

(4) Local administrative cost limit**(A) In general**

Of the amount allocated to a local area under this subsection and section 3173(b) of this title for a fiscal year, not more than 10 percent of the amount may be used by the local board involved for the administrative costs of carrying out local workforce investment activities under this subpart or subpart 3.

(B) Use of funds

Funds made available for administrative costs under subparagraph (A) may be used for the administrative costs of any of the local workforce investment activities described in this subpart or subpart 3, regardless of whether the funds were allocated under this subsection or section 3173(b) of this title.

(c) Reallocation among local areas**(1) In general**

The Governor may, in accordance with this subsection and after consultation with the State board, reallocate to eligible local areas within the State amounts that are made available to local areas from allocations made under this section or a corresponding provision of the Workforce Investment Act of 1998 for youth workforce investment activities (referred to individually in this subsection as a “local allocation”) and that are available for reallocation.

(2) Amount

The amount available for reallocation for a program year is equal to the amount by which the unobligated balance of the local allocation, at the end of the program year prior to the program year for which the determination under this paragraph is made, exceeds 20 percent of such allocation for the prior program year.

(3) Reallocation

In making reallocations to eligible local areas of amounts available pursuant to paragraph (2) for a program year, the Governor shall allocate to each eligible local area within the State an amount based on the relative amount of the local allocation for the program year for which the determination is made, as compared to the total amount of the local allocations for all eligible local areas in the State for such program year.

(4) Eligibility

For purposes of this subsection, an eligible local area means a local area that does not have an amount available for reallocation under paragraph (2) for the program year for which the determination under paragraph (2) is made.

(Pub. L. 113-128, title I, §128, July 22, 2014, 128 Stat. 1502.)

Editorial Notes

REFERENCES IN TEXT

The Workforce Investment Act of 1998, referred to in subsec. (c)(1), is Pub. L. 105-220, Aug. 7, 1998, 112 Stat.

936, and was repealed by Pub. L. 113-128, title V, §§506, 511(a), July 22, 2014, 128 Stat. 1703, 1705, effective July 1, 2015. Pursuant to section 3361(a) of this title, references to a provision of the Workforce Investment Act of 1998 are deemed to refer to the corresponding provision of the Workforce Innovation and Opportunity Act, Pub. L. 113-128, July 22, 2014, 128 Stat. 1425. For complete classification of the Workforce Investment Act of 1998 to the Code, see Tables. For complete classification of the Workforce Innovation and Opportunity Act to the Code, see Short Title note set out under section 3101 of this title and Tables.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective on the first day of the first full program year after July 22, 2014 (July 1, 2015), see section 506 of Pub. L. 113-128, set out as a note under section 3101 of this title.

WORKFORCE RESPONSE ACTIVITIES

Pub. L. 116-136, div. A, title III, §3515, Mar. 27, 2020, 134 Stat. 407, provided that:

“(a) ADMINISTRATIVE COSTS.—Notwithstanding section 128(b)(4) of the Workforce Innovation [and] Opportunity Act (29 U.S.C. 3163(b)(4)), of the total amount allocated to a local area (including the total amount allotted to a single State local area) under subtitle B of title I of such Act (29 U.S.C. 3151 et seq.) for program year 2019, not more than 20 percent of the total amount may be used for the administrative costs of carrying out local workforce investment activities under chapter 2 [29 U.S.C. 3161 et seq.] or chapter 3 [29 U.S.C. 3171 et seq.] of subtitle B of title I of such Act, if the portion of the total amount that exceeds 10 percent of the total amount is used to respond to a qualifying emergency.

“(b) RAPID RESPONSE ACTIVITIES.—

“(1) STATEWIDE RAPID RESPONSE.—Of the funds reserved by a Governor for program year 2019 for statewide activities under section 128(a) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3163(a)) that remain unobligated, such funds may be used for statewide rapid response activities as described in section 134(a)(2)(A) of such Act (29 U.S.C. 3174(a)(2)(A)) for responding to a qualifying emergency.

“(2) LOCAL BOARDS.—Of the funds reserved by a Governor for program year 2019 under section 133(a)(2) of such Act (29 U.S.C. 3173(a)(2)) that remain unobligated, such funds may be released within 30 days after the date of enactment of this Act [Mar. 27, 2020] to the local boards most impacted by the coronavirus at the determination of the Governor for rapid response activities related to responding to a qualifying emergency.

“(c) DEFINITIONS.—Except as otherwise provided, the terms in this section have the meanings given the terms in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).”

[For definitions of “qualifying emergency” and “coronavirus” as used in section 3515 of Pub. L. 116-136, set out above, see section 3502 of Pub. L. 116-136, set out in a note under section 1001 of Title 20, Education.]

§ 3164. Use of funds for youth workforce investment activities**(a) Youth participant eligibility****(1) Eligibility****(A) In general**

To be eligible to participate in activities carried out under this subpart during any program year an individual shall, at the time the eligibility determination is made, be an out-of-school youth or an in-school youth.

(B) Out-of-school youth

In this subchapter, the term “out-of-school youth” means an individual who is—

- (i) not attending any school (as defined under State law);
- (ii) not younger than age 16 or older than age 24; and
- (iii) one or more of the following:
 - (I) A school dropout.
 - (II) A youth who is within the age of compulsory school attendance, but has not attended school for at least the most recent complete school year calendar quarter.
 - (III) A recipient of a secondary school diploma or its recognized equivalent who is a low-income individual and is—
 - (aa) basic skills deficient; or
 - (bb) an English language learner.
 - (IV) An individual who is subject to the juvenile or adult justice system.
 - (V) A homeless individual (as defined in section 12473(6) of title 34), a homeless child or youth (as defined in section 11434a(2) of title 42), a runaway, in foster care or has¹ aged out of the foster care system, a child eligible for assistance under section 677 of title 42, or in an out-of-home placement.
 - (VI) An individual who is pregnant or parenting.
 - (VII) A youth who is an individual with a disability.
 - (VIII) A low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment.

(C) In-school youth

In this section, the term “in-school youth” means an individual who is—

- (i) attending school (as defined by State law);
- (ii) not younger than age 14 or (unless an individual with a disability who is attending school under State law) older than age 21;
- (iii) a low-income individual; and
- (iv) one or more of the following:
 - (I) Basic skills deficient.
 - (II) An English language learner.
 - (III) An offender.
 - (IV) A homeless individual (as defined in section 12473(6) of title 34), a homeless child or youth (as defined in section 11434a(2) of title 42), a runaway, in foster care or has¹ aged out of the foster care system, a child eligible for assistance under section 677 of title 42, or in an out-of-home placement.
 - (V) Pregnant or parenting.
 - (VI) A youth who is an individual with a disability.
 - (VII) An individual who requires additional assistance to complete an educational program or to secure or hold employment.

(2) Special rule

For the purpose of this subsection, the term “low-income”, used with respect to an indi-

vidual, also includes a youth living in a high-poverty area.

(3) Exception and limitation**(A) Exception for persons who are not low-income individuals****(i) Definition**

In this subparagraph, the term “covered individual” means an in-school youth, or an out-of-school youth who is described in subclause (III) or (VIII) of paragraph (1)(B)(iii).

(ii) Exception

In each local area, not more than 5 percent of the individuals assisted under this section may be persons who would be covered individuals, except that the persons are not low-income individuals.

(B) Limitation

In each local area, not more than 5 percent of the in-school youth assisted under this section may be eligible under paragraph (1) because the youth are in-school youth described in paragraph (1)(C)(iv)(VII).

(4) Out-of-school priority**(A) In general**

For any program year, not less than 75 percent of the funds allotted under section 3162(b)(1)(C) of this title, reserved under section 3163(a) of this title, and available for statewide activities under subsection (b), and not less than 75 percent of funds available to local areas under subsection (c), shall be used to provide youth workforce investment activities for out-of-school youth.

(B) Exception

A State that receives a minimum allotment under section 3162(b)(1) of this title in accordance with section 3162(b)(1)(C)(iv) of this title or under section 3172(b)(1) of this title in accordance with section 3172(b)(1)(B)(iv) of this title may decrease the percentage described in subparagraph (A) to not less than 50 percent for a local area in the State, if—

- (i) after an analysis of the in-school youth and out-of-school youth populations in the local area, the State determines that the local area will be unable to use at least 75 percent of the funds available for activities under subsection (c) to serve out-of-school youth due to a low number of out-of-school youth; and
- (ii)(I) the State submits to the Secretary, for the local area, a request including a proposed percentage decreased to not less than 50 percent for purposes of subparagraph (A), and a summary of the analysis described in clause (i); and
- (II) the request is approved by the Secretary.

(5) Consistency with compulsory school attendance laws

In providing assistance under this section to an individual who is required to attend school under applicable State compulsory school attendance laws, the priority in providing such

¹ So in original. Probably should be preceded by “who”.

assistance shall be for the individual to attend school regularly.

(b) Statewide activities

(1) Required statewide youth activities

Funds reserved by a Governor as described in sections 3163(a) and 3173(a)(1) of this title shall be used, regardless of whether the funds were allotted to the State under section 3162(b)(1)(C) of this title or under paragraph (1)(B) or (2)(B) of section 3172(b) of this title for statewide activities, which shall include—

(A) conducting evaluations under section 3141(e) of this title of activities authorized under this subpart and subpart 3 in coordination with evaluations carried out by the Secretary under section 3224(a) of this title;

(B) disseminating a list of eligible providers of youth workforce investment activities, as determined under section 3153 of this title;

(C) providing assistance to local areas as described in subsections (b)(7) and (c)(2) of section 3121 of this title, for local coordination of activities carried out under this subchapter;

(D) operating a fiscal and management accountability information system under section 3141(i) of this title;

(E) carrying out monitoring and oversight of activities carried out under this subpart and subpart 3, which may include a review comparing the services provided to male and female youth; and

(F) providing additional assistance to local areas that have high concentrations of eligible youth.

(2) Allowable statewide youth activities

Funds reserved by a Governor as described in sections 3163(a) and 3173(a)(1) of this title may be used, regardless of whether the funds were allotted to the State under section 3162(b)(1)(C) of this title or under paragraph (1)(B) or (2)(B) of section 3172(b) of this title, for statewide activities, which may include—

(A) conducting—

(i) research related to meeting the education and employment needs of eligible youth; and

(ii) demonstration projects related to meeting the education and employment needs of eligible youth;

(B) supporting the development of alternative, evidence-based programs and other activities that enhance the choices available to eligible youth and encourage such youth to reenter and complete secondary education, enroll in postsecondary education and advanced training, progress through a career pathway, and enter into unsubsidized employment that leads to economic self-sufficiency;

(C) supporting the provision of career services described in section 3174(c)(2) of this title in the one-stop delivery system in the State;

(D) supporting financial literacy, including—

(i) supporting the ability of participants to create household budgets, initiate sav-

ings plans, and make informed financial decisions about education, retirement, home ownership, wealth building, or other savings goals;

(ii) supporting the ability to manage spending, credit, and debt, including credit card debt, effectively;

(iii) increasing awareness of the availability and significance of credit reports and credit scores in obtaining credit, including determining their accuracy (and how to correct inaccuracies in the reports and scores), and their effect on credit terms;

(iv) supporting the ability to understand, evaluate, and compare financial products, services, and opportunities; and

(v) supporting activities that address the particular financial literacy needs of non-English speakers, including providing the support through the development and distribution of multilingual financial literacy and education materials; and

(E) providing technical assistance to, as appropriate, local boards, chief elected officials, one-stop operators, one-stop partners, and eligible providers, in local areas, which provision of technical assistance shall include the development and training of staff, the development of exemplary program activities, the provision of technical assistance to local areas that fail to meet local performance accountability measures described in section 3141(c) of this title, and the provision of technology to facilitate remote access to services provided through the one-stop delivery system in the State.

(3) Limitation

Not more than 5 percent of the funds allotted to a State under section 3162(b)(1)(C) of this title shall be used by the State for administrative activities carried out under this subsection or section 3174(a) of this title.

(c) Local elements and requirements

(1) Program design

Funds allocated to a local area for eligible youth under section 3163(b) of this title shall be used to carry out, for eligible youth, programs that—

(A) provide an objective assessment of the academic levels, skill levels, and service needs of each participant, which assessment shall include a review of basic skills, occupational skills, prior work experience, employability, interests, aptitudes (including interests and aptitudes for nontraditional jobs), supportive service needs, and developmental needs of such participant, for the purpose of identifying appropriate services and career pathways for participants, except that a new assessment of a participant is not required if the provider carrying out such a program determines it is appropriate to use a recent assessment of the participant conducted pursuant to another education or training program;

(B) develop service strategies for each participant that are directly linked to 1 or more of the indicators of performance described in

section 3141(b)(2)(A)(ii) of this title, and that shall identify career pathways that include education and employment goals (including, in appropriate circumstances, nontraditional employment), appropriate achievement objectives, and appropriate services for the participant taking into account the assessment conducted pursuant to subparagraph (A), except that a new service strategy for a participant is not required if the provider carrying out such a program determines it is appropriate to use a recent service strategy developed for the participant under another education or training program;

(C) provide—

(i) activities leading to the attainment of a secondary school diploma or its recognized equivalent, or a recognized postsecondary credential;

(ii) preparation for postsecondary educational and training opportunities;

(iii) strong linkages between academic instruction (based on challenging State academic standards established under section 6311(b)(1) of title 20² and occupational education that lead to the attainment of recognized postsecondary credentials;

(iv) preparation for unsubsidized employment opportunities, in appropriate cases; and

(v) effective connections to employers, including small employers, in in-demand industry sectors and occupations of the local and regional labor markets; and

(D) at the discretion of the local board, implement a pay-for-performance contract strategy for elements described in paragraph (2), for which the local board may reserve and use not more than 10 percent of the total funds allocated to the local area under section 3163(b) of this title.

(2) Program elements

In order to support the attainment of a secondary school diploma or its recognized equivalent, entry into postsecondary education, and career readiness for participants, the programs described in paragraph (1) shall provide elements consisting of—

(A) tutoring, study skills training, instruction, and evidence-based dropout prevention and recovery strategies that lead to completion of the requirements for a secondary school diploma or its recognized equivalent (including a recognized certificate of attendance or similar document for individuals with disabilities) or for a recognized postsecondary credential;

(B) alternative secondary school services, or dropout recovery services, as appropriate;

(C) paid and unpaid work experiences that have as a component academic and occupational education, which may include—

(i) summer employment opportunities and other employment opportunities available throughout the school year;

(ii) pre-apprenticeship programs;

(iii) internships and job shadowing; and

(iv) on-the-job training opportunities;

(D) occupational skill training, which shall include priority consideration for training programs that lead to recognized postsecondary credentials that are aligned with in-demand industry sectors or occupations in the local area involved, if the local board determines that the programs meet the quality criteria described in section 3153 of this title;

(E) education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster;

(F) leadership development opportunities, which may include community service and peer-centered activities encouraging responsibility and other positive social and civic behaviors, as appropriate;

(G) supportive services;

(H) adult mentoring for the period of participation and a subsequent period, for a total of not less than 12 months;

(I) followup services for not less than 12 months after the completion of participation, as appropriate;

(J) comprehensive guidance and counseling, which may include drug and alcohol abuse counseling and referral, as appropriate;

(K) financial literacy education;

(L) entrepreneurial skills training;

(M) services that provide labor market and employment information about in-demand industry sectors or occupations available in the local area, such as career awareness, career counseling, and career exploration services; and

(N) activities that help youth prepare for and transition to postsecondary education and training.

(3) Additional requirements

(A) Information and referrals

Each local board shall ensure that each participant shall be provided—

(i) information on the full array of applicable or appropriate services that are available through the local board or other eligible providers or one-stop partners, including those providers or partners receiving funds under this part; and

(ii) referral to appropriate training and educational programs that have the capacity to serve the participant either on a sequential or concurrent basis.

(B) Applicants not meeting enrollment requirements

Each eligible provider of a program of youth workforce investment activities shall ensure that an eligible applicant who does not meet the enrollment requirements of the particular program or who cannot be served shall be referred for further assessment, as necessary, and referred to appropriate programs in accordance with subparagraph (A) to meet the basic skills and training needs of the applicant.

²So in original. Probably should be followed by a closing parenthesis.

(C) Involvement in design and implementation

The local board shall ensure that parents, participants, and other members of the community with experience relating to programs for youth are involved in the design and implementation of the programs described in paragraph (1).

(4) Priority

Not less than 20 percent of the funds allocated to the local area as described in paragraph (1) shall be used to provide in-school youth and out-of-school youth with activities under paragraph (2)(C).

(5) Rule of construction

Nothing in this subpart shall be construed to require that each of the elements described in subparagraphs of paragraph (2) be offered by each provider of youth services.

(6) Prohibitions

(A) Prohibition against Federal control of education

No provision of this Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution, school, or school system, or over the selection of library resources, textbooks, or other printed or published instructional materials by any educational institution, school, or school system.

(B) Noninterference and nonreplacement of regular academic requirements

No funds described in paragraph (1) shall be used to provide an activity for eligible youth who are not school dropouts if participation in the activity would interfere with or replace the regular academic requirements of the youth.

(7) Linkages

In coordinating the programs authorized under this section, local boards shall establish linkages with local educational agencies responsible for services to participants as appropriate.

(8) Volunteers

The local board shall make opportunities available for individuals who have successfully participated in programs carried out under this section to volunteer assistance to participants in the form of mentoring, tutoring, and other activities.

(Pub. L. 113-128, title I, §129, July 22, 2014, 128 Stat. 1504; Pub. L. 114-18, §2(e)(2), May 22, 2015, 129 Stat. 213; Pub. L. 114-95, title IX, §9215(yyy)(3), Dec. 10, 2015, 129 Stat. 2192.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in subsec. (c)(6)(A), is Pub. L. 113-128, July 22, 2014, 128 Stat. 1425, known as the Workforce Innovation and Opportunity Act, which enacted

this chapter, repealed chapter 30 (§2801 et seq.) of this title and chapter 73 (§9201 et seq.) of Title 20, Education, and made amendments to numerous other sections and notes in the Code. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of this title and Tables.

AMENDMENTS

2015—Subsec. (b)(1)(C). Pub. L. 114-18 substituted “subsections (b)(7) and (c)(2) of section 3121 of this title” for “subsections (b)(6) and (c)(2) of section 3121 of this title”.

Subsec. (c)(1)(C)(iii). Pub. L. 114-95 substituted “(based on challenging State academic standards established under section 6311(b)(1) of title 20” for “(based on State academic content and student academic achievement standards established under section 6311 of title 20)”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114-95, set out as a note under section 6301 of Title 20, Education.

Amendment by Pub. L. 114-18 effective as if included in the Workforce Innovation and Opportunity Act [Pub. L. 113-128], see §2(f) of Pub. L. 114-18, set out as a note under section 3112 of this title.

EFFECTIVE DATE

Section effective on the first day of the first full program year after July 22, 2014 (July 1, 2015), see section 506 of Pub. L. 113-128, set out as a note under section 3101 of this title.

SUBPART 3—ADULT AND DISLOCATED WORKER
EMPLOYMENT AND TRAINING ACTIVITIES

§ 3171. General authorization

The Secretary shall make allotments under paragraphs (1)(B) and (2)(B) of section 3172(b) of this title to each State that meets the requirements of section 3112 or 3113 of this title and grants under paragraphs (1)(A) and (2)(A) of section 3172(b) of this title to each outlying area that complies with the requirements of this subchapter, to assist the State or outlying area, and to enable the State or outlying area to assist local areas, for the purpose of providing workforce investment activities for adults, and dislocated workers, in the State or outlying area and in the local areas.

(Pub. L. 113-128, title I, §131, July 22, 2014, 128 Stat. 1511.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective on the first day of the first full program year after July 22, 2014 (July 1, 2015), see section 506 of Pub. L. 113-128, set out as a note under section 3101 of this title.

VETERANS ENERGY-RELATED EMPLOYMENT PROGRAM

Pub. L. 111-275, title I, §106, Oct. 13, 2010, 124 Stat. 2870, provided that:

“(a) ESTABLISHMENT OF PILOT PROGRAM.—To encourage the employment of eligible veterans in the energy industry, the Secretary of Labor, as part of the Veterans Workforce Investment Program, shall carry out a pilot program to be known as the ‘Veterans Energy-Related Employment Program’. Under the pilot program,