act.

(g) **USE OF AVAILABLE FUNDS.**—With the approval of the Secretary of Labor, any State may use funds that remain available for expenditure under any grants awarded to the State under section 173 of the Workforce Investment Act of 1998 (29 U.S.C. 2918) or under this section, to provide any assistance authorized under such section 173 or this section, or personal protective equipment not otherwise available through public funds or private contributions, to assist workers affected by Hurricane Katrina, including workers who have relocated from areas for which an emergency or major disaster (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) was declared, due to the effects of Hurricane Katrina.

(h) **EXPANDED ELIGIBILITY FOR EMPLOYMENT AND TRAINING ACTIVITIES.**—

(1) **IN GENERAL.**—In awarding national emergency grants under section 173(a)(1) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(a)(1)), the Secretary may award such a grant to an entity to provide employment and training assistance available under section 173(a)(1) of such Act to workers affected by Hurricane Katrina, including workers who have relocated from areas for which an emergency or major disaster (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) was declared, due to the effects of Hurricane Katrina.

(2) **ELIGIBLE ENTITY.**—In this subsection, the term “entity” means a State, a local board (as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)), or an entity described in section 166(c) of such Act (29 U.S.C.

2911(c)), that submits an application for assistance described in section 173(a)(1) of the Workforce Investment Act of 1998 to address the effects of Hurricane Katrina.

SEC. 3. SENSE OF CONGRESS.

(a) **MOBILE ONE-STOP CENTERS.**—It is the sense of Congress that States that operate mobile one-stop centers, established as part of one-stop delivery systems authorized under subtitle B of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2811 et seq.) should, where possible, make such centers available for use in the areas affected by Hurricane Katrina, and areas where large numbers of workers affected by Hurricane Katrina have been relocated.

(b) **EXPANDED OPERATIONAL HOURS.**—It is the sense of Congress that one-stop operators (as such term is defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801) should increase access for workers affected by Hurricane Katrina to the one-stop delivery systems authorized under subtitle B of title I of such Act, including through the implementation of expanded operational hours at one-stop centers and on-site services for individuals in temporary housing locations.

Approved September 23, 2005.

LEGISLATIVE HISTORY—H.R. 3761:

CONGRESSIONAL RECORD, Vol. 151 (2005):

Sept. 20, considered and passed House.

Sept. 21, considered and passed Senate.

