AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

117TH CONGRESS
2d Session

HOUSE OF REPRESENTATIVES

REPORT
117–321

WORKFORCE INNOVATION AND OPPORTUNITY ACT OF 2022

R E P O R T

OF THE

COMMITTEE ON EDUCATION AND LABOR

TO ACCOMPANY

H.R. 7309

together with

MINORITY VIEWS



MAY 12, 2022.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

WORKFORCE INNOVATION AND OPPORTUNITY ACT OF 2022

117TH CONGRESS
2d Session

HOUSE OF REPRESENTATIVES

REPORT
117–321

WORKFORCE INNOVATION AND OPPORTUNITY ACT OF 2022

R E P O R T

OF THE

COMMITTEE ON EDUCATION AND LABOR

TO ACCOMPANY

H.R. 7309

together with

MINORITY VIEWS



MAY 12, 2022.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

---

U.S. GOVERNMENT PUBLISHING OFFICE

47–566 WASHINGTON : 2022

117TH CONGRESS
2d Session
HOUSE OF REPRESENTATIVES
REPORT
117–321

WORKFORCE INNOVATION AND OPPORTUNITY ACT OF 2022

MAY 12, 2022.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

---

Mr. SCOTT of Virginia, from the Committee on Education and Labor, submitted the following

R E P O R T

together with

MINORITY VIEWS

[To accompany H.R. 7309]

The Committee on Education and Labor, to whom was referred the bill (H.R. 7309) to reauthorize the Workforce Innovation and Opportunity Act, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

CONTENTS

	Page
Purpose and Summary	67
Committee Action	68
Committee Views	70
Section-by-Section Analysis	99
Explanation of Amendments	111
Application of Law to the Legislative Branch	111
Unfunded Mandate Statement	111
Earmark Statement	111
Roll Call Votes	111
Statement of Performance Goals and Objectives	118
Duplication of Federal Programs	118
Hearings	118
Statement of Oversight Findings and Recommendations of the Committee	119
New Budget Authority and CBO Cost Estimate	119
Committee Cost Estimate	119
Changes in Existing Law Made by the Bill, as Reported	119
Minority Views	432

The amendment is as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Workforce Innovation and Opportunity Act of 2022".

SEC. 2. REFERENCES.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.).

SEC. 3. TRANSITION PROVISIONS.

(a) WORKFORCE DEVELOPMENT SYSTEMS AND INVESTMENT ACTIVITIES.—The Secretary of Labor and the Secretary of Education shall take such actions as the Secretaries determine to be appropriate to provide for the orderly transition from any authority under subtitle A of title I of the Workforce Innovation and Opportunity Act (29 U.S.C. 3111 et seq.), as in effect on the day before the date of enactment of this Act, to any authority under subtitle A of title I of such Act (29 U.S.C. 3111 et seq.), as amended by this Act. Such actions shall include the provision of guidance related to unified State planning, combined State planning, and the performance accountability system described in such subtitle.

(b) WORKFORCE INVESTMENT ACTIVITIES.—The Secretary of Labor shall take such actions as the Secretary determines to be appropriate to provide for the orderly transition from any authority under the subtitles B through E of title I of the Workforce Innovation and Opportunity Act (29 U.S.C. 3151 et seq.), as in effect on the day before the date of enactment of this Act, to any authority under subtitles B through E of title I of such Act, as amended by this Act.

(c) ADULT EDUCATION AND LITERACY PROGRAMS.—The Secretary of Education shall take such actions as the Secretary determines to be appropriate to provide for the orderly transition from any authority under the Adult Education and Family Literacy Act (20 U.S.C. 9201 et seq.), as in effect on the day before the date of enactment of this Act, to any authority under the Adult Education and Family Literacy Act, as amended by this Act.

(d) EMPLOYMENT SERVICES ACTIVITIES.—The Secretary of Labor shall take such actions as the Secretary determines to be appropriate to provide for the orderly transition from any authority under the Wagner-Peyser Act (29 U.S.C. 49 et seq.), as in effect on the day before the date of enactment of this Act, to any authority under the Wagner-Peyser Act, as amended by this Act.

(e) REGULATIONS.—

(1) PROPOSED REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Labor and the Secretary of Education, as appropriate, shall develop and publish in the Federal Register proposed regulations relating to the transition to, and implementation of, the Workforce Innovation and Opportunity Act, as amended by this Act, and the Wagner-Peyser Act, as amended by this Act.

(2) FINAL REGULATIONS.—Not later than 18 months after the date of enactment of this Act, the Secretaries described in paragraph (1), as appropriate, shall develop and publish in the Federal Register final regulations relating to the transition to, and implementation of, the Workforce Innovation and Opportunity Act, as amended by this Act, and the Wagner-Peyser Act, as amended by this Act.

(f) EXPENDITURE OF FUNDS DURING TRANSITION.—

(1) IN GENERAL.—Subject to paragraph (2) and in accordance with regulations developed under subsection (f), States, grant recipients, administrative entities, and other recipients of financial assistance under the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.), as in effect before the date of enactment of this Act, may expend funds received under such Act in order to plan and implement programs and activities under the Workforce Innovation and Opportunity Act, as amended by this Act.

(2) ADDITIONAL REQUIREMENTS.—Not more than 2 percent of any allotment to any State from amounts appropriated under the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.), as in effect on the day before the date of enactment of this Act, for fiscal year 2022 may be made available to carry out activities authorized under paragraph (1) and not less than 50 percent of any amount used to carry out activities authorized under paragraph (1) shall be made available to local entities for the purposes of the activities described in such paragraph.

SEC. 4. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this Act, this Act, including the amendments made by this Act, shall take effect on the first day of the first full program year after the date of enactment of this Act.

(b) EXCEPTIONS.—Sections 102, 103, and 108 of the Workforce Innovation and Opportunity Act, as amended by this Act, shall apply to plans for the second full program year after the date of enactment of this Act, including the development, submission, and approval of such plans during the first full program year after such date.

SEC. 5. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. References.
Sec. 3. Transition provisions.
Sec. 4. Effective date.
Sec. 5. Table of contents.

TITLE I—DEFINITIONS AND OTHER GENERAL MATTERS

Sec. 101. Definitions.
Sec. 102. WIOA table of contents.

TITLE II—WORKFORCE DEVELOPMENT ACTIVITIES

Subtitle A—System Alignment

CHAPTER 1—STATE PROVISIONS

Sec. 201. State workforce development boards.
Sec. 202. Unified State plan.
Sec. 203. Combined State plan.

CHAPTER 2—LOCAL PROVISIONS

Sec. 206. Workforce development areas.
Sec. 207. Local workforce development boards.
Sec. 208. Local plan.

CHAPTER 3—PERFORMANCE ACCOUNTABILITY

Sec. 211. Performance accountability system.

Subtitle B—Workforce Investment Activities and Providers

CHAPTER 1—WORKFORCE INVESTMENT ACTIVITIES AND PROVIDERS

Sec. 221. Establishment of one-stop delivery systems.
Sec. 222. Identification of eligible providers of training services.

CHAPTER 2—YOUTH WORKFORCE INVESTMENT ACTIVITIES

Sec. 231. State allotments.
Sec. 232. Within State allocations.
Sec. 233. Use of funds for youth workforce investment activities.
Sec. 234. Summer and year-round employment for youth.

CHAPTER 3—ADULT AND DISLOCATED WORKER EMPLOYMENT AND TRAINING ACTIVITIES

Sec. 241. Within State allocations.
Sec. 242. Use of funds for employment and training activities.

CHAPTER 4—GENERAL WORKFORCE INVESTMENT PROVISIONS

Sec. 251. Authorization of appropriations.

Subtitle C—Job Corps

Sec. 261. Amendments relating to Job Corps.

Subtitle D—National Programs

Sec. 271. Native American Programs.
Sec. 272. Migrant and seasonal farmworker programs.
Sec. 273. Technical assistance.
Sec. 274. Evaluations and research.
Sec. 275. National dislocated worker grants.
Sec. 276. YouthBuild program.
Sec. 277. Strengthening community colleges training grants program.
Sec. 278. Reentry employment opportunities.
Sec. 279. Sectoral employment through career training for occupational readiness (sector) program.
Sec. 280. Workforce Data Quality Initiative Grants.
Sec. 281. Authorization of appropriations.

Subtitle E—Administration

Sec. 291. Nondiscrimination.
Sec. 292. Secretarial administrative authorities and responsibilities.
Sec. 293. Guard rails for program integrity.

TITLE III—ADULT EDUCATION AND FAMILY LITERACY

Sec. 301. Family literacy.

Sec. 302. Purpose.
Sec. 303. Definitions.
Sec. 304. Authorization of appropriations.
Sec. 305. Performance accountability system.
Sec. 306. State distribution of funds; matching requirement.
Sec. 307. State leadership activities.
Sec. 308. Grants and contracts for eligible providers.
Sec. 309. Local administrative cost limits.
Sec. 310. National leadership activities.
Sec. 311. Integrated English literacy and civics education.
Sec. 312. Technical corrections to other laws.

TITLE IV—GENERAL PROVISIONS

Sec. 401. Prohibition of national database management.
Sec. 402. Accessibility.

TITLE V—AMENDMENTS TO THE WAGNER-PEYSER ACT

Sec. 501. Inclusion of Commonwealth of the Northern Mariana Islands and American Samoa.
Sec. 502. Workforce and labor market information system.

TITLE VI—AMENDMENTS TO THE REHABILITATION ACT OF 1973

Sec. 601. Authorization of appropriations.

TITLE I—DEFINITIONS AND OTHER GENERAL MATTERS

SEC. 101. DEFINITIONS.

(a) FOUNDATIONAL SKILL NEEDS.—Paragraph (5) of section 3 (29 U.S.C. 3102) is amended to read as follows:

"(5) FOUNDATIONAL SKILL NEEDS.—The term 'foundational skill needs' means, with respect to an individual—

"(A) who is a youth or adult, that the individual has English reading, writing, or computing skills at or below the 8th grade level on a generally accepted standardized test; or

"(B) who is a youth or adult, that the individual is unable to compute or solve problems, or read, write, or speak English, or does not possess digital literacy, interpersonal communication, time management, critical thinking, or financial literacy skills at a level necessary to function on the job, in the individual's family, or in society.".

(b) CAREER PATHWAY.—Paragraph (7) of section 3 (29 U.S.C. 3102) is amended to read as follows:

"(7) CAREER PATHWAY.—The term 'career pathway' means a combination of rigorous and high-quality education, training, and other services that—

"(A) are designed to support progression towards attainment of a recognized postsecondary credential;

"(B) align with the skill needs of industries in the economy of the State or regional economy involved;

"(C) include multiple entry and exit points;

"(D) prepare an individual to be successful in any of a full range of secondary or postsecondary education options, including apprenticeship programs;

"(E) provide career services, including counseling to support an individual in achieving the individual's education and career goals, and helping the individual to identify and access a path to skills and credentials that are needed for the educational and career advancement of the individual;

"(F) include supportive services or provides assistance in applying for and accessing direct support services, means-tested Federal benefit programs, or similar State, tribal, or local benefit programs;

"(G) include, as appropriate, education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster (such as through work-based learning opportunities);

"(H) organize education, training, and other services to meet the particular needs of an individual in a manner that accelerates the educational and career advancement of the individual to the extent practicable;

"(I) enable an individual to attain a secondary school diploma or its recognized equivalent as applicable, and at least 1 recognized postsecondary credential; and

"(J) help an individual enter or advance within a specific occupation or occupational cluster.";

(c) DISLOCATED WORKER.—Paragraph (15) of section 3 (29 U.S.C. 3102) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by adding "and" at the end;

(B) in clause (ii)—

(i) in subclause (I), by striking "or" at the end;

(ii) in subclause (II), by striking "and" at the end and inserting "or"; and

(iii) by adding at the end the following:

"(III) has been an unemployed individual for 27 weeks or more;"; and

(C) by striking clause (iii);

(2) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(3) by adding after subparagraph (C) the following:

"(D)(i) is currently underemployed and engaged in the occasional performance of services for remuneration; and

"(ii) is self-employed, is seeking part-time employment, and does not have sufficient work history to qualify, or otherwise would not qualify for regular unemployment or extended benefits under State or Federal law;"; and

(4) in subparagraph (E), as so redesignated, by striking "homemaker" and inserting "caregiver".

(d) DISPLACED CAREGIVER.—Paragraph (16) of section 3 (29 U.S.C. 3102) is amended—

(1) in the heading, by striking "HOMEMAKER" and inserting "CAREGIVER";

(2) in the matter preceding subparagraph (A)—

(A) by striking "homemaker" and inserting "caregiver";

(B) by striking "family members" and inserting "a family member";

(3) in subparagraph (A)—

(A) in clause (i), by striking "or" at the end;

(B) in clause (ii), by striking "and" at the end and inserting "or"; and

(C) by adding at the end the following:

"(iii) has involuntarily left the labor market to provide care for a relative or dependent, which may be validated through self-attestation in a manner consistent with section 402A(e) of the Higher Education Act of 1965 (20 U.S.C. 1070a–11(e)); and".

(e) ELIGIBLE YOUTH.—Paragraph (18) of section 3 (29 U.S.C. 3102) is amended to read as follows:

"(18) ELIGIBLE YOUTH.—Except as provided in subtitles C and D of title I, the term 'eligible youth' means—

"(A) an opportunity youth; or

"(B) a youth who is not younger than 14 years of age and not older than 24 years of age, who can self-attest, in a manner consistent with section 402A(e) of the Higher Education Act of 1965 (20 U.S.C. 1070a–11(e)), that the youth—

"(i) is attending school (as defined by State law);

"(ii) is a low-income individual; and

"(iii) is one or more of the following:

"(I) An English learner.

"(II) An individual impacted by the juvenile or adult justice system.

"(III) A homeless individual (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e–2(6))), a homeless child or youth (as defined in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2))), a runaway, a child or youth in foster care or who has aged out of the foster care system, a child or youth eligible for assistance under section 477 of the Social Security Act (42 U.S.C. 677), or a child or youth in an out-of-home placement.

"(IV) An individual who is pregnant or parenting.

"(V) An individual with a disability.".

(f) ENGLISH LEARNER.—Paragraph (21) of section 3 (29 U.S.C. 3102) is amended—

(1) in the heading, by striking "LANGUAGE"; and

(2) by striking "language".

(g) INDIVIDUAL WITH A BARRIER TO EMPLOYMENT.—Paragraph (24) of section 3 (29 U.S.C. 3102) is amended to read as follows:

"(24) INDIVIDUAL WITH A BARRIER TO EMPLOYMENT.—The term 'individual with a barrier to employment' means a member of 1 or more of the following populations:

"(A) Displaced caregivers.

"(B) Low-income individuals.

"(C) Indians, Alaska Natives, and Native Hawaiians, as such terms are defined in section 166.

"(D) Individuals with disabilities, including youth who are individuals with disabilities.

"(E) Older individuals.

"(F) Justice-involved individuals.

"(G) Homeless individuals (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e–2(6))), or homeless children and youths (as defined in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2))).

"(H) Youth who are in or have aged out of the foster care system.

"(I) Individuals who are English learners, individuals who have low levels of literacy including digital literacy, or individuals facing substantial cultural barriers.

"(J) Eligible migrant and seasonal farmworkers, as defined in section 167(i).

"(K) Individuals who exhausted lifetime eligibility under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).

"(L) Single parents (including single pregnant women).

"(M) Long-term unemployed individuals.

"(N) The spouse of, or youth with a parent who is—

"(i) a member of the armed forces (as such term is defined in section 101(a)(4) of title 10, United States Code);

"(ii) on active duty (as such term is defined in section 101(d)(1) of such title); and

"(iii) deployed or recently transferred.

"(O) Individuals who have been historically underserved and marginalized as a result of race, color, national origin, sexual orientation, or gender identity.

"(P) Such other groups as the Governor involved determines to have barriers to employment.".

(h) LABOR MARKET AREA.—Paragraph (30) of section 3 (29 U.S.C. 3102) is amended by inserting "and the economic development agency" after "Department of Labor".

(i) LOW-INCOME INDIVIDUAL.—Paragraph (36) of section 3 (29 U.S.C. 3102) is amended—

(1) in subparagraph (A)—

(A) by amending subclause (I) of clause (ii) to read as follows:

"(I) 150 percent of the poverty line (exclusive of unemployment compensation, child support payments, payments described in this subparagraph, and old-age and survivors insurance benefits received under section 202 of the Social Security Act (42 U.S.C. 402)); or";

(B) in clause (v), by striking "or" at the end;

(C) in clause (vi), by striking the period at the end and inserting "; or"; and

(D) by adding at the end the following:

"(vii) is an individual who is—

"(I) an eligible migrant or seasonal farmworker, as defined in section 167(i); and

"(II) in a family with total family income that does not exceed 150 percent of the poverty line."; and

(2) in subparagraph (B), by striking "based on the most recent lower living family budget issued by the Secretary".

(j) NONTRADITIONAL EMPLOYMENT.—Paragraph (37) of section 3 (29 U.S.C. 3102) is amended to read as follows:

"(37) NONTRADITIONAL EMPLOYMENT.—The term 'nontraditional employment' refers to occupations or fields of work, for which a group of individuals (such as individuals from the same gender, race, or ethnicity), the members of which—

"(A) comprise less than 25 percent of the individuals employed in each such occupation or field of work; or

"(B) comprise a percentage of individuals employed in such occupation that is lower than the percentage of the total population comprised by such members, based on the most recent data from the Bureau of the Census.".

(k) JUSTICE-INVOLVED INDIVIDUAL.—Paragraph (38) of section 3 (29 U.S.C. 3102) is amended—

(1) in the heading, by striking "OFFENDER" and inserting "JUSTICE-INVOLVED INDIVIDUAL"; and

(2) by striking "offender" and inserting "justice-involved individual".

(l) OPPORTUNITY YOUTH.—Paragraph (46) of section 3 (29 U.S.C. 3102) is amended to read as follows:

"(46) OPPORTUNITY YOUTH.—The term 'opportunity youth'—

"(A) means an individual—

"(i) who is not younger than 16 years of age and not older than 24 years of age; and

"(ii) who can self-attest to a one-stop operator or one-stop center, in a manner consistent with section 402A(e) of the Higher Education Act of 1965 (20 U.S.C. 1070a–11(e)) that the individual is—

"(I) not attending any school (as defined under State law); and

"(II) not employed; and

"(B) except in the case of an individual who is a low-income individual and has foundational skill needs, does not include any individual who is a recipient of a secondary school diploma or its recognized equivalent.".

(m) RAPID RESPONSE ACTIVITY.—Paragraph (51) of section 3 (29 U.S.C. 3102) is amended by inserting "in a job position of similar wages and benefits, to the greatest extent possible, or on the job training for a new occupation or industry," after "reemployment".

(n) STATE.—Paragraph (56) of section 3 (29 U.S.C. 3102) is amended by striking "the Commonwealth of".

(o) SUPPORTIVE SERVICES.—Paragraph (59) of section 3 (29 U.S.C. 3102) is amended to read as follows:

"(59) SUPPORTIVE SERVICES.—The term 'supportive services' means services such as transportation, child care, dependent care, housing, food and nutrition services, mental health care supports, substance use disorder treatment, access to broadband, affordable internet connection, or digital devices with connection to the internet, assistive technology, and needs-related payments, that are necessary to enable an individual to participate in workforce development activities.".

(p) ADDITIONAL DEFINITIONS.—Section 3 (29 U.S.C. 3102), as amended by this section, is further amended—

(1) by adding at the end the following new paragraphs:

"(72) APPRENTICESHIP PROGRAM.—The term 'apprenticeship program' means a program registered under the Act of August 16, 1937 (commonly known as the 'National Apprenticeship Act'; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.).

"(73) COENROLLMENT.—The term 'coenrollment' means simultaneous enrollment in more than one of the programs or activities carried out by a one-stop partner in section 121(b)(1)(B).

"(74) COMPETENCY.—The term 'competency' means the attainment of knowledge, skills, and abilities in a subject area, as specified by an occupational skill standard and demonstrated by an appropriate written, oral, hands-on, or other appropriate proficiency measurement.

"(75) DIGITAL LITERACY SKILLS.—The term 'digital literacy skills' has the meaning given the term in section 202(A) of the Museum and Library Services Act (20 U.S.C. 9101(2)).

"(76) EVIDENCE-BASED.—The term 'evidence-based', when used with respect to an activity, strategy, or intervention, means an activity, strategy or intervention that—

"(A) demonstrates a statistically significant effect on improving participant outcomes or other relevant outcomes based on—

"(i) strong evidence from at least 1 well-designed and well-implemented experimental study;

"(ii) moderate evidence from at least 1 well-designed and well-implemented quasi-experimental study; or

"(iii) promising evidence from at least 1 well-designed and well-implemented correlational study with statistical controls for selection bias; or

"(B)(i) demonstrates a rationale based on high-quality research findings or positive evaluation that such activity, strategy, or intervention is likely to improve student outcomes or other relevant outcomes; and

"(ii) includes ongoing efforts to examine the effects of such activity, strategy, or intervention.

"(77) LABOR ORGANIZATION.—The term 'labor organization' has the meaning given the term in section 2(5) of the National Labor Relations Act (29 U.S.C. 152(5)), except that such term shall also include—

"(A) any organization composed of labor organizations, such as a labor union federation or a State or municipal labor body; and

"(B) any organization which would be included in the definition for such term under such section 2(5) but for the fact that the organization represents—

"(i) individuals employed by the United States, any wholly owned Government corporation, any Federal Reserve Bank, or any State or political subdivision thereof;

"(ii) individuals employed by persons subject to the Railway Labor Act (45 25 U.S.C. 151 et seq.); or

"(iii) individuals employed as agricultural laborers.

"(78) PERKINS-ELIGIBLE AGENCY.—The term 'Perkins-eligible agency' has the meaning given the term 'eligible agency' in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302).

"(79) PRE-APPRENTICESHIP PROGRAM.—The term 'pre-apprenticeship program' means a training model or program that—

"(A) is designed to prepare participants to enter an apprenticeship program;

"(B) has a written agreement with 1 or more sponsors of apprenticeship programs that would enable participants who successfully complete the pre-apprenticeship program—

"(i) to enter into the apprenticeship program if a place in the program is available and if the participant meets the qualifications of the apprenticeship program; and

"(ii) to earn credits towards the apprenticeship program;

"(C) includes skills development (including a curriculum for the skills development) aligned with industry standards related to an apprenticeship program created in consultation with sponsors of the apprenticeship program that are parties to the written agreement under subparagraph (B), and that will prepare participants by teaching the skills and competencies needed to enter 1 or more apprenticeship programs; and

"(D) does not displace a paid employee.

"(80) WORK-BASED LEARNING.—The term 'work-based learning' has the meaning given the term in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302).

"(81) WORKFORCE AGENCY.—The term 'workforce agency' means the State agency or local agency responsible for administering workforce development activities or the workforce development system.";

(2) by striking paragraphs (27) and (54); and

(3) by reordering paragraphs (1) through (71), as amended by this section, and the paragraphs added by paragraph (1) of this subsection in alphabetical order, and renumbering such paragraphs as so reordered.

SEC. 102. WIOA TABLE OF CONTENTS.

The table of contents in section 1(b) of the Workforce Innovation and Opportunity Act is amended—

(1) by adding at the end of the items relating to chapter 2 of subtitle B of title I the following:

"Sec. 130. Summer and year-round employment for youth.";

(2) by striking the item relating to section 172 and inserting the following:

"Sec. 172. Strengthening Community Colleges Training Grants Program.
"Sec. 173. Reentry employment opportunities
"Sec. 174. Sectoral employment through career training for occupational readiness (sector) program.
"Sec. 175. Workforce data quality initiative grants.
"Sec. 176. Authorization of appropriations."; and

(3) by adding at the end of the item relating to subtitle A of title V, the following:

"Sec. 507. Accessibility.".

TITLE II—WORKFORCE DEVELOPMENT ACTIVITIES

Subtitle A—System Alignment

CHAPTER 1—STATE PROVISIONS

SEC. 201. STATE WORKFORCE DEVELOPMENT BOARDS.

(a) MEMBERSHIP.—Section 101(b)(1)(C) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3111(b)(1)(C)) is amended—

(1) in clause (ii)—

(A) in the matter preceding subclause (I), by striking "20 percent" and inserting "30 percent";

(B) in subclause (III), by inserting ", justice-involved individuals," after "veterans"; and

(C) in subclause (IV), by striking "out-of-school" and inserting "opportunity"; and

(2) in clause (iii)—

(A) in subclause (I)—

(i) by striking "and" at the end of item (aa); and

(ii) by adding at the end the following:

"(cc) State agency officials responsible for the daily administration of education programs in the State, including secondary education and adult education programs, and chief executive officers (or their representatives) of community colleges and other institutions of higher education; and"; and

(B) in subclause (II)—

(i) by amending item (bb) to read as follows:

"(bb) State agency officials responsible for adult or juvenile justice programs in the State;";

(ii) by striking "and" at the end of item (cc); and

(iii) by striking item (dd); and

(iv) by adding at the end the following:

"(dd) State agency officials responsible for vocational rehabilitation; and

"(ee) State agency officials responsible for economic development.".

(b) DIVERSE AND DISTINCT REPRESENTATION.—Section 101(b)(2) (29 U.S.C. 3111(b)(2)) is amended by inserting before the period at the end the following: ", and diverse demographic populations of the State".

(c) FUNCTIONS.—Section 101(d) (29 U.S.C. 3111(d)) is amended—

(1) in paragraph (3)—

(A) in subparagraph (A), strike "and avoid duplication" and insert "avoid duplication, and leverage resources and expertise";

(B) in subparagraph (B)—

(i) by inserting "and expand" after "support"; and

(ii) by striking "enter or retain employment" and inserting "enter in, retain, or progress in employment";

(C) in subparagraph (C)—

(i) by inserting "and equitable" after "effective"; and

(ii) by inserting ", including individuals with barriers to employment" after "system";

(D) in subparagraph (E), by striking "identification of" and inserting "continued identification of and support for";

(E) in subparagraph (F)—

(i) by inserting "affiliated sites," after "partners,"; and

(ii) by striking "services and supportive" and inserting "services, career services, and supportive"; and

(F) in subparagraph (G), by inserting "ongoing" after "support";

(2) in paragraph (5)—

(A) in subparagraph (A), by striking "centers, relating to the use of business outreach, partnerships, and service delivery strategies, including" and inserting "centers, including the use of evidence-based strategies for such operations, the latest in digital technology and tools, and the use of partnerships to expand and improve services to jobseekers and workers, including";

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively;

(C) by inserting after subparagraph (A) the following:

"(B) local boards and one-stop centers on effective outreach and enhanced services to businesses, joint labor-management partnerships, industry associations, and industry or sector partnerships, to provide employment and training activities reflective of regional economic priorities and the skill and competency needs of in-demand industry sectors and occupations;"; and

(D) in subparagraph (D), as so redesignated, by striking "adaptability, to" and inserting "adaptablity to reduce the time required for attainment of a recognized postsecondary credential or reskilling, and"; and

(3) in paragraph (7)—

(A) in the matter preceding subparagraph (A), by striking "technological improvements to facilitate access" and inserting "improvements in the use of digital technology to facilitate and expand access";

(B) by amending subparagraphs (B) and (C) to read as follows:

"(B) accelerate—

"(i) the acquisition of skills, competencies, and recognized postsecondary credentials by participants with respect to an in-demand industry sector or occupation in a State or local area; and

"(ii) the matching of participants to career pathways and employment opportunities based on the skills, competencies, and recognized postsecondary credentials attained by such participants;

"(C) strengthen the professional development of providers and workforce professionals, ensuring professional development activities include—

"(i) trauma-informed practices and human-centered design that serve individuals with barriers to employment;

"(ii) preparing providers and workforce professionals to use the latest technology;

"(iii) accessing and understanding labor market data; and

"(iv) ensuring equitable access and service delivery for individuals who have been historically underserved, marginalized, and adversely affected as a result of race, ethnicity, or gender, including training on customer-centered service delivery, racial bias, cultural competence, occupational stereotyping, and strategies for increasing participant and worker voices; and"; and

(C) in subparagraph (D), by striking "with disabilities and individuals" and inserting "with barriers to employment, including individuals with disabilities, and to individuals".

SEC. 202. UNIFIED STATE PLAN.

Section 102 (29 U.S.C. 3112) is amended—

(1) in subsection (b)—

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

"(1) STRATEGIC PLANNING ELEMENTS.—The unified State plan shall include strategic planning elements consisting of a strategic vision and goals for preparing an educated and skilled workforce, that include—

"(A) a summary and conclusions of analysis conducted of the economic conditions in the State using labor market information, including—

"(i) existing and emerging in-demand industry sectors and occupations;

"(ii) the industry or sector partnerships within the State and the opportunities for expansion of such partnerships to support sector-specific initiatives;

"(iii) projected industries or sectors within the State expected to decline or face significant changes in employment opportunities; and

"(iv) the employment needs of employers, including a description of the knowledge, skills, competencies, and abilities currently needed and projected to be needed, in those industries and occupations;

"(B) a summary and conclusions of analysis conducted of the current workforce using labor market information, employment and unemployment data, labor market trends, and the educational and skill levels of the workforce, including individuals with barriers to employment, in the State;

"(C) an analysis of the workforce development activities (including supportive services, career services, education, and training) in the State, in coordination with the Perkins-eligible agency in the State, in order to address the identified education and skill needs of the workforce and the employment needs of employers in the State, including—

"(i) an analysis of the strengths and weaknesses of such activities;

"(ii) the capacity of State entities to provide such activities that meet the specific needs of youth, including opportunity youth, and individuals with barriers to employment;

"(iii) an analysis of educational, skill, and competency levels of individuals served by the workforce system as compared to such levels required to address the employment needs in the State; and

"(iv) an analysis of the career pathways offered within the State, including an analysis of how such pathways are aligned to the education and training needs of the current and future workforce within the State, and the development and expansion of career pathways to meet current and future workforce needs;

"(D) a description of—

"(i) the State's strategic vision and goals for preparing an educated and skilled workforce, including preparing youth (including opportunity youth), and individuals with barriers to employment and for meeting the skilled workforce needs of employers (including in existing and emerging in-demand industry sectors and occupations as identified by the State), and goals of the State relating to performance accountability measures based on primary indicators of performance described in section 116(b)(2)(A), in order to support economic growth and economic self-sufficiency;

"(ii) how the State will assess the overall effectiveness of the workforce investment system in the State;

"(iii) the career pathways offered within the State, including an analysis of how such pathways are aligned to the education and training needs of the current and future workforce within the State, and the development and expansion of career pathways to meet current and future workforce needs; and

"(iv) how the State will work with local areas to achieve equitable service delivery and outcomes for individuals with barriers to employment, including employment and earnings outcomes by applying the information provided in the State equity report, for such State under section 116(f);

"(E) a description of strategies the State intends to adopt to achieve the vision and each goal described in subparagraph (D) through—

"(i) joint planning, alignment, coordination, and leveraging of funds between—

"(I) core programs under this Act; and

"(II) other Federal programs, as determined appropriate by the State, such as—

"(aa) programs and activities under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.);

"(bb) programs under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

"(cc) programs under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);

"(dd) programs under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.);

"(ee) apprenticeship programs; and

"(ff) the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.); and

"(ii) the provision of information about access to available State assistance or assistance under related Federal programs, including such assistance under—

"(I) section 6(d) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(d));

"(II) section 3672(c)(1) of title 38, United States Code;

"(III) section 231 of the Second Chance Act of 2007 (34 U.S.C. 60541); and

"(IV) the State Temporary Assistance for Needy Families programs under part A of title IV of the Social Security Act.";

(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(C) by inserting after paragraph (1) the following:

"(2) PLAN DEVELOPMENT.—

"(A) IN GENERAL.—The Governor and State board shall—

"(i) develop the unified State plan in consultation with—

"(I) representatives of local boards and chief elected officials;

"(II) the community colleges in the State;

"(III) eligible providers of training services, including eligible providers of nontraditional training services and eligible providers of apprenticeship programs and pre-apprenticeship programs, and eligible providers of on-the-job training, customized training, incumbent worker training, internships, paid or unpaid work experience opportunities, or transitional jobs, secondary schools and institutions of higher education (including institutions offering career and technical education programs, minority-serving institutions, and historically Black colleges and universities), and providers of supported employment services;

"(IV) interested community representatives, including community-based organizations;

"(V) individuals with barriers to employment or organizations representing such individuals;

"(VI) representatives of business and industry, including representatives of small business and representatives of industry and sector partnerships in the State;

"(VII) representatives of labor organizations and joint labor-management organizations in the State;

"(VIII) representatives of agencies serving opportunity youth, and homeless children and youth, including the State Coordinator for Education of Homeless Children and Youths established or designated under section 722(d)(3) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(d)(3));

"(IX) representatives of Indian tribes and tribal organizations located in, or providing services in, the State;

"(X) representatives of the Perkins-eligible agency;

"(XI) representatives of the adult education and literacy community; and

"(XII) other primary stakeholders; and

"(ii) consult the heads of other State agencies with respect to the development of the unified State plan, including the State designated unit under subparagraph (A) of section 101(a)(11) of the Rehabilitation Act of 1973.

"(B) PUBLIC COMMENT.—

"(i) WRITTEN COMMENTS.—Not less than 60 days prior to submission of the unified State plan, the Governor shall provide stakeholders described in subparagraph (A)(i) with the opportunity to provide written comments on the unified State plan that shall—

"(I) be included in the final unified State plan; and

"(II) include comments on whether and how the unified State plan—

"(aa) meets the requirements of this Act;

"(bb) supports the improvement of performance of individuals with barriers to employment;

"(cc) supports the employment needs of the State (including the business community, labor organizations, education and training providers, and other relevant parties), including in the design and content of the training, work experience, career exploration, on-the-job training, and other career and training activities (including information related to employment opportunities, wage rates, benefits, career pathways, and in-demand industry sectors and occupations); and

"(dd) takes into account collective bargaining agreements that include training or subsidized employment, including how the elements of such training or employment may affect the bargaining agreement (such as wages, benefits, and other factors).

"(ii) STATE WORKFORCE AGENCY RESPONSE.—Each unified State plan shall include a written response to the comments provided by stakeholders under clause (i).";

(D) in paragraph (3), as so redesignated—

(i) in subparagraph (B)—

(I) in clause (iv), by striking "colleges and area career and technical education schools" and inserting "colleges, secondary schools and area career and technical education schools, and adult education providers under title II";

(II) in clause (v), by striking "and" at the end;

(III) by amending clause (vi) to read as follows:

"(vi) how the State's strategy will—

"(I) improve access to activities leading to a recognized postsecondary credential (including credentials that are portable, stackable, and aligned to high-skill, high-wage, or in-demand industry sectors and occupations); and

"(II) assess and validate the skills and competencies of such credentials and alignment to new or existing career pathways; and"; and

(IV) by adding at the end the following:

"(vii) how the State will work with local areas to achieve equitable service delivery and outcomes for individuals with barriers to employment by applying the information provided in the State equity report for such State under section 116(f).";

(ii) in subparagraph (D)—

(I) in clause (i)(II), by striking "local boards and chief elected officials in determining the planning regions" and inserting "State economic development agency to support alignment to the extent practicable, local boards and chief elected officials in determining the planning regions and work of such regions"; and

(II) in clause (ii)—

(aa) in subclause (V), by inserting "and" at the end; and

(bb) by adding at the end the following:

"(VI) how the eligible agency will promote the professionalization of adult education through the adoption of full-time staffing models, including, at the eligible agency's discretion, how the eligible agency will give funding priority to local providers that have adopted such models;"; and

(iii) in subparagraph (E)—

(I) in clause (iii)—

(aa) in subclause (I), by inserting ", ensuring that services and resources are accessible throughout the State and local areas, including in urban, rural and suburban areas" after "such programs"; and

(bb) by amending subclause (II) to read as follows:

"(II) that the State obtained input into the development of the unified State plan and provided an opportunity for comment on the plan by the individuals listed in subsection (b)(2)(A)(i), and that the unified State plan is published on a publicly accessible website;"; and

(II) by striking "and" at the end of clause (ix);

(III) in clause (x), by striking the period at the end and inserting a semicolon; and

(IV) by adding at the end the following:

"(xi) that the employment services authorized under sections 1 through 13 of the Wagner-Peyser Act (29 U.S.C. 49 et seq.) are performed by public employees under a merit system; and

"(xii) that the State will not prohibit self-attestation in a manner consistent with section 402A(e) of the Higher Education Act of 1965 (20 U.S.C. 1070a–11(e)) as a means for determining eligibility for a program or service under this Act of any individual who is so self-attesting."; and

(2) in subsection (c)—

(A) in paragraph (1)(A), by striking "the Workforce Innovation and Opportunity Act" and inserting "the Workforce Innovation and Opportunity Act of 2022"; and

(B) by striking paragraph (4)

SEC. 203. COMBINED STATE PLAN.

Section 103(a)(2) (29 U.S.C. 3113(a)(2)) is amended by adding at the end the following:

"(L) State Apprenticeship Agencies, as applicable.".

CHAPTER 2—LOCAL PROVISIONS

SEC. 206. WORKFORCE DEVELOPMENT AREAS.

(a) REGIONS.—Section 106(a)(1) (29 U.S.C. 3121(a)(1)) is amended—

(1) by striking "this Act" and inserting "the Workforce Innovation and Opportunity Act of 2022" ; and

(2) by inserting ", the State economic development agency, the State apprenticeship agency, as applicable," after "local boards".

(b) LOCAL AREAS.—Section 106(b) (29 U.S.C. 3121(b)) is amended—

(1) in paragraph (1)—

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

"(ii) after consultation with the State economic development agency, chief elected officials, and local boards, and consideration of comments received through the public comment process as described in section 102(b)(2)(E)(iii)(II).";

(B) in subparagraph (B)—

(i) in clause (ii), by striking "and" at the end;

(ii) in clause (iii)—

(I) by striking "higher education and" and inserting "higher education,"; and

(II) by striking the period at the end and inserting ", and apprenticeship and pre-apprenticeship programs; and"; and

(iii) by adding at the end the following:

"(iv) improve service delivery and efficiency under the workforce development system, and provide for sufficient access to comprehensive one-stop centers and affiliated sites."; and

(C) by adding at the end the following:

"(C) CONSULTATIONS.—The State economic development agency, chief elected officials, and local boards shall provide such consultations as requested by the Governor in a timely manner.";

(2) by amending paragraph (2) to read as follows:

"(2) INITIAL DESIGNATION.—During the first 2 full program years following the date of enactment of the Workforce Innovation and Opportunity Act of 2022, the Governor shall approve a request for initial designation as a local area from any area that—

"(A) was designated as a local area for purposes of this Act for the 2-year period preceding the date of enactment of the Workforce Innovation and Opportunity Act of 2022;

"(B) performed successfully; and

"(C) sustained fiscal integrity."; and

(3) in paragraph (4), by adding at the end the following: "Such designation may include the combining of areas that were designated as local areas under this subsection before the date of enactment of the Workforce Innovation and Opportunity Act of 2022 within a region described in subsection (a), to form a new, redesignated local area under this subsection, if all chief elected officials and local boards in the affected areas agree to such a redesignation.".

(c) REGIONAL COORDINATION.—Section 106(c)(1) (29 U.S.C. 3121(c)(1)) is amended—

(1) in subparagraph (F), by inserting "and prioritizing such services for individuals with barriers to employment," after "services,";

(2) in subparagraph (G), by striking "and" at the end;

(3) in subparagraph (H), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(I) the analysis of in-demand skills and competencies within the region, and corresponding wages offered for jobs requiring such skills and competencies.".

(d) DEFINITIONS.—Section 106(e) (29 U.S.C. 3121(e)) is amended—

(1) in paragraph (1), by striking "(or, if applicable, core indicators of performance described in section 136(b)(2)(A) of the Workforce Investment Act of 1998, as in effect the day before the date of enactment of this Act)"; and

(2) in paragraph (2), by striking "(or, if applicable, title I of the Workforce Investment Act of 1998 as in effect prior to the effective date of such subtitle B)".

SEC. 207. LOCAL WORKFORCE DEVELOPMENT BOARDS.

(a) MEMBERSHIP.—Section 107(b) (29 U.S.C. 3122(b)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (B)—

(i) in the matter preceding clause (i), by striking "20" and inserting "30"; and

(ii) in clause (iv)—

(I) by inserting "eligible youth and" after "include"; and

(II) by striking "out-of-school" and inserting "opportunity"; and

(B) in subparagraph (C)(ii), by striking the semicolon and inserting "; and";

(C) by striking "and" at the end of subparagraph (D)(v);

(D) by striking the period at the end of subparagraph (E) and inserting "; and"; and

(E) by adding at the end the following:

"(F) the members of each local board shall represent diverse demographic populations of the local area.";

(2) in paragraph (3), by adding at the end the following: "Each chairperson shall ensure that each new board member is provided with information on the local area, employment opportunities (including youth employment opportunities), industry or sector partnerships, eligible providers or training services, and demographic information of participants served including individuals with barriers to employment."; and

(3) in paragraph (4)(A)—

(A) in clause (ii), by inserting ", if applicable, YouthBuild operators, and" after "include";

(B) in clause (iii), by inserting before the period at the end the following: ", which include individuals with disabilities or representatives of organizations serving individuals with disabilities" ; and

(C) by adding at the end the following:

"(iv) A standing committee to provide information to assist with planning, operational, and other issues relating to the provision of adult education services, which shall include providers of adult education carried out under title II of this Act.

"(v) A standing committee to provide information related to work-based learning opportunities, which shall include a representative from a provider of work-based learning, including a provider of related instruction under an apprenticeship.

"(vi) A standing committee, which shall include representatives of workers and their communities (including labor and community-based organizations), to provide information to assist with responding to rapid changes in the economy such as—

"(I) mass layoffs;

"(II) unexpected increases in unemployment; and

"(III) introduction of new employment opportunities, including the assessment of the in-demand skills and competencies of the local area.".

(b) APPOINTMENT AND CERTIFICATION OF BOARD.—Section 107(c) (29 U.S.C. 3122(c)) is amended—

(1) in paragraph (1), by adding at the end the following:

"(D) PUBLICATION.—The chief elected official or officials appointing the board for a local area shall make publicly available the membership of the board (including information identifying how the membership composition requirements of subsection (b) have been met (other than the requirements of paragraph (2)(F) of such subsection)), including by posting that information on the website of the appropriate unit of local government included in the local area."; and

(2) in paragraph (4)(A), by striking "and (2)" and inserting ", (2), and (3)".

(c) FUNCTIONS OF LOCAL BOARD.—Section 107(d) (29 U.S.C. 3122(d)) is amended—

(1) in paragraph (2)(A), by striking "skills" and inserting ", skills, and competencies";

(2) in paragraph (3), in the first sentence, by inserting ", including supportive services offered by community-based organizations," after "resources";

(3) in paragraph (4)—

(A) in subparagraph (B), by inserting "and" after the semicolon;

(B) by amending subparagraph (C) to read as follows:

"(C) to ensure that workforce investment activities meet the skilled workforce needs of employers and support economic growth in the region by enhancing communication, coordination, and collaboration among employers, economic development entities, and service providers, including by developing and implementing proven or promising strategies for—

"(i) meeting the employment, skill, and competency needs of workers and employers (including the establishment of industry and sector partnerships) and supporting skill and competency-based hiring;

"(ii) improving access to jobs in high-skill, high-wage, or in-demand industry sectors and occupations, to expand employment and career advancement opportunities for workforce development system participants in in-demand industry sectors or occupations; and

"(iii) recruiting a more diverse workforce."; and

(C) by striking subparagraph (D);

(4) in paragraph (5)—

(A) by striking "and postsecondary" and inserting ", postsecondary, and adult";

(B) by inserting ", systems, and programs" after "pathways"; and

(C) by inserting "and opportunity youth" after "to employment";

(5) by amending subparagraph (A) of paragraph (6) to read as follows:

"(A) identify and promote strategies and initiatives to the one-stop delivery system for meeting the needs of employers, workers, and jobseekers (including individuals with barriers to employment) in the local workforce development system, including—

"(i) providing physical and programmatic accessibility, in accordance with section 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.); and

"(ii) identifying and implementing strategies to assure service delivery is accessible to all eligible individuals, including individuals with barriers to employment; and";

(6) by amending paragraph (7) to read as follows:

"(7) TECHNOLOGY.—The local board shall develop strategies for using technology to maximize the accessibility and effectiveness of the local workforce development system, including in remote areas, for employers, workers, and jobseekers, by—

"(A) identifying and integrating new digital technologies into business services, career navigation, and employment and training activities, and working with the State to offer services virtually or through in-person service delivery strategies that are augmented through the use of technology;

"(B) facilitating connections among the intake and case management information systems of the one-stop partner programs to support a comprehensive workforce development system in the local area, including through coordination and collaboration with one-stop partner programs to support coenrollment of programs, as applicable;

"(C) identifying strategies for better meeting the needs of individuals with barriers to employment, including strategies that augment traditional service delivery, and increase access to services and programs of the one-stop delivery system, such as improving digital literacy skills, assessments of skills and competencies, and prior learning assessments assisted through the use of technology; and

"(D) leveraging resources and capacity within the local workforce development system, including resources and capacity for services for individuals with barriers to employment.";

(7) in paragraph (10)—

(A) in subparagraph (B)(ii), by inserting "as described in section 122" after "providers";

(B) in subparagraph (C), by inserting "and make information about such providers publicly available, including to community-based organizations" after "local area"; and

(C) in subparagraph (D), by inserting "and make information about such providers publicly available, including to community-based organizations" after "contracts";

(8) in paragraph (11)(A), by inserting ", local educational agencies, institutions of higher education located in the local area, including minority-serving institutions, historically Black colleges and universities, and Tribally controlled colleges or universities, as appropriate," after "2302))"; and

(9) in paragraph (12)(A), by striking "for the" and inserting "for all funds not otherwise reserved by the State allocated to local areas under section 128(b) and section 133(b), for local youth workforce activities authorized under section 129(c), and for local employment and training activities authorized under subsection (b) of section 134, and".

(d) SUNSHINE PROVISION.—Section 107(e) (29 U.S.C. 3122(e)) is amended by inserting "that conforms at a minimum, to Level AA of the Web Content Accessibility Guidelines 2.0 of the Web Accessibility Initiative (or any successor guidelines)" after "means".

(e) STAFF.—Section 107(f) (29 U.S.C. 3122(f)) is amended—

(1) by amending paragraph (2) to read as follows:

"(2) QUALIFICATIONS.—The local board shall establish and apply a set of qualifications for the position of director that ensures that the individual selected has the requisite knowledge, skills, and abilities, to meet identified benchmarks and effectively carry out the functions of the local board."; and

(2) by adding at the end the following:

"(4) PROFESSIONAL DEVELOPMENT.—The local board shall ensure the provision of training to local board and one-stop delivery system staff on—

"(A) the expanded use of digital technology and tools for augmenting and improving the delivery of services to participants and employers;

"(B) the implementation of evidence-based strategies, such as career pathways and sector initiatives, and trauma-informed and gender-responsive counseling for meeting the needs of individuals with barriers to employment; and

"(C) how to improve and ensure equitable service delivery and outcomes for individuals who have been historically underserved, marginalized, and adversely affected as a result of race, ethnicity, or gender, including training on customer-centered service delivery, gender and racial bias, cultural competence, occupational stereotyping, and strategies for increasing participant and worker voice.".

SEC. 208. LOCAL PLAN.

Section 108(b) (29 U.S.C. 3123(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) in clause (i), by striking "and" at the end;

(ii) in clause (ii), by inserting "and" at the end; and

(iii) by adding at the end the following:

"(iii) projected industries or sectors within the local area expected to decline or face significant changes in employment opportunities;";

(B) in subparagraph (B), by striking "and skills" and inserting ", skills, and competencies"; and

(C) in subparagraph (C), by striking "(and unemployment)" and inserting "(unemployment, and underemployment)";

(2) by amending paragraph (2) to read as follows:

"(2) a description and assessment of the workforce development system in the local area that identifies the programs that are included in that system and how the local board will work with the entities carrying out core programs and other workforce development programs to support alignment of services, including—

"(A) services provided under programs that support the strategies identified in the State plan under section 102(b)(1)(E), including—

"(i) programs of study authorized under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.);

"(ii) title II (relating to adult education and family literacy activities), including a description of how the local board will carry out, consistent with subparagraphs (A) and (B)(i) of section 107(d)(11) and section 232, the review of local applications submitted under title II;

"(iii) title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.); and

"(iv) apprenticeship programs; and

"(B) the statewide rapid response activities under section 134(a)(2)(A);";

(3) in paragraph (3), by inserting "and expansion" after "development";

(4) in paragraph (4)—

(A) in subparagraph (A)—

(i) in clause (i), by striking ", including small employers and employers in in-demand industry sectors and occupations, in workforce development programs" and inserting "in workforce development programs, including small employers, employers in high-skill, high-wage, or in-demand industry sectors and occupations, and employers in industry or sector partnerships";

(ii) in clause (iii), by striking "and" at the end;

(iii) in clause (iv), by inserting ", and benefits, such as food and housing security" after "unemployment insurance programs"; and

(iv) by adding at the end the following:

"(v) improve the ability of individuals to make informed decisions about career pathways and training services, employment opportunities and job quality, and workplace rights and responsibilities; and"; and

(B) in subparagraph (B), by inserting "and individuals" after "employers";

(5) in paragraph (6)—

(A) in subparagraph (B), by inserting ", including digital technology," after "technology";

(B) in subparagraph (C), by striking "and" at the end; and

(C) by adding at the end the following:

"(E) a description of how the one-stop delivery system, including one-stop operators and one-stop partners, will work with employers to support the

hiring of individuals with barriers to employment to ensure equitable service delivery and participant outcomes; and

"(F) a description of how one-stop centers are implementing and transitioning to an integrated, technology-enabled intake and case management information system for programs carried out under this Act and programs carried out by one-stop partners;";

(6) by striking paragraphs (7) and (8);

(7) by redesignating paragraphs (9) through (12) as paragraphs (7) through (10), respectively;

(8) in paragraph (7), as so redesignated, by striking "assessment of" and inserting "comprehensive local needs assessment, as described in section 129(a)(2) of";

(9) by striking paragraph (13);

(10) by redesignating paragraphs (14) through (20) as paragraphs (11) through (17), respectively;

(11) by inserting after paragraph (17), as so redesignated, the following:

"(18) that the local area will not prohibit self-attestation in a manner consistent with section 402A(e) of the Higher Education Act of 1965 (20 U.S.C. 1070a–11(e)) as a means for determining eligibility for a program or service under this Act of any individual who is so self-attesting; and";

(12) by striking paragraph (21); and

(13) by redesignating paragraph (22) as paragraph (19).

CHAPTER 3—PERFORMANCE ACCOUNTABILITY

SEC. 211. PERFORMANCE ACCOUNTABILITY SYSTEM.

Section 116 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3141) is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

(i) in subparagraph (A)—

(I) by amending clause (i) to read as follows:

"(i) IN GENERAL.—The State primary indicators of performance for activities provided under the adult and dislocated worker programs authorized under chapter 3 of subtitle B, the program of adult education and family literacy activities authorized under title II, the employment services program authorized under sections 1 through 13 of the Wagner-Peyser Act (29 U.S.C. 49 et seq.) (except that subclauses (V) and (VI) shall not apply to such program), and the program authorized under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.) (other than section 112 or part C of that title (29 U.S.C. 732, 741)), shall consist of—

"(I) the percentage of program participants who are in unsubsidized employment during the second quarter after exit from the program;

"(II) the percentage of program participants who are in unsubsidized employment during the fourth quarter after exit from the program;

"(III) the median earnings of program participants who are in unsubsidized employment during the second quarter after exit from the program;

"(IV) the median earnings of program participants who are in unsubsidized employment during the fourth quarter after exit from the program;

"(V) the percentage of program participants who obtain a recognized postsecondary credential, or a secondary school diploma or its recognized equivalent (subject to clause (iii)), during participation in or within 1 year after exit from the program; and

"(VI) the percentage of program participants who are in an education or training program that leads to a recognized postsecondary credential or employment, and who are achieving measurable skill gains toward such a credential or employment.";

(II) in clause (iii), by inserting before the period at the end the following: ", unless such participants are enrolled in services under title II"; and

(III) by striking clause (iv);

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

"(B) ADDITIONAL INDICATORS.—

"(i) STATE IDENTIFIED.—A State may identify in the State plan additional performance accountability indicators.

"(ii) SECRETARY IDENTIFIED.—The Secretary may identify additional indicators related to the quality of participants' unsubsidized employment after exit from a program, including factors such as availability of paid time off, health, and retirement benefits, workplace safety and non-discrimination standards, predictable and stable work schedule, stackable credentials, and advancement opportunities."; and

(B) in paragraph (3)(A)—

(i) by amending clause (iii) to read as follows:

"(iii) IDENTIFICATION IN STATE PLAN.—The Secretary of Labor in conjunction with the Secretary of Education shall—

"(I) propose expected levels of performance for each of the corresponding primary indicators of performance for each of the programs described in clause (ii) for each State for the first 2 program years covered by the State plan, and for the third and fourth program years covered by the State plan, which shall be consistent with the factors listed under clause (v); and

"(II) publish on a publicly accessible website—

"(aa) the statistical model developed under clause (viii), and the methodology used to develop each such proposed expected level of performance; and

"(bb) each such proposal.";

(ii) in clause (v)—

(I) in subclause (II)(bb)—

(aa) by striking "ex-offender status, and welfare dependency" and inserting "justice involvement, and receipt of public assistance"; and

(bb) by inserting before the semicolon at the end ", and other factors the Secretary determines relevant";

(II) by amending subclause (III) to read as follows:

"(III) take into account the extent to which the levels involved promote continuous improvement, which may reflect an increase in the level of performance accountability measures, a change in service strategy and delivery, or a change in the participants served by such State and ensure optimal return on the investment of Federal funds; and"; and

(iii) by amending clause (viii) to read as follows:

"(viii) STATISTICAL ADJUSTMENT MODEL.—The Secretary of Labor and the Secretary of Education, after consultation with the representatives described in paragraph (4)(B), shall—

"(I) develop and disseminate an objective statistical model that will be used to make the adjustments in the State adjusted levels of performance for actual economic conditions and characteristics of participants under clauses (v) and (vii); and

"(II) publicly disclose the factors included in the statistical adjustment model in a report describing the model used to determine the adjusted levels of performance.";

(2) in subsection (d)—

(A) in paragraph (2)—

(i) in subparagraph (F), by inserting ", supportive," after "career";

(ii) in subparagraph (H), by inserting "and percentage" after "number"; and

(iii) by redesignating subparagraph (L) as subparagraph (M); and

(iv) by inserting after subparagraph (K) the following:

"(L) information on earnings of participants 4 quarters prior to receiving career and training services and, to the extent data is available, in years 2 and 3 after exit from career and training services;";

(B) in paragraph (6)—

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

"(A) STATE PERFORMANCE REPORTS.—The Secretary of Labor and the Secretary of Education shall annually make available the performance reports for States containing the information described in paragraph (2), which shall include making such reports available—

"(i) digitally using transparent, linked, open, and interoperable data formats that are human readable and machine actionable such that the data from these reports can be easily included in web-based tools and services supporting search, discovery, comparison, analysis, navigation, and guidance;

"(ii) electronically in easily understandable formats; and
"(iii) in paper-based formats, as necessary.";
(ii) by amending subparagraph (B) to read as follows:
"(B) LOCAL AREA AND ELIGIBLE TRAINING PROVIDER PERFORMANCE REPORTS.—The State shall, on an annual basis, make available the performance reports for the local areas containing the information described in paragraph (3) and the performance reports for eligible providers of training services containing the information described in paragraph (4), which shall include making such reports available in each of the formats described in clauses (i) through (iii) of subparagraph (A).''; and
(iii) in subparagraph (D), by striking "the Workforce" and inserting "Labor";
(3) by redesignating subsections (f), (g), (h), and (i) as subsections (g), (h), (i), and (j), respectively;
(4) by inserting the following after subsection (e):
"(f) STATE EQUITY REPORTS.—
"(1) IN GENERAL.—Using funds authorized under a core program and made available to carry out this section, the State, in coordination with local boards in the State and the State agencies responsible for the administration of the core programs, shall annually prepare and submit to the Secretary a report on the progress of the State in achieving equitable outcomes in the State levels of performance relating to indicators described in subsection (b)(2)(A) for a program for any program year, which shall—
"(A) identify and quantify any disparities or gaps in performance on such levels of performance for each such indicator between—
"(i) individuals with barriers to employment; and
"(ii) individuals without such barriers to employment; and
"(B) include a quantifiable description of the progress that individuals with barriers to employment have made in meeting such levels of performance.
"(2) INFORMATION DISAGGREGATION.—The information provided in subparagraphs (A) and (B) of paragraph (1) shall be disaggregated—
"(A) by industry sector; and
"(B) by each subpopulation of individuals with barriers to employment (as defined in section 3).
"(3) INFORMATION DISSEMINATION.—The Secretary shall make the information contained in such reports available to the general public in a manner consistent with the requirements described in subsection (d)(6)(A).".

Subtitle B—Workforce Investment Activities and Providers

CHAPTER 1—WORKFORCE INVESTMENT ACTIVITIES AND PROVIDERS

SEC. 221. ESTABLISHMENT OF ONE-STOP DELIVERY SYSTEMS.

(a) ONE-STOP PARTNERS.—Section 121(b) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3151(b)) is amended—
(1) in paragraph (1)—
(A) in subparagraph (A)(ii), by striking ", including payment of the infrastructure costs of one-stop centers in accordance with subsection (h)" and inserting "(other than payment of the physical and virtual infrastructure costs of one-stop centers in accordance with subsection (h), except as provided under subsection (c)(2)(A)(ii)(II) in the memorandum of understanding)";
(B) in subparagraph (B)—
(i) by inserting "and" at the end of clause (xi);
(ii) by striking clause (xii); and
(iii) by redesignating clause (xiii) as clause (xii); and
(C) in subparagraph (C)(ii)(II), by striking "and the Secretary of Health and Human Services" and inserting ", the Secretary of Education, and the Secretary of Health and Human Services"; and
(2) in paragraph (2)(B)—
(A) by redesignating clause (vii) as clause (viii);
(B) in clause (vi), by striking "and" after the semicolon; and
(C) by inserting after clause (vi) the following:
"(vii) employment and training programs carried out by the Economic Development Administration; and".

(b) MEMORANDUM OF UNDERSTANDING.—Section 121(c)(2)(A) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3151(c)(2)(A)) is amended—

(1) in clause (ii)—

(A) in subclause (I) by striking "and" after the semicolon;

(B) by amending subclause (II) to read as follows:

"(II) funding of physical and virtual infrastructure costs of one-stop centers in accordance with subsection (h)(3), if funding received by the local area under subsection (h)(2) is insufficient to cover such costs;"; and

(2) by amending clause (iv) to read as follows:

"(iv) methods to provide appropriate access of services (including access to technology and materials) to workers, youth, and individuals with barriers to employment through the one-stop delivery system to address the needs of such workers and youth, and to increase access, particularly in underserved and rural communities; and".

(c) ONE-STOP OPERATORS.—Section 121(d) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3151(d)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking "process; and" and inserting "process, except as authorized by paragraph (4); and"; and

(B) in subparagraph (B)—

(i) by amending clause (i) to read as follows:

"(i) a secondary school, an area career and technical education school, or an institution of higher education;";

(ii) in clause (v), by striking "and" after the semicolon;

(iii) by redesignating clause (vi) as clause (vii);

(iv) by inserting after clause (v) the following:

"(vi) a public library; and"; and

(v) in clause (vii), as so redesignated, by inserting "or joint labor-management" after "a labor";

(2) by redesignating paragraphs (3) and (4) as paragraphs (5) and (6);

(3) by inserting after paragraph (2) the following:

"(3) RESPONSIBILITIES.—The responsibilities of the one-stop operator—

"(A) shall include managing the physical and virtual infrastructure and operations of the one-stop system in the local area, and facilitating coordination among the partners in the one-stop system; and

"(B) may include the provision of direct services to job seekers and employers.

"(4) LOCAL BOARD AS ONE-STOP OPERATOR.—Subject to approval from the Governor and in accordance with any other eligibility criteria established by the State, a local board may serve as a one-stop operator consistent with the requirements of this subsection."; and

(4) in paragraph (5), as so redesignated, by striking "and secondary schools".

(d) ESTABLISHMENT OF ONE-STOP DELIVERY SYSTEM.—Section 121(e)(2) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3151(e)(2)) is amended—

(1) in subparagraph (A)—

(A) by inserting "in person or virtually" after "accessible"; and

(B) by inserting "and virtually in a manner that improves efficiency, coordination, and quality in the delivery of one-stop partner services" after "State";

(2) in subparagraph (B)—

(A) in clause (i), by inserting "(such as a community college campus, a secondary school, an area career and technical education school, or a public library) and through community-based organizations" after "affiliated sites"; and

(B) in clause (ii)(II) by adding "and" after the semicolon;

(3) in subparagraph (C)—

(A) by inserting "virtual or physical" after "may have"; and

(B) by striking "; and" and inserting a period; and

(4) by striking subparagraph (D).

(e) CERTIFICATION AND CONTINUOUS IMPROVEMENT OF ONE-STOP CENTERS.—Section 121(g)(2)(A) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3151(g)(2)(A)) is amended by striking "subsections (h)(1)" and inserting "subsections (h)(3)".

(f) FUNDING OF ONE-STOP INFRASTRUCTURE.—Section 121(h) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3151(h)) is amended to read as follows:

"(h) FUNDING OF ONE-STOP INFRASTRUCTURE.—

"(1) IN GENERAL.—For any program year, not more than 10 percent of the funds allotted under sections 127, 132, and 211, and section 6 of the Wagner-

Peyser Act (29 U.S.C. 49e) shall be used to fund the costs of infrastructure of one-stop centers in local areas.

"(2) ALLOCATION BY GOVERNOR.—

"(A) IN GENERAL.—From the funds provided under paragraph (1), the Governor shall allocate the funds to local areas in accordance with the formula established under subparagraph (B) for the purposes of paying the costs of infrastructure of one-stop centers.

"(B) ALLOCATION FORMULA.—The State board shall develop a formula to be used by the Governor to allocate the funds provided under paragraph (1) to local areas. The formula shall be based on factors including the number of one-stop centers in a local area, the intensity of services provided by such centers, the population served by such centers, the services provided by such centers, and other factors relating to the performance of such centers that the State board determines are appropriate.

"(C) COSTS OF INFRASTRUCTURE.—In this subsection, the term "costs of infrastructure", used with respect to a one-stop center, means the nonpersonnel costs that are necessary for the general operation of the one-stop center (whether for in-person or virtual service delivery), including the rental costs of the facilities, the costs of utilities and maintenance, equipment (including assessment-related products and assistive technology for individuals with disabilities), and technology to facilitate access to the one-stop center, including the center's planning and outreach activities.

"(3) ADDITIONAL FUNDING.—

"(A) IN GENERAL.—In the case of a local area for which funds allocated under paragraph (2) are insufficient to cover the total costs of infrastructure of one-stop centers in such local area, the local board, chief elected officials, and one-stop partners described in subsection (b)(1) in such local area may fund such costs through methods agreed on by the local board, chief elected officials, and one-stop partners (and described in the memorandum of understanding described in subsection (c)).

"(B) GUIDANCE FOR INFRASTRUCTURE FUNDING.—The Governor, after consultation with chief elected officials, local boards, and the State board, and consistent with the guidance and policies provided by the State board under subparagraphs (B) and (C)(i) of section 101(d)(7), shall provide, for the use of local areas under subparagraph (A)—

"(i) guidelines for State-administered one-stop partner programs, for determining such programs' contributions to a one-stop delivery system, based on such programs' proportionate use of such system consistent with chapter II of title 2, Code of Federal Regulations (or any corresponding similar regulation or ruling), including determining funding for the costs of infrastructure, which contributions shall be negotiated pursuant to the memorandum of understanding under subsection (c); and

"(ii) guidance to assist local boards, chief elected officials, and one-stop partners in local areas in determining equitable and stable methods of funding the costs of infrastructure of one-stop centers in such areas.".

(g) OTHER FUNDS.—Section 121(i)(2) (29 U.S.C. 3151(i)(2)) is amended by striking "basic skills" and inserting "foundational skill needs".

SEC. 222. IDENTIFICATION OF ELIGIBLE PROVIDERS OF TRAINING SERVICES.

(a) ELIGIBILITY.—Section 122(a) (29 U.S.C. 3152(a)) is amended by adding at the end the following:

"(4) CONSUMER CHOICE.—In establishing criteria, information requirements, and procedures under this subsection, the Governor shall not limit the provision of consumer choice under section 134(c)(3)(F).".

(b) CRITERIA AND INFORMATION REQUIREMENTS.—Section 122(b) (29 U.S.C. 3152(b)) is amended—

(1) in paragraph (1)—

(A) by amending the matter preceding subparagraph (A) to read as follows: "The criteria established pursuant to subsection (a) shall include criteria on each of the following:"; and

(B) in subparagraph (A)(i), striking "performance accountability measures" and inserting "levels of performance achieved on the indicators described in section 116";

(C) in subparagraph (B)—

(i) by striking "The need to ensure" and inserting "Ensuring"; and

(ii) by inserting "and online learning platforms" after "technology";

(D) by amending subparagraph (D) to read as follows:

"(D)(i) With respect to each training program of each such provider—

"(I) the degree to which the training program—

"(aa) relates to in-demand industry sectors and occupations in the State or local areas within the State, based on analysis of labor market data and direct engagement with local employers; and

"(bb) satisfies any applicable educational requirements for professional licensure or certification, including licensure or certification examinations needed to practice or find employment in the sectors or occupations for which the program prepares the individual in the State; and

"(II) the expected—

"(aa) recognized postsecondary credentials earned as part of such program;

"(bb) employment opportunities upon program completion;

"(cc) median earnings of individuals during the fourth quarter after exit from the program, as compared to median earnings of occupations for which the program prepares the individual in the State and local area;

"(dd) program cost of such program;

"(ee) competencies taught as part of such program that align to expected job opportunities;

"(ff) time to completion of such program; and

"(gg) alignment of such program to career pathways; and

"(ii)(I) Subject to subclauses (II) and (III), the information described in clause (i) shall be validated in accordance with guidance issued by the Secretary with respect to each training program of each such provider, which may include validation, by at least one of the following entities:

"(aa) 3 or more employers.

"(bb) An industry association.

"(cc) A labor organization or joint labor-management organization, or an industry or sector partnership.

"(II) The requirements of subclause (I) shall not apply to any program that is—

"(aa) offered by a public institution of higher education; or

"(bb) accredited by a programmatic accrediting agency (as defined in section 602.3 of title 34, Code of Federal Regulations (or successor regulations)).

"(III) An entity listed in item (aa), (bb), or (cc) of subclause (I) that is providing validation under this clause with respect to a training program may not be the provider of such training program.";

(E) by striking subparagraphs (E), (F), (G), and (H);

(F) by redesignating subparagraphs (I) and (J) as subparagraphs (E) and (F), respectively; and

(G) in subparagraph (F), as so redesignated—

(i) by amending clause (i) to read as follows:

"(i) the accountability of the providers, including in the case of a training program that is offered by an institution of higher education, that such institution has not been subject, during the 5 years preceding the date of the determination of whether such a provider meets such criteria, to—

"(I) any suspension, emergency action, or termination of programs under title IV of the Higher Education Act of 1965;

"(II) any adverse action by the accrediting agency or association of the institution of higher education; or

"(III) any action by the State to revoke a license or other authority to operate;"; and

(ii) in clause (ii), by striking "one-stop centers" and inserting "local boards";

(2) in paragraph (2)—

(A) by striking "The information" and inserting the following:

"(A) PROVIDERS OF TRAINING SERVICES.—The information"

(B) by redesignating subparagraphs (A) through (E) as clauses (i) through (v), respectively: and

(C) by adding at the end the following:

"(B) STATES.—The State shall make available on a publicly accessible website and in a manner that does not reveal personally identifiable information—

"(i) the criteria, information requirements, and procedures regarding the eligibility of providers of training services established pursuant to subsection (a); and

"(ii) the appropriate, accurate, and timely information each provider of training services submits to the State in accordance with subparagraph (A) of this paragraph.";

(3) in paragraph (4)—

(A) in subparagraph (B)—

(i) by striking "section 122 of the Workforce Investment Act of 1998, as in effect on the day before the date of enactment of this Act" and inserting "section 122, as in effect on the date before the date of enactment of the Workforce Innovation and Opportunity Act of 2022"; and

(ii) by inserting at the end the following: "A Governor shall make an eligibility determination under this paragraph with respect to a provider not later than 60 days after receipt of an application for such a determination from such provider.";

(B) in subparagraph (C) by inserting ", including to the extent practicable for the 2-year period preceding the date of the provider's application under this paragraph" after "subtitle"; and

(C) in subparagraph (D)—

(i) in clause (i), by striking "a factor" and inserting "the levels of performance achieved";

(ii) in clause (iii), by striking "and" at the end;

(iii) in clause (iv), by striking the period at the end and inserting "; and"; and

(iv) by adding at the end the following:

"(v) a factor related to serving individuals with barriers to employment.".

(c) PROCEDURES.—Section 122(c)(2) (29 U.S.C. 3152(c)(2)), by striking "biennial" and inserting "annual".

(d) LIST AND INFORMATION TO ASSIST PARTICIPANTS IN CHOOSING PROVIDERS.—Section 122(d)(3) (29 U.S.C. 3152(d)(3)), by inserting "on a publicly accessible website that is consumer-tested and is searchable and comparable, through the use of common, linked, open-data description language" after "individual participant".

(e) ENFORCEMENT.—Section 122(f)(1) (29 U.S.C. 3152(f)(1)) is amended to read as follows:

"(1) IN GENERAL.—The procedures established under this section shall provide the following:

"(A) FAILURE TO MEET PROGRAM REQUIREMENTS.—In addition to the violations described in subparagraph (B), any provider of training services eligible to receive funds under chapter 3—

"(i) shall have such eligibility terminated for a period of 1 year upon a determination by an individual or entity specified in the procedures, that such provider—

"(I) in a case in which the provider receives initial eligibility under subsection (b)(4), failed to report information as required under subsection (b)(4)(C);

"(II) failed to inform the State board or local board that the training program of such provider has changed, and as a result of such change the information with respect to such training program under subsection (b)(1) used by the Governor to determine the provider's eligibility to receive such funds no longer accurately describes such training program; or

"(III) failed to meet the expected performance as described in subsection (b)(4)(D); or

"(ii) may have such eligibility terminated as a result of offering a program for a period of less than 2 years—

"(I) that is no longer aligned to in-demand industry sectors or occupations; or

"(II) that results in employment with wages below the median earnings for the occupation in the State or local area due to the insufficient quality of training provided under the program.

"(B) SUBSTANTIAL VIOLATIONS.—Upon a determination, by an individual or entity specified in the procedures, that a provider of training services substantially violated any requirement under this title, or that an individual providing information on behalf of the provider intentionally supplied inaccurate information under this section, the eligibility of such provider to receive funds under chapter 3 for the program involved shall be terminated for a period of not less than 2 years.

"(C) REPAYMENT.—A provider of training services whose eligibility is terminated under subparagraph (A) or (B) of this paragraph shall be liable for the repayment of funds received under chapter 3 during a period of violation described in such subparagraph.".

(f) TRANSITION PERIOD.—Section 122(i) ((29 U.S.C. 3152(i)) is amended to read as follows:

"(i) TRANSITION PERIOD FOR IMPLEMENTATION.—The Governor and local boards shall implement the requirements of this section, as amended by the Workforce Innovation and Opportunity Act of 2022, not later than 12 months after the date of enactment of such Act, except that the criteria established under items (ff) and (gg) of subsection (b)(1)(D)(i)(II) may not be used until the date that is 3 years after the date of enactment of such Act.".

CHAPTER 2—YOUTH WORKFORCE INVESTMENT ACTIVITIES

SEC. 231. STATE ALLOTMENTS.

Section 127 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3162) is amended—

(1) by amending subsection (a)(1) to read as follows:

"(1) reserve 1½ percent of funds appropriated under section 136(a), for each fiscal year for which funds are appropriated under such section, to provide youth workforce investment activities under section 167 (relating to migrant and seasonal farmworkers); and"; and

(2) in subsection (b)(1)—

(A) in subparagraph (A), by striking "not more than 1½" and inserting "2"; and

(B) in subparagraph (B)(i), by striking "¼ of".

SEC. 232. WITHIN STATE ALLOCATIONS.

Section 128(b) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3163(b)) is amended by adding at the end the following:

"(5) TRANSFER AUTHORITY.—A local board may transfer, if such a transfer is approved by the Governor, up to and including 100 percent of the funds allocated to the local area under section 130(a)(2), and up to and including 100 percent of the funds allocated to the local area under this subsection for a fiscal year between—

"(A) activities under section 129(c); and

"(B) activities under section 130.".

SEC. 233. USE OF FUNDS FOR YOUTH WORKFORCE INVESTMENT ACTIVITIES.

(a) COMPREHENSIVE LOCAL NEEDS ASSESSMENT.—Section 129(a) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3164(a)) is amended to read as follows:

"(a) COMPREHENSIVE LOCAL NEEDS ASSESSMENT.—

"(1) IN GENERAL.—In order to determine which subpopulation of eligible youth a local area can best serve, a local board shall ensure that the comprehensive needs assessment related to youth workforce investment activities under section 108(b)(9) of the local plan shall meet the requirements of this subsection, and shall be updated at least once every 4 years.

"(2) REQUIREMENTS.—A comprehensive local needs assessment described in paragraph (1) with respect to a local area shall include each of the following:

"(A) An evaluation of the performance of the eligible youth served by the local area with respect to State determined and local levels of performance established pursuant to section 116.

"(B) A description of how youth workforce investment activities offered by the local area are—

"(i) sufficient in size, scope, and quality to meet the needs of eligible youth in the local area;

"(ii) aligned to State, regional, Tribal, or local in-demand industry sectors or occupations (including career pathways), identified by the State board or local board; and

"(iii) developed in partnership with eligible youth in the local area and aligned with their needs, including program elements and offerings.

"(C) An identification of successful models of youth workforce investment activities.

"(D) A description of the progress during the most recent 2 program years covered by the local plan of the local area toward implementation of equal access to high-quality youth workforce investment activities, including—

"(i) strategies to provide eligible youth access to paid work experience opportunities and career pathways;

"(ii) strategies to overcome barriers that result in lower rates of access to, or performance gaps in, youth workforce investment activities for eligible youth;

"(iii) providing programs and activities that are designed to enable eligible youth to attain a secondary school diploma or its equivalent, or recognized postsecondary credentials;

"(iv) providing programs and activities to prepare eligible youth for high-skill, high-wage, or in-demand industry sectors or occupations that will lead to self-sufficiency; and

"(v) strategies to identify the local area needs of the subpopulations of eligible youth described in section 128(b)(4)(A)(i).

"(3) CONSULTATION.—In conducting the comprehensive needs assessment under paragraph (1)(A), the local area shall involve a diverse body of stakeholders, including, at a minimum—

"(A) representatives of local educational agencies, including representatives of career and technical education programs;

"(B) eligible providers of training services, including eligible providers of apprenticeship programs and pre-apprenticeship programs, and providers of internships, paid or unpaid work experience opportunities, or transitional jobs;

"(C) representatives of business and industry (including representatives of small business), which shall include representatives of industry and sector partnerships in the State;

"(D) interested community representatives, including community-based organizations;

"(E) representatives of eligible youth, including representatives of regional or local agencies serving eligible youth;

"(F) representatives of Indian Tribes and Tribal organizations in the State, where applicable; and

"(G) any other stakeholders that the State may require the local area to consult.

"(4) CONTINUED CONSULTATION.—Each local area receiving financial assistance under this chapter shall consult with stakeholders described in paragraph (3) on an ongoing basis, as determined by the Governor. This may include consultation in order to—

"(A) provide input on quadrennial updates to the comprehensive needs assessment required under paragraph (1)(A);

"(B) ensure youth workforce investment activities—

"(i) are responsive to local area employment needs;

"(ii) are responsive to local area youth's career interests and goals;

"(iii) are aligned with employment priorities in the State, regional, tribal, or local economy identified by employers and the entities described in paragraph (3), which may include high-skill, high-wage, or in-demand industry sectors or occupations identified by the local board;

"(iv) are informed by labor market information, including information provided under section 15(e)(2)(C) of the Wagner-Peyser Act (29 U.S.C. 491–2(e)(2)(C));

"(v) are designed to meet current, intermediate, or long-term labor market projections; and

"(vi) allow employer input, including input from industry or sector partnerships in the local area, where applicable, into the development and implementation of youth workforce investment activities to ensure such activities align with skills and competencies required by local employment opportunities, including activities such as the identification of relevant skills, competencies, recognized postsecondary credentials, and current technology and equipment;

"(C) identify and encourage opportunities for work-based learning; and

"(D) ensure funding under this part is used in a coordinated manner with other local resources.".

(b) STATEWIDE ACTIVITIES.—Section 129(b) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3164(b)) is amended—

(1) by amending paragraph (1)(B) to read as follows:

"(B) disseminating the list of eligible providers of youth workforce investment activities, as determined under section 123, including in transparent, linked, open, and interoperable data formats;"; and

(2) in paragraph (2)—

(A) in subparagraph (C), by striking "described in section 134(c)(2)" and inserting ", including individualized career services,";

(B) in subparagraph (D)(v), by striking "and" at the end;

(C) in subparagraph (E), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(F) establishing, supporting, and expanding work-based learning opportunities, including transitional jobs, that are aligned with career pathways.".

(c) LOCAL ELEMENTS AND REQUIREMENTS.—

(1) PROGRAM DESIGN.—Section 129(c)(1) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3164(c)(1)) is amended—

(A) in subparagraph (C)—

(i) in clause (iv), by striking "in appropriate cases" and inserting "including paid work-based learning opportunities"; and

(ii) in clause (v), by inserting "high-skill, high-wage, or" before "in-demand"; and

(B) in subparagraph (D), by striking "10 percent" and inserting "15 percent".

(2) PROGRAM ELEMENTS.—Section 129(c)(2) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3164(c)(2) is amended to read as follows:

"(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, local areas shall ensure that each of following elements are provided under the programs described in paragraph (1), as appropriate, to meet the needs of eligible youth in the local area:

"(A) Tutoring, study skills training, instruction, and 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) Work-based learning experiences, which—

"(i) may include summer and year-round employment opportunities that meet the requirements of section 130; and

"(ii) may include, to the extent practicable—

"(I) pre-apprenticeship or apprenticeship programs;

"(II) internships and job shadowing; and

"(III) 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 high-skill, high-wage, or 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 123.

"(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) Follow-up services for the longer of 36 months or the completion of any postsecondary education or training to which participants are referred after completion of such program.

"(J) Comprehensive guidance and counseling, including trauma-informed approaches.

"(K) Financial literacy education.

"(L) Entrepreneurial skills training.

"(M) Services that provide labor market and employment information about high-skill, high-wage, or in-demand industry sectors or occupations available in the local area, such as career awareness, career counseling, and career exploration services, which may include providing such services to elementary and secondary schools (as defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)).

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

"(O) Digital skills training, including access to training that supports basic digital literacy.".

(3) CONSISTENCY WITH COMPULSORY SCHOOL ATTENDANCE LAWS.—Section 129(c)(4) (29 U.S.C. 3164(c)(4)) is amended to read as follows:

"(4) 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 assistance shall be for the individual to attend school regularly.".

SEC. 234. SUMMER AND YEAR-ROUND EMPLOYMENT FOR YOUTH.

Chapter 2 of subtitle B of title I of the Workforce Innovation and Opportunity Act (29 U.S.C. 3111 et seq.), as amended by the preceding sections, is further amended by adding at the end the following:

"SEC. 130. SUMMER AND YEAR-ROUND EMPLOYMENT FOR YOUTH.

"(a) FUNDING.—

"(1) STATE ALLOTMENT.—From the amount appropriated under section 136(b) for a fiscal year, the Secretary shall allot funds to each State on the basis of the relative allotment the State received under section 127(b) for such fiscal year, compared to the total amount allotted to all States under section 127(b) for such fiscal year.

"(2) LOCAL AREA ALLOCATION.—A State shall use the funds allotted under paragraph (1) for a fiscal year to allocate funds to each local area of the State on the basis of the relative allocation the local area received under section 128(b) for such fiscal year, compared to the total amount allocated to all local areas in the State under section 128(b) for such fiscal year.

"(b) ACTIVITIES.—The local board of a local area covered by the local plan submitted under section 108—

"(1) shall use the funds received under this section to—

"(A) plan, develop, and carry out a summer employment program or a year-round employment program described in subsection (c);

"(B) increase the number of summer or year-round employment opportunities offered through such program, including unsubsidized or partly subsidized opportunities, and opportunities in the private sector;

"(C) engage or establish industry or sector partnerships to determine local employment needs to inform the establishment of such a program; and

"(D) conduct outreach to eligible youth and employers; and

"(2) may—

"(A) use the funds received under this section to develop technology infrastructure, including data and management systems, to support such a program;

"(B) use such funds to enhance the program elements required under subsection (c)(1); and

"(C) use not more than 25 percent of such funds to subsidize not more than 65 percent of the wages of each eligible youth participating in such a program.

"(c) SUMMER AND YEAR-ROUND EMPLOYMENT PROGRAM REQUIREMENTS.—

"(1) PROGRAM ELEMENTS.—A summer employment program or a year-round employment program described in this subsection shall include the following program elements:

"(A) Work-readiness training (including soft skills) and educational programs aligned to career pathways for eligible youth to enhance their year-round employment opportunities, including digital literacy and online work-readiness opportunities, as appropriate, and support obtaining documentation needed for employment, such as identification or licenses.

"(B) Coaching and mentoring services for eligible youth participating in the program to enhance their summer or year-round employment opportunities and encourage completion of such opportunities through the program.

"(C) Coaching and mentoring services for employers on how to successfully employ each eligible youth participating in the program in meaningful work, including providing a safe work and training environment for all participants, regardless of race, color, disability, age, religion, national origin, sexual orientation, or gender identity.

"(D) Career exploration, career counseling, career planning, and college planning services for eligible youth participating in the program.

"(E) High-quality financial literacy education as described in section 129(b)(2)(D), for eligible youth participating in the program, including education on the use of credit and financing higher education, and access to safe and affordable banking.

"(F) Providing supportive services to eligible youth, or connecting such youth to supportive services provided by another entity, to enable participa-

tion in the program, which may include food and nutrition services, and health and mental health care supports.

"(G) Follow-up services for not less than 12 months after the completion of participation, as appropriate.

"(H) Integration of services provided by the program with youth development programs, secondary school programs, career and technical education programs, youth workforce investment activities under this chapter, and skills training programs funded by the State or Federal Government, as applicable.

"(I) Connecting youth participating in the program to providers of youth services, adult employment and training services, vocational rehabilitation services, adult education and family literacy services under title II, career pathways, postsecondary education, or skills training programs funded by the State or Federal Government, as applicable.

"(J) Commitment and support from mayors or county executives to support the execution of the program.

"(2) PROGRAM DESIGN.—

"(A) SUMMER EMPLOYMENT PROGRAM.—In addition to the program elements described in paragraph (1), a summer employment program described in this subsection shall be a program that matches eligible youth participating in such program with an appropriate employer (based on factors including the needs of the employer and the age, skill, and aspirations of the eligible youth) for high-quality summer employment, which—

"(i) may not be less than 4 weeks; and

"(ii) may not pay less than the greater of the applicable Federal, State, or local minimum wage.

"(B) YEAR-ROUND EMPLOYMENT PROGRAM.—In addition to the program elements described in paragraph (1), a year-round employment program described in this subsection shall be a program that matches each eligible youth participating in the program with an appropriate employer, based on factors (including the needs of the employer and the age, skill, and informed aspirations of the participant) for high-quality, year-round employment, which—

"(i) may not be less than 180 days and more than 1 year;

"(ii) may not pay less than the greater of the applicable Federal, State, or local minimum wage; and

"(iii) may not employ the eligible youth for less than 20 hours per week.

"(3) PRIORITY.—In carrying out a summer employment program or a year-round employment program receiving assistance under this section, a local area shall give priority to year-round employment opportunities offered under such program—

"(A) in existing or emerging high-skill, high-wage, or in-demand industry sectors or occupations; or

"(B) that meet community needs in the public, private, or nonprofit sector.

"(d) PERFORMANCE ACCOUNTABILITY.—For each local board carrying out a summer or year-round employment program receiving assistance under this section, the primary indicators of performance, with respect to each such program, shall include—

"(1) the performance metrics described in clause (i)(VI), and subparagraphs (I) and (II) of clause (ii), of section 116(b)(2)(A);

"(2) the percentage of eligible youth completing the summer or year-round program, as applicable; and

"(3) the percentage of youth having participated in work-based learning.

"(e) REPORTS.—

"(1) IN GENERAL.—In addition to information required as part of the State performance report described in section 116(d)(2), each State shall include for each summer and year round employment program receiving assistance under this section—

"(A) the number of eligible youth participating in the program who complete a summer employment opportunity or a year-round employment opportunity through the program;

"(B) the average cost per participant to develop or expand such program, and the activities and services, and supportive services provided under such program;

"(C) the number of eligible youth participating in such program and accessing services as described in subparagraph (B);

"(D) the number of youth participants receiving a subsidized wage, and the total amount and source of each such subsidy, including the average amount of the subsidy covered by funds received under this section;

"(E) the average number of hours and weeks worked and the average amount of wages earned by eligible youth participating in the program;

"(F) the average number of hours spent on—

"(i) recruitment and retention strategies; and

"(ii) support for participating youth, such as time management, career planning, and financial literacy training;

"(G) the percent of eligible youth participating in the program that are placed in—

"(i) an employment opportunity in the nonprofit sector;

"(ii) an employment opportunity in the public sector; and

"(iii) an employment opportunity in the for-profit sector; and

"(H) any other information that the Secretary of Labor determines necessary to monitor the effectiveness of the summer or year-round employment program.

"(2) DISAGGREGATION.—The information required to be reported under subparagraphs (A), (B), and (G) of paragraphs (1) shall be disaggregated by race, ethnicity, sex, age, and the subpopulations of eligible youth (as defined in section 3).".

CHAPTER 3—ADULT AND DISLOCATED WORKER EMPLOYMENT AND TRAINING ACTIVITIES

SEC. 241. WITHIN STATE ALLOCATIONS.

Section 133(b)(2) (29 U.S.C. 3173(b)(2)) is amended—

(1) in subparagraph (A)(iii), by striking "The term, used with respect to fiscal year 2013 or 2014, means a percentage of the amount allocated to local areas under paragraphs (2)(A) and (3) of section 133(b) of the Workforce Investment Act of 1998 (as in effect on the day before the date of enactment of this Act), received through an allocation made under paragraph (2)(A) or (3) of that section for fiscal year 2013 or 2014, respectively."; and

(2) in subparagraph (B)(iv), by striking "The term, used with respect to fiscal year 2014, means a percentage of the amount allocated to local areas under section 133(b)(2)(B) of the Workforce Investment Act of 1998 (as in effect on the day before the date of enactment of this Act), received through an allocation made under that section for fiscal year 2014.".

SEC. 242. USE OF FUNDS FOR EMPLOYMENT AND TRAINING ACTIVITIES.

(a) REQUIRED STATEWIDE EMPLOYMENT AND TRAINING ACTIVITIES.—

(1) STATEWIDE RAPID RESPONSE ACTIVITIES.—Section 134(a)(2)(A)(ii) (29 U.S.C. 3174(a)(2)(A)(ii)) is amended by striking ", and section 133(a)(2) of the Workforce Investment Act of 1998 (as in effect on the day before the date of enactment of this Act)".

(2) STATEWIDE EMPLOYMENT AND TRAINING ACTIVITIES.—Section 134(a)(2)(B)(i) (29 U.S.C. 3174(a)(2)(B)) is amended by striking subclauses (III) and (IV) and inserting the following:

"(III) local areas by providing information on and support for the effective development, convening, and implementation of industry or sector partnerships described in subsection (c)(5);

"(IV) local areas for carrying out career pathway development efforts, which may include alignment and coordination efforts with career and technical education programs of study; and

"(V) local areas, one-stop operators, one-stop partners, and eligible providers, including for—

"(aa) the continuous development and training of staff on strategies for preparing individuals with barriers to employment to enter in-demand industry sectors or occupations and nontraditional occupations;

"(bb) the development of exemplary program activities; and

"(cc) the provision of technical assistance to local areas that fail to meet local performance accountability measures described in section 116(c);".

(b) ALLOWABLE STATEWIDE EMPLOYMENT AND TRAINING ACTIVITIES.—Section 134(a)(3)(A) (29 U.S.C. 3174(a)(3)(A)) is amended—

(1) in clause (ii), by inserting "or bringing evidenced-based programs to scale" after "strategies";

(2) by amending clause (iii) to read as follows:

"(iii) the development or identification of, and sharing of information (in transparent, linked, open, and interoperable data formats) about, education and training programs that—

"(I) respond to real-time labor market analysis;

"(II) utilize direct assessment and prior learning assessment to measure and provide credit for prior knowledge, skills, competencies, and experiences;

"(III) evaluate such skills and competencies for adaptability, ensure credits are portable and stackable for more skilled employment; and

"(IV) accelerate course or credential completion, and facilitate the sharing of information about such programs in transparent, linked, open, and interoperable data formats;";

(3) by amending clause (v) to read as follows:

"(v) supporting the development of alternative programs and other activities that enhance the choices available to older individuals (including options for self-employment and other wage-earning activities that lead to economic self-sufficiency), and enhance skills (such as digital literacy) in older individuals;";

(4) in clause (viii)(II)—

(A) by amending item (dd) to read as follows:

"(dd) adult education, literacy, and digital literacy activities, including those provided by public libraries;";

(B) in item (ee), by striking "ex-offenders" and inserting "justice-involved individuals";

(C) by striking "and" at the end of item (ff); and

(D) by adding at the end the following:

"(gg) programs under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) that support employment and economic security; and

"(hh) State domestic violence coalitions (as defined in section 302 of the Family Violence Prevention and Services Act (42 U.S.C. 10402)) and tribal coalitions (as defined in section 40002(a) of the Violence Against Women Act of 1994 (34 U.S.C. 12291(a))).".

(c) REQUIRED LOCAL EMPLOYMENT AND TRAINING ACTIVITIES.—

(1) IN GENERAL.—Section 134(c)(1)(A) (29 U.S.C. 3174(c)(1)(A)) is amended by striking clauses (iv) and (v) and inserting the following:

"(iv) to provide supportive services described in paragraph (4) to adults and dislocated workers, respectively, through the one-stop delivery system in accordance with such paragraph;

"(v) to establish and develop relationships and networks with large and small employers and their intermediaries; and

"(vi) to develop, convene, or implement industry or sector partnerships described in paragraph (5).".

(2) CAREER SERVICES.—

(A) SERVICES PROVIDED.—Section 134(c)(2)(A) (29 U.S.C. 3174(c)(2)(A)) is amended—

(i) by amending clause (iii) to read as follows:

"(iii) initial assessment of skill levels (including literacy, digital literacy, numeracy, and English language proficiency), competencies, abilities, current applicable foreign academic and professional credentials, guidance and services on transferring high-skilled foreign certifications, and supportive service needs, which may include diagnostic testing and use of other assessment tools;";

(ii) by amending clause (vi) to read as follows:

"(vi) provision of workforce and labor market employment statistics information and related skills development information, including the provision of accurate information relating to local, regional, and national labor market areas, including—

"(I) job vacancy listings in such labor market areas;

"(II) information on job skills and credentials necessary to obtain the jobs described in subclause (I); and

"(III) information on education and skills development programs that are available for attaining needed skills and credentials for the jobs described in subclause (I), including information—

"(aa) on the pathways to such skills and credentials (including information on career pathway programs in the local area);

"(bb) on the quality of such education and training programs, consistent with the performance information provided under clause (vii); and

"(cc) on the comparability of current foreign academic and professional certifications to needed skills and credentials; and

"(IV) information relating to local occupations in demand and the earnings, skill requirements, and opportunities for advancement for such occupations;";

(iii) by amending clause (xi) to read as follows:

"(xi) assistance in identifying and establishing eligibility for programs of financial aid assistance for training and education programs that are not funded under this Act, including Federal financial aid under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) and through State-funded education and training programs;";

(iv) in clause (xii), by striking subclauses (IV) through (XI) and inserting the following:

"(IV) individual counseling, including career counseling;

"(V) career planning;

"(VI) assessment and development of employability skills, including development of learning skills, communication skills, interviewing skills, punctuality, and professional conduct, to prepare individuals for unsubsidized employment or training;

"(VII) financial literacy services, such as the activities described in section 129(b)(2)(D);

"(VIII) out-of-area job search assistance and relocation assistance; or

"(IX) English language acquisition and integrated education and training programs; and"; and

(v) in clause (xiii), by inserting "and options for further skill upgrading and career advancement" after "the workplace".

(B) USE OF PREVIOUS ASSESSMENTS.—Subparagraph (B) of section 134(c)(2) (29 U.S.C. 3174(c)(2)) is amended to read as follows:

"(B) USE OF PREVIOUS ASSESSMENTS.—A one-stop operator or one-stop partner shall not be required to conduct a new interview, evaluation, or assessment of a participant under subparagraph (A)(xii) if the one-stop operator or one-stop partner determines that it is—

"(i) appropriate to use a recent interview, evaluation, or assessment of the participant conducted for another education or training program; and

"(ii) using such recent interview, evaluation, or assessment may accelerate eligibility determination or facilitate enrollment in a training program for which such participant has been selected.".

(C) DELIVERY OF SERVICES.—Subparagraph (C) of section 134(c)(2) (29 U.S.C. 3174(c)(2)) is amended by inserting "or community-based organizations to serve individuals with barriers to employment," after "nonprofit service providers,".

(3) TRAINING SERVICES.—

(A) IN GENERAL.—Section 134(c)(3)(A) (29 U.S.C. 3174(c)(3)(A)) is amended—

(i) in clause (i)(II), by inserting before the semicolon at the end the following: ", or to jobs that may be performed remotely"; and

(ii) by adding at the end the following:

"(iv) ADULT EDUCATION AND FAMILY LITERACY ACTIVITIES.—In the case of an individual who is determined to not have the skills and qualifications to successfully participate in the selected program of training services under clause (i)(I)(cc), the one-stop operator or one-stop partner shall make available, or refer such individual to, adult education and family literacy activities under title II.".

(B) QUALIFICATION.—Section 134(c)(3)(B) (29 U.S.C. 3174(c)(3)(B)) is amended by adding at the end the following:

"(iv) PARTICIPATION DURING PENDING APPLICATION.—An individual who meets the eligibility requirements under subparagraph (A)(i) to participate in a program of training services may participate in such a program during the period in which such individual's enrollment in such program is being reviewed under this section, except that the provider of such program shall only receive reimbursement under this Act for the individual's participation during such period if such individual's enrollment is approved under this section.".

(C) TRAINING SERVICES.—Section 134(c)(3)(D) is amended, in the matter preceding clause (i), by striking "Training services may include" and inserting "Training services may be delivered in-person or virtually, and may include".

(D) PRIORITY.—Section 134(c)(3)(E) (29 U.S.C. 3174(c)(3)(E)) is amended to read as follows:

"(E) PRIORITY.—

"(i) IN GENERAL.—With respect to funds allocated to a local area for adult employment and training activities under paragraph (2)(A) or (3) of section 133(b), not less than 75 percent of such funds, used to provide career services described in paragraph (2)(A)(xii), training services, and supportive services, shall be used to provide such services to—

"(I) recipients of public assistance;

"(II) other low-income individuals;

"(III) individuals who have foundational skill needs; and

"(IV) individuals with barriers to employment who are not described in subclauses (I) through (III).

"(ii) DETERMINATIONS OF PRIORITY.—The appropriate local board and the Governor shall direct the one-stop operators in the local area with regard to making determinations on how to prioritize the populations listed in subclauses (I) through (IV) of clause (i) for purposes of clause (i).";

(E) USE OF INDIVIDUAL TRAINING ACCOUNTS.—Section 134(c)(3)(G) (29 U.S.C. 3174(c)(3)(G)) is amended—

(i) by amending clause (i) to read as follows:

"(i) IN GENERAL.—

"(I) TRAINING SERVICES.—Except as provided in clause (ii), training services provided under this paragraph shall be provided through the use of individual training accounts in accordance with this paragraph, and shall be provided to eligible individuals through the one-stop delivery system.

"(II) AUTHORIZED COSTS.—An individual training account may provide any costs with respect to such training services, as determined by the local board, including—

"(aa) the costs of course materials, supplies, uniforms, technology, and other required fees for graduation, licensure, or certification; and

"(bb) in the case of a provider that charges tuition and fees for a training program, the cost of such tuition and fees.";

(ii) in clause (ii), by amending subclause (IV) to read as follows:

"(IV) the local board determines that there is a training program demonstrating effectiveness (including cost effectiveness), and that can be offered in the local area by a community-based organization or another private, nonprofit organization to serve individuals with barriers to employment;"; and

(iii) by striking clauses (iii) and (iv) and inserting the following:

"(iii) LINKAGE TO OCCUPATIONS IN DEMAND.—

"(I) IN GENERAL.—Subject to subclause (II), training services provided under this paragraph shall be directly linked to an in-demand industry sector or occupation in the local area or the planning region, or in another area to which an adult or dislocated worker receiving such services is willing to relocate or that may be performed remotely.

"(II) EXCEPTION.— A local board may approve training services for occupations determined by the local board to be in sectors of the economy that have a high potential for sustained demand or growth in the local area.

"(iv) CREDENTIAL IN DEMAND.—To the extent practicable, training services provided under this paragraph shall result in the attainment of skills and credentials that are portable and stackable.

"(v) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to preclude the combined use of individual training accounts and contracts in the provision of training services, including arrangements that allow individuals receiving individual training accounts to obtain training services that are contracted for under clause (ii).".

(F) REIMBURSEMENT FOR ON-THE-JOB TRAINING.—Section 134(c)(3)(H) (29 U.S.C. 3174(c)(3)(H)) is amended to read as follows:

"(H) REIMBURSEMENT FOR ON-THE-JOB TRAINING.—

"(i) REIMBURSEMENT LEVELS.—For purposes of the provision of on-the-job training under this paragraph, the Governor or local board involved may increase the amount of the reimbursement to an amount of up to 90 percent of the wage rate of a participant for a program carried out under chapter 2 or this chapter, if—

"(I) the Governor approves the increase with respect to a program carried out with funds reserved by the State under such chapter, taking into account the factors described in clause (iii); or

"(II) the local board approves the increase with respect to a program carried out with funds allocated to a local area under such chapter, taking into account the factors described in clause (iii).

"(ii) VERIFICATION BY ONE-STOP OPERATOR.—The one-stop operator within a local area shall—

"(I) at least once during the on-the-job training program, verify that the employer meets the conditions that—

"(aa) were certified by the employer in the contract for such program; and

"(bb) are consistent with the factors described in clause (iii), according to a methodology determined by the local board with consent from the Governor; and

"(II) terminate the employer's contract for such program if the employer is not meeting such conditions.

"(iii) FACTORS.—For purposes of this subparagraph, the Governor or local board, respectively, may take into account factors consisting of—

"(I) basic indicators of job quality, including—

"(aa) wage level upon completion of a training program;

"(bb) availability of benefits, such as paid time off, health insurance, and retirement savings plan; and

"(cc) a safe workplace, such as a record of compliance with safety regulations consistent with or better than the industry average and adoption of an independently certified injury and illness prevention program;

"(II) the characteristics of the participants;

"(III) the size of the employer;

"(IV) the quality of employer-provided training and advancement opportunities; and

"(V) such other factors as the Governor or local board, respectively, may determine to be appropriate, which may include the number of employees participating in the training, opportunities for promotions, predictable and stable work schedule, and relation of the training to the competitiveness of a participant.".

(4) SUPPORTIVE SERVICES.—Section 134(c) (29 U.S.C. 3174) is further amended by adding at the end the following:

"(4) SUPPORTIVE SERVICES.—

"(A) IN GENERAL.—A portion of the funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and a portion of the funds allocated to the local area for dislocated workers under section 133(b)(2)(B)—

"(i) shall be used to provide supportive services (that are not needs-related payments) to adults and dislocated workers, respectively—

"(I) who are participating in programs with activities authorized in paragraph (2) or (3) of subsection (c), or who entered unsubsidized employment after participating in such programs, for up to 12 months following the date of first employment; and

"(II) who are unable to obtain such supportive services through other programs providing such services; and

"(ii) may be used to provide needs-related payments to adults and dislocated workers, respectively, who are unemployed and do not qualify for (or have ceased to qualify for) unemployment compensation for the purpose of enabling such individuals to participate in programs of training services under subsection (c)(3).

"(B) ADDITIONAL ELIGIBILITY REQUIREMENTS FOR NEEDS-RELATED PAYMENTS.—In addition to the requirements contained in subparagraph (A)(ii), a dislocated worker who has ceased to qualify for unemployment compensation may be eligible to receive needs-related payments under this paragraph only if such worker is enrolled in training services.

"(C) LEVEL OF PAYMENTS.—The level of a needs-related payment made to a dislocated worker under this paragraph shall not exceed the greater of—

"(i) the applicable level of unemployment compensation; or

"(ii) if such worker did not qualify for unemployment compensation, an amount equal to 150 percent of the poverty line, for an equivalent period, which amount shall be adjusted to reflect changes in total family income.".

(d) PERMISSIBLE LOCAL EMPLOYMENT AND TRAINING ACTIVITIES.—

(1) IN GENERAL.—Section 134(d)(1)(A) (29 U.S.C. 3174(d)(1)(A)) is amended—

(A) in clause (vii)—

(i) by inserting "and" at the end of subclause (III); and

(ii) by adding at the end the following:

"(IV) to strengthen, through professional development activities, the knowledge and capacity of staff to use the latest digital technologies, tools and strategies to equitably deliver high quality services and outcomes for jobseekers, workers, and employers;";

(B) in clause (viii), strike "displaced homemakers" and insert "displaced caregivers"; and

(C) in clause (ix)(II)(bb), by inserting ", technical assistance in support of job quality, adoption of skills-based and equitable hiring practices" after "apprenticeship".

(2) INCUMBENT WORKER TRAINING PROGRAMS; TRANSITIONAL JOBS.—Section 134(d) (29 U.S.C. 3174(d)), as amended by this section, is further amended by striking paragraphs (2) through (5), and inserting the following:

"(2) INCUMBENT WORKER TRAINING PROGRAMS.—

"(A) IN GENERAL.—

"(i) STANDARD RESERVATION OF FUNDS.—The local board may reserve and use not more than 25 percent of the funds allocated to the local area involved under section 133(b) to pay for the Federal share of the cost of providing training through a training program for incumbent workers, carried out in accordance with this paragraph.

"(ii) INCREASE IN RESERVATION OF FUNDS.—The local board may increase such reservation of funds for a program year if the Governor determines that the training from such funds from the prior program year resulted in career promotions for workers receiving such training and created new job vacancies. For a program year for which the reservation of funds is so increased, clause (i) shall be applied by substituting '30 percent' for '25 percent'.

"(iii) DETERMINATION OF ELIGIBILITY.—In order for a local board to determine that an employer is eligible to receive funding under clause (i), the local board shall take into account factors consisting of—

"(I) the basic indicators of job quality described in subsection (c)(3)(H)(iii)(I);

"(II) the characteristics of the participants in the program;

"(III) the relationship of the training to the competitiveness of a participant and the employer; and

"(IV) such other factors as the local board may determine to be appropriate, which may include the number of employees participating in the training, and the existence of other training and advancement opportunities provided by the employer.

"(iv) STATEWIDE IMPACT.—The Governor or State board involved may make recommendations to the local board for providing incumbent worker training that has statewide impact.

"(B) TRAINING ACTIVITIES.—The training program for incumbent workers carried out under this paragraph shall be carried out by the local board in conjunction with the employers or groups of employers of such workers (which may include employers in partnership with other entities for the purposes of delivering training) for the purpose of assisting such workers in obtaining the skills necessary to retain employment or avert layoffs.

"(C) EMPLOYER PAYMENT OF NON-FEDERAL SHARE.—Employers participating in the program carried out under this paragraph shall be required to pay for the non-Federal share of the cost of providing the training to incumbent workers of the employers.

"(D) NON-FEDERAL SHARE.—

"(i) FACTORS.—Subject to clauses (ii) and (iii), the local board shall establish the non-Federal share of the cost of providing training through a training program for incumbent workers, by considering the indicators described in subsection (c)(3)(H)(iii) and how many of such indicators the employer certifies will be met with respect to the employment of incumbent workers upon completion of training funded under this section.

"(ii) LIMITS.—The non-Federal share shall not be less than—

"(I) 10 percent of the cost, for employers with not more than 50 employees;

"(II) 25 percent of the cost, for employers with more than 50 employees but not more than 100 employees; and

"(III) 50 percent of the cost, for employers with more than 100 employees.

"(iii) CALCULATION OF EMPLOYER SHARE.—The non-Federal share provided by an employer participating in the program may include the amount of the wages paid by the employer to a worker while the worker is attending a training program under this paragraph. The employer may provide the share in cash or in kind, fairly evaluated.

"(E) VERIFICATION BY ONE-STOP OPERATOR.—Upon completion of the incumbent worker training program funded under this section, the one-stop operator within a local area shall verify that the employer met the conditions that were certified to prior to receiving the Federal share of the training program's costs, consistent with this paragraph, according to a methodology determined by the Governor or local board. If such conditions were not met, the one-stop operator shall prohibit the employer from receiving funds for incumbent worker training under this section for a period of 5 years.

"(3) TRANSITIONAL JOBS.—The local board may use not more than 40 percent of the funds allocated to the local area involved under section 133(b) to provide transitional jobs under subsection (c)(3) that—

"(A) are time-limited work experiences that are subsidized and are in the public, private, employment social enterprise, or nonprofit sectors for individuals with barriers to employment who are chronically unemployed or have an inconsistent work history;

"(B) are combined with comprehensive employment and supportive services; and

"(C) are designed to assist the individuals described in subparagraph (A) to establish a work history, demonstrate success in the workplace, and develop skills that lead to entry into and retention in unsubsidized employment.".

CHAPTER 4—GENERAL WORKFORCE INVESTMENT PROVISIONS

SEC. 251. AUTHORIZATION OF APPROPRIATIONS.

Section 136 (29 U.S.C. 3181) is amended to read as follows:

"SEC. 136. AUTHORIZATION OF APPROPRIATIONS.

"(a) YOUTH WORKFORCE INVESTMENT ACTIVITIES.—There are authorized to be appropriated to carry out the activities described in section 127(a), $1,026,450,000 for fiscal year 2023, $1,129,100,000 for fiscal year 2024, $1,242,000,000 for fiscal year 2025, $1,366,200,000 for fiscal year 2026, $1,502,800,000 for fiscal year 2027, and $1,653,100,000 for fiscal year 2028

"(b) SUMMER AND YEAR-ROUND EMPLOYMENT ACTIVITIES..—There are authorized to be appropriated to section 130, $926,650,000 for fiscal year 2023, $1,019,300,000 for fiscal year 2024, $1,121,250,000 for fiscal year 2025, $1,233,400,000 for fiscal year 2026, $1,356,750,000 for fiscal year 2027, and $1,492,450,000 for fiscal year 2028.

"(c) ADULT EMPLOYMENT AND TRAINING ACTIVITIES.—There are authorized to be appropriated to carry out the activities described in section 132(a)(1), $1,555,600,000 for fiscal year 2023, $1,711,200,000 for fiscal year 2024, $1,882,300,000 for fiscal year 2025, $2,070,500,000 for fiscal year 2026, $2,277,600,000 for fiscal year 2027, and $2,505,400,000 for fiscal year 2028.

"(d) DISLOCATED WORKER EMPLOYMENT AND TRAINING ACTIVITIES.—There are authorized to be appropriated to carry out the activities described in section 132(a)(2), $2,486,300,000 for fiscal year 2023, $2,734,900,000 for fiscal year 2024, $3,008,400,000 for fiscal year 2025, $3,309,200,000 for fiscal year 2026, $3,640,100,000 for fiscal year 2027, and $4,004,100,000 for fiscal year 2028.".

Subtitle C—Job Corps

SEC. 261. AMENDMENTS RELATING TO JOB CORPS.

(a) DEFINITIONS.—

(1) IN GENERAL.—Section 142 (29 U.S.C. 3192) is amended—

(A) by amending paragraph (7) to read as follows:

"(7) JOB CORPS CAMPUS.—The term 'Job Corps campus' means a campus run by an operator selected by the Secretary pursuant to section 147, carrying out Job Corps activities."; and

(B) by adding at the end the following:

"(11) STATE.—The term 'State' has the meaning given the term in section 3, except that such term also includes outlying areas (as defined in section 3).".

(2) CONFORMING AMENDMENTS.—Subtitle C of title I (29 U.S.C. 3191 et seq.) is amended—

(A) by striking "Job Corps center" each place such term appears (including in any headings) and inserting "Job Corps campus"; and

(B) by striking "Job Corps centers" each place such term appears (including in any headings) and inserting "Job Corps campuses".

(b) INDIVIDUALS ELIGIBLE FOR THE JOB CORPS.—Section 144 (29 U.S.C. 3194) is amended—

(1) in subsection (a)—

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

"(1) not less than age 16 and not more than age 24 on the date of enrollment;";

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

"(2) an individual who is—

"(A) a low-income individual as defined in subsection (h)(4) of section 402A of the Higher Education Act of 1965 (20 U.S.C. 1070a-11) as determined using procedures similar to those in subsection (e) of such section; or

"(B) a resident of a qualified opportunity zone as defined in section 1400Z–1(a) of the Internal Revenue Code of 1986; and"; and

(C) in paragraph (3)—

(i) in subparagraph (A), by striking "Basic skills deficient" and inserting "An individual with foundational skill needs";

(ii) in subparagraph (B), by striking "A school dropout" and inserting "An opportunity youth"; and

(iii) in subparagraph (D), by inserting "or an individual who is pregnant" before the period; and

(2) by amending subsection (b) to read as follows:

"(b) SPECIAL RULE FOR VETERANS.—A veteran shall be eligible to become an enrollee if the veteran meets the requirements of subsection (a)(1).".

(c) RECRUITMENT, SCREENING, SELECTION, AND ASSIGNMENT OF ENROLLEES.—Section 145(a) (29 U.S.C. 3195(a)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (D), by striking "and" at the end;

(B) in subparagraph (E), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(F) assist one-stop centers and other entities identified in paragraph (3) in developing joint applications for Job Corps, YouthBuild, and youth workforce investment activities under which an applicant may submit a single application for all such programs."; and

(2) in paragraph (5), by striking the last sentence.

(d) JOB CORPS CAMPUSES.—Section 147 (29 U.S.C. 3197) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A), by inserting at the end the following: "Such award shall be based upon best value and fair and reasonable pricing."; and

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

"(B) CONSIDERATIONS.—

"(i) STUDENT OUTCOMES.—In selecting an entity to operate a Job Corps campus, the Secretary shall consider a numeric metric of recent past effectiveness of the entity in assisting opportunity youth to connect to the workforce, to be calculated based on data regarding—

"(I) the percentage of students served by the entity who were in education or training activities, or in unsubsidized employment, during the second quarter after exit from the relevant program;

"(II) the percentage of students served by the entity who were in education or training activities, or in unsubsidized employment, during the fourth quarter after exit from the relevant program;

"(III) the median earnings of students served by the entity who were in unsubsidized employment during the second quarter after exit from the relevant program;

"(IV) the percentage of students served by the entity who obtained a recognized postsecondary credential, or a secondary school diploma or its recognized equivalent, during participation in or within 1 year after exit from the relevant program; and

"(V) expected levels of performance established under section 159(c)(2) or similar metrics for recruitment of eligible youth for relevant contracts or grants.

"(ii) MARKET DEVELOPMENT.—

"(I) MENTOR-PROTÉGÉ PROGRAM.—The Secretary shall carry out a mentor-protégé program in accordance with section 45 of the Small Business Act (15 U.S.C. 657r) with respect to Job Corps campus operations.

"(II) PAST-PERFORMANCE.—The Secretary shall publish comparable alternative metrics for entities without previous experience in Job Corps campus operations to demonstrate their past effectiveness in accordance with the requirements of clause (i).''; and

(B) in paragraph (3)—

(i) in subparagraph (A), by inserting "high-skill, high-wage, or" before "in-demand";

(ii) in subparagraph (C), by striking "Workforce Investment Act of 1998" and inserting "Workforce Innovation and Opportunity Act";

(iii) by redesignating subparagraph (K) as subparagraph (L); and

(iv) by inserting after subparagraph (J) the following:

"(K) A description of the entity's ability to demonstrate a record of successfully operating a safe learning and residential environment for opportunity youth.";

(2) in subsection (b), by striking paragraphs (2) and (3) and inserting the following:

"(2) HIGH PERFORMANCE.—An entity shall be considered to be an operator of a high-performing campus if the Job Corps campus operated by the entity was ranked among the top 25 percent of Job Corps campuses, excluding Civilian Conservation Centers described in subsection (d), for the two most recent preceding program years.";

(3) in subsection (d), by adding at the end the following:

"(4) DIRECT HIRE AUTHORITY.—The Secretary of Agriculture may appoint, without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code (other than sections 3303 and 3328 of such title), a graduate of a Civilian Conservation Center who successfully completed a training program focused on forestry, wildland firefighting, or another topic relating to the mission of the Forest Service directly to a position with the Department of Agriculture, Forest Service, for which the candidate meets Office of Personnel Management qualification standards.";

(4) in subsection (f), by striking "2-year" and inserting "4-year"; and

(5) in subsection (g)(1), by striking ", for both of the 2 most recent preceding program years" and all that follows through the end and inserting "the agreement has been in place for at least 3 years and for both of the 2 most recent preceding program years for which information is available at the time the determination is made, such campus has been ranked in the lowest 10 percent of Job Corps campuses.".

(e) PROGRAM ACTIVITIES.—Section 148(a) (29 U.S.C. 3198(a)) is amended, in the subsection heading, by inserting "ACADEMIC" before "ACTIVITIES".

(f) SUPPORT.—Section 150 (29 U.S.C. 3200) is amended—

(1) in subsection (c), by striking "3 months" and inserting "12 months"; and

(2) by adding at the end the following:

"(d) PERIOD OF TRANSITION.—Notwithstanding the requirements of section 146(b), Job Corps graduates may remain enrolled and a resident of a Job Corps campus for not more than 1 month after graduation, subject to approval by the director of the Job Corps Campus, in order to facilitate their transition into independent living and employment.".

(g) OPERATIONS.—Section 151 (29 U.S.C. 3201) is amended to read as follows:

"SEC. 151. OPERATIONS.

"(a) OPERATING PLAN.—

"(1) IN GENERAL.—The provisions of the contract between the Secretary and an entity selected to operate a Job Corps campus shall, including any subsequent modifications to such contract, serve as an operating plan for the Job Corps campus.

"(2) FEDERAL CHANGES TO OPERATING PLAN.—The Secretary may require the operator to submit additional information, as the Secretary deems necessary for

compliance with any relevant regulations, which shall be considered part of the operating plan.

"(3) AVAILABILITY.—The Secretary shall make the operating plan described in paragraphs (1) and (2), excluding any proprietary information, available on a publicly accessible website.

"(b) LOCAL AUTHORITIES.—Subject to the limitations of their approved budgets, the operators of Job Corps campuses shall have the authority, without prior approval from the Secretary, to—

"(1) hire staff and invest in staff professional development;

"(2) enter into agreements with local partners, such as secondary and postsecondary schools or employers; and

"(3) engage with and educate stakeholders about Job Corps operations and activities.".

(h) STANDARDS OF CONDUCT.—Section 152 (29 U.S.C. 3202) is amended—

(1) in subsection (a), by striking the second sentence;

(2) by amending subsection (b) to read as follows:

"(b) BEHAVIORAL MANAGEMENT PLAN.—

"(1) IN GENERAL.—As part of the operating plan defined in section 151(a), the director of each Job Corps campus shall develop and implement a behavioral management plan, subject to the approval of the Secretary. Such plan shall include student standards of conduct, positive behavioral interventions and supports, and multi-tier systems of supports.

"(2) DISCIPLINARY MEASURES AND DRUG TESTING.—

"(A) DISCIPLINARY MEASURES.—To promote the proper behavioral standards in the Job Corps, the director of each Job Corps campus shall, consistent with the applicable behavioral management plan described in paragraph (1), have the authority to take appropriate disciplinary measures against enrollees if such director determines that an enrollee has committed a violation of the standards of conduct. The director shall adopt a zero tolerance policy for an act of violence or a credible threat of violence that seriously endangers the safety of students, staff, or the local community and for illegal activity on the campus.

"(B) DRUG TESTING.—The Secretary shall require drug testing of all enrollees for controlled substances, as set forth in section 102 of the Controlled Substances Act (21 U.S.C. 802), in accordance with procedures prescribed by the Secretary under section 145(a).

"(C) DEFINITIONS.—In this paragraph:

"(i) CONTROLLED SUBSTANCE.—The term 'controlled substance' has the meaning given the term in section 102 of the Controlled Substances Act (21 U.S.C. 802).

"(ii) ZERO TOLERANCE POLICY.—The term 'zero tolerance policy' means a policy under which an enrollee shall be automatically dismissed from the Job Corps after a determination by the director that the enrollee has carried out an act of violence that seriously endangers the safety of students, staff, or the local community or engaged in an illegal activity on the campus.

"(3) ADVISORY GROUP.—The Secretary shall periodically convene an advisory group of Job Corps operators and service providers and subject matter experts to review the reporting data collected under paragraph (5) and provide recommendations for Job Corps behavioral management plans based on evidence-based research regarding effective and equitable behavioral policies.

"(4) LAW ENFORCEMENT AGREEMENTS.—The directors of each Job Corps campus shall enter into an agreement with the relevant local law enforcement agency of jurisdiction regarding the procedures for reporting and investigating potentially illegal activity on Job Corps campuses.

"(5) INCIDENT REPORTING.—The Secretary shall establish procedures for—

"(A) reporting significant health incidents, including substance abuse, self-harm, and accidents resulting in bodily harm; and

"(B) reporting significant behavioral incidents, defined as acts of violence or illegal activity.

"(6) ACCOUNTABILITY.—The Secretary shall establish standards under which a Job Corps campus shall be required to take performance improvement actions described in section 159(f), based on an evaluation of such Job Corps campus, which shall take into account reporting data collected under paragraph (5) and recommendations of the advisory group pursuant to paragraph (3).".

(i) EXPERIMENTAL PROJECTS AND TECHNICAL ASSISTANCE.—Section 156(a) (29 U.S.C. 3206(a)) is amended to read as follows:

"(a) PROJECTS.—The Secretary may carry out experimental, research, or demonstration projects relating to evidence-based strategies for improving the oper-

ations of a Job Corps campus that was ranked among the bottom 10 percent of Job Corps campuses. The Secretary may waive any provisions of this subtitle that the Secretary finds would prevent the Secretary from carrying out the projects (other than sections 145, 147, and 159(c)) provided that—

"(1) the project will not result in a reduction in the number of students served; and

"(2) if the Secretary informs the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, in writing, not less than 90 days in advance of issuing such waiver.".

(j) APPLICATION OF PROVISIONS OF FEDERAL LAW.—

(1) IN GENERAL.—Section 157 (29 U.S.C. 3207) is amended by adding at the end the following:

"(d) SERVICE CONTRACT ACT.—

"(1) IN GENERAL.—Operators and service providers, including subcontractors thereto, are subject to and shall be required to abide by chapter 67 of title 41, United States Code (commonly known as the 'McNamara-O'Hara Service Contract Act of 1965').

"(2) ACADEMIC AND CAREER TECHNICAL INSTRUCTIONAL EMPLOYEES.—Notwithstanding section 6701(3)(C) of such chapter, an academic or career technical instructional employee at a Job Corps campus shall be considered a 'service employee' for purposes of applying such chapter under paragraph (1).

"(3) RULE OF CONSTRUCTION.—To the extent compensation levels being paid or scheduled to be paid by an employer are, in the aggregate, greater than those determined by the Secretary of Labor to be required under this subsection, or as set forth in a collective bargaining agreement, nothing herein shall be construed to require a reduction of such compensation.".

(2) EFFECTIVE DATE.—

(A) AGREEMENTS IN EFFECT ON DATE OF ENACTMENT.—Not later than 60 days after the date of enactment of this Act, the Secretary shall, subject to appropriations, modify all agreements with operators and service providers in effect as of such date of enactment to include the requirements imposed by the amendment made by paragraph (1).

(B) PENDING SOLICITATIONS.—Upon the date of enactment of this Act, the Secretary shall include the requirements imposed by the amendment made by paragraph (1) in any pending solicitation for an operator or service provider.

(k) STAFFING.—

(1) IN GENERAL.—To ensure compliance with chapter 67 of title 41, United States Code (commonly known as the 'McNamara-O'Hara Service Contract Act of 1965'), as such chapter is applied by section 157(d) of the Workforce Innovation and Opportunity Act, the staffing plan and the associated budget of an entity proposing to be an operator or service provider for a Job Corps campus shall incorporate hourly wages (or salaries as appropriate) and fringe benefit costs for occupational classifications at least equal to the wage determination determined by the Secretary of Labor for the locality of the Job Corps campus. In preparing such wage determination, the Secretary shall compare the specific job classifications at the Job Corps campus with those occupations most closely correlated with those employed by public education providers in the locality with the goal of ensuring equivalency to the maximum extent feasible.

(2) ADJUSTMENTS PERMITTED.—The Secretary may further adjust compensation levels in a contract with an operator or service provider to ensure sufficient availability and retention of qualified personnel in the locality.

(3) ANNUAL UPDATES.—The Secretary shall update hourly wages (or salaries as appropriate) and fringe benefit levels for such occupations covered in this paragraph on an annual basis.

(l) SPECIAL PROVISIONS.—Section 158(f) (29 U.S.C. 3208(f)) is amended—

(1) by striking "Secretary" and inserting "directors of Job Corps campuses";

(2) by striking "the Job Corps or individual" and inserting "such"; and

(3) by adding at the end the following: "Any real property acquired shall be directly transferred to the Secretary in accordance with chapter 5 of title 40 and on a nonreimbursable basis."

(m) MANAGEMENT INFORMATION.—Section 159 (29 U.S.C. 3209) is amended—

(1) in subsection (a), by adding at the end the following:

"(4) ANNUAL RECONCILIATION.—Prior to the expiration of any appropriated Job Corps operations funds for any fiscal year, any anticipated unobligated funds may, subject to appropriations, be obligated to projects identified under subsection (h)(1).";

(2) in subsection (c)—

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

"(1) LEVELS OF PERFORMANCE AND INDICATORS.—

"(A) IN GENERAL.—At the start of each contract period, and at least every two program years in the case of Civilian Conservation Centers, the Secretary shall establish expected levels of performance for each Job Corps campus relating to each of the primary indicators of performance for eligible youth described in section 116(b)(2)(A)(ii) using the model described in subparagraph (B).

"(B) PERFORMANCE MODEL.—At least every four years and no more than every two years, the Secretary shall develop a model for establishing the expected levels of performance for each Job Corps campus, in accordance with the following:

"(i) EQUITY.—The model shall account for significant correlations between various factors and student outcomes, including:

"(I) Student demographics, including age, gender, race, ethnicity, documented disabilities, and education level on entry.

"(II) Employment conditions in students' home communities.

"(ii) DEVELOPMENT.—The model shall be developed by subject matter experts in the fields of Job Corps operations, program evaluation, statistical analysis, and related fields using available Job Corps data as well as regional economic data.

"(iii) TRANSPARENCY.—The performance model and the past effectiveness metric identified in section 147(a)(2)(B)(i), including the procedures outlined in section 147(a)(2)(B)(iv), shall be published for comment in the Federal Register.";

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "and" at the end; and

(ii) by striking subparagraph (B) and inserting the following:

"(B) the number of enrollees recruited that meet the requirements of section 144(a); and

"(C) the measurement described in subparagraph (K) of subsection (d)(1).''; and

(C) in paragraph (4)—

(i) in subparagraph (A), by striking "and" at the end;

(ii) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(C) information on the performance of the Job Corps selection process in section 147(a)(2) with respect to increasing performance as measured pursuant to subparagraph (A), specifically including information on the performance of each Job Corps campus as compared to its annual performance immediately prior to its current operating agreement.";

(3) in subsection (d)(1)—

(A) by striking subparagraph (I); and

(B) by redesignating subparagraphs (J) through (O) as subparagraphs (I) through (N), respectively;

(4) in subsection (f)—

(A) in paragraph (2)—

(i) in subparagraph (E), by adding "or" at the end;

(ii) in subparagraph (F), by striking "; or" and inserting a period; and

(iii) by striking subparagraph (G); and

(B) by amending paragraph (4) to read as follows:

"(4) CIVILIAN CONSERVATION CENTERS.—In addition to the primary indicators of performance specified in subsection (c)(1), Civilian Conservation Centers shall be evaluated on their contribution to the nation's conservation goals by the Secretaries of Agriculture and Labor. If the Secretaries jointly conclude that a Civilian Conservation Center is not meeting these dual performance goals, they may take performance improvement actions described in subparagraph (A), (B), or (C) of paragraph (2) of this subsection."; and

(5) in subsection (g)(2)—

(A) by striking "has entered" and inserting "enters"; and

(B) by striking "comply" and inserting "attest to compliance".

(n) TECHNICAL AMENDMENT.—Subtitle C of title I (29 U.S.C. 3191 et seq.) is amended by striking "Committee on Education and the Workforce" each place it appears and inserting "Committee on Education and Labor".

(o) AUTHORIZATION OF APPROPRIATIONS.—Section 162 (29 U.S.C. 3212) is amended to read as follows:

"SEC. 162. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this subtitle—

"(1) $1,809,857,925 for fiscal year 2023;
"(2) $1,873,202,952 for fiscal year 2024;
"(3) $1,938,765,056 for fiscal year 2025;
"(4) $2,006,621,833 for fiscal year 2026;
"(5) $2,076,853,597 for fiscal year 2027; and
"(6) $2,149,543,473 for fiscal year 2028.

"(b) CONSTRUCTION COSTS.—Of the amount authorized in subsection (a) for each of fiscal years 2023 through 2028, $107,800,000 shall be for construction, rehabilitation, and acquisition of Job Corps Campuses.".

Subtitle D—National Programs

SEC. 271. NATIVE AMERICAN PROGRAMS.

Section 166 (29 U.S.C. 3221) is amended—

(1) in subsection (c), by striking ", on a competitive basis,";

(2) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking "and" at the end;

(ii) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(C) are evidence-based, to the extent practicable."; and

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

"(2) WORKFORCE DEVELOPMENT ACTIVITIES AND SUPPLEMENTAL SERVICES.—Funds made available under subsection (c) shall be used for—

"(A) comprehensive workforce development activities for Indians, Alaska Natives, or Native Hawaiians, including training on entrepreneurial skills; or

"(B) supplemental services for Indian, Alaska Native, or Native Hawaiian youth on or near Indian reservations and in Oklahoma, Alaska, or Hawaii."; and

(3) in subsection (i)—

(A) in paragraph (1)—

(i) in the heading, by striking "UNIT" and inserting "DIVISION"; and

(ii) by striking "unit" and inserting "division";

(B) in paragraph (4)—

(i) by amending subparagraph (B) to read as follows:

"(B) COMPOSITION.—

"(i) IN GENERAL.—The Council shall be composed of individuals, appointed by the Secretary, who are representatives of the entities described in subsection (c).

"(ii) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office."; and

(ii) in subparagraph (C), by striking "unit" and inserting "division"; and

(C) in paragraph (5), by striking "unit" and inserting "division".

SEC. 272. MIGRANT AND SEASONAL FARMWORKER PROGRAMS.

Section 167 (29 U.S.C. 3222) is amended—

(1) in subsection (d), by inserting "be used for the 4-year period for which funds are provided under this section, and which may" after "which may";

(2) in subsection (h)—

(A) in the heading, by inserting "; FUNDING OBLIGATION" after "FUNDING ALLOCATION";

(B) by striking "From the" and inserting the following:

"(1) FUNDING ALLOCATION.—From the"; and

(C) by adding at the end the following:

"(2) FUNDING OBLIGATION.—

"(A) IN GENERAL.—Funds appropriated and made available to carry out this section for any fiscal year may be obligated to any entity described in subsection (b) during the period beginning on April 1 of the calendar year

that begins during such fiscal year, and ending on June 30 of the following calendar year.

"(B) OBLIGATED AMOUNT.—Funds made available under this section for a fiscal year to any entity described in subsection (b) shall be obligated and available for expenditure by such entity for the period beginning on July 1 of the calendar year that begins during such fiscal year, and ending on June 30 of the following calendar year, except that the Secretary may extend such period if the Secretary determines that such extension is necessary to ensure the effective use of such funds by such entity."; and

(3) in subsection (i)(3)(A)(i), by striking "12" and inserting "8".

SEC. 273. TECHNICAL ASSISTANCE.

Section 168(a)(1) (29 U.S.C. 3223(a)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking "staff development" and inserting "professional development for staff";

(2) in subparagraph (C), by inserting "professional development and" after "the" the first place it appears;

(3) in subparagraph (D), by inserting "professional development and" after "the";

(4) in subparagraph (G), by striking "and" at the end;

(5) in subparagraph (H), by striking the period at the end and inserting "; and" ; and

(6) by adding at the end the following:

"(I) the training of staff at one-stop centers on trauma-informed approaches, gender and racial biases, and the unique safety challenges faced by survivors of gender-based violence.".

SEC. 274. EVALUATIONS AND RESEARCH.

Section 169 (29 U.S.C. 3224) is amended—

(1) in subsection (a)—

(A) in paragraph (4), by striking "2019" and inserting "2027"; and

(B) in paragraph (6), by striking "the Workforce" and inserting "Labor";

(2) in subsection (b)—

(A) in paragraph (1), by striking "the Workforce" and inserting "Labor"; and

(B) in paragraph (4)—

(i) by striking subparagraphs (B) through (J);

(ii) by redesignating subparagraph (K) as subparagraph (C);

(iii) by inserting after subparagraph (A) the following:

"(B) STUDY ON CORRECTIONAL EDUCATION AND TRAINING.—The Secretary of Labor, in coordination with the Secretary of Education, may conduct a study to determine the feasibility of, and potential means to replicate the measurement of recidivism for former criminal offenders who participated in adult employment and training activities under this title or correctional institution education programs under title II to improve the quality and performance of such services or activities."; and

(iv) in subparagraph (C), as so redesignated, by striking "the Workforce" and inserting "Labor";

(3) by redesignating subsection (c) as subsection (d); and

(4) by inserting after subsection (b) the following:

"(c) WORKFORCE DEVELOPMENT INNOVATION FUND.—

"(1) PROGRAM AUTHORIZED.—

"(A) IN GENERAL.—The Secretary may award workforce development innovation grants, on a competitive basis, to eligible entities to enable such entities to—

"(i) create, implement, replicate, or take to scale entrepreneurial, evidence-based, field-initiated innovation programs and services for improving the design and delivery of employment and training services that generate long-term improvements in the performance of the workforce development system, in outcomes for job-seekers (including individuals with barriers to employment), and in the cost-effectiveness of programs and services; and

"(ii) rigorously evaluate such programs and services in accordance with this subsection.

"(B) DESCRIPTION OF GRANTS.—The grants described in subparagraph (A) shall include—

"(i) early-phase grants to fund the development, implementation, and feasibility testing of an innovation program or service, which prior research suggests has promise, for the purpose of determining whether such program or service can successfully improve the design and deliv-

ery of employment and training services that generate long-term improvements in the performance of the workforce development system, in outcomes for job-seekers (including individuals with barriers to employment), and in the cost-effectiveness of such programs and services;

"(ii) mid-phase grants to fund implementation and a well-designed and well-implemented evaluation of such a program or service that has been successfully implemented under an early-phase grant described in clause (i) or other effort meeting similar criteria, for the purpose of measuring the impact and cost effectiveness of such programs or services, using data collected pursuant to the implementation of such program or service, if possible; and

"(iii) expansion grants to fund implementation and a well-designed and well-implemented replication evaluation of such a program or service that has been found to produce sizable, important impacts under a mid-phase grant described in clause (ii) or other effort meeting similar criteria, for the purposes of—

"(I) determining whether such impacts may be successfully reproduced and sustained over time; and

"(II) identifying the conditions in which such a program or service is most effective.

"(2) TECHNICAL ASSISTANCE.—Of the funds made available to carry out this subsection for a fiscal year, the Secretary shall reserve not more than 5 percent of the funds to—

"(A) provide technical assistance to eligible entities, which may include preapplication workshops, web-based seminars, and evaluation support; and

"(B) disseminate evidence-based best practices.

"(3) DEFINITIONS.—In this subsection:

"(A) ELIGIBLE ENTITY.—The term 'eligible entity' means any of the following:

"(i) A State board.

"(ii) A local board.

"(iii) An Indian tribe, tribal organization, Alaska Native entity, Indian-controlled organization serving Indians, or Native Hawaiian organization that is eligible to receive an award under section 166.

"(iv) A community-based, nonprofit, or nongovernmental organization serving an underserved population.

"(v) An institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)).

"(vi) A consortium of such entities described under clause (i) through clause (v).

"(B) WELL-DESIGNED AND WELL-IMPLEMENTED.—The term 'well-designed and well-implemented', as applied to an evaluation study, means a study that is replicable, uses programmatic and control groups that are representative of the type of population served by the program, uses controls for aggregate shifts that might affect baseline numbers, does not have problems with attrition from the program, and takes measures to avoid creaming.

"(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, such sums as may be necessary for each of the fiscal years 2023 through 2028.".

SEC. 275. NATIONAL DISLOCATED WORKER GRANTS.

Section 170(c)(1)(B) (29 U.S.C. 3225(c)(1)(B)) is amended by striking "and any other" and all that follows through "dislocations." and inserting "which may include a national or regional intermediary that provides employment and training activities to dislocated workers.".

SEC. 276. YOUTHBUILD PROGRAM.

Section 171 (29 U.S.C. 3226) is amended—

(1) in subsection (c)—

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

"(1) RESERVATION, AMOUNT OF GRANTS.—

"(A) RESERVATION.—In any fiscal year in which the amount appropriated to carry out this section is greater than $125,000,000, the Secretary shall reserve 20 percent of such amount that is greater than $125,000,000 for—

"(i) grants to applicants that are located in rural areas (as defined by the Secretary); and

"(ii) programs operated by an Indian tribe or for the benefit of the members of an Indian Tribe for the purpose of carrying out YouthBuild programs approved under this section.

"(B) AMOUNT OF GRANTS.—After making the reservation described under subparagraph (A), the Secretary may use the remaining amount appropriated to carry out this section to make grants to applicants for the purpose of carrying out YouthBuild programs approved under this section.";

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in clause (iv)(II), by striking "English language learners" and inserting "English learners";

(II) in clause (vii), by striking "12" and inserting "24"; and

(ii) by adding at the end the following:

"(I) Provision of meals and other food assistance that is offered to participants in conjunction with another activity described in this paragraph.

"(J) Informing participants of their eligibility, and assisting participants in applying, for Federal and State means tested benefit programs, such as the supplemental nutrition assistance program, and assistance provided by the State through the Child Care Development Block Grant Act.

"(K) Supportive services for individuals with disabilities to ensure such individuals may fully participate in a YouthBuild program."; and

(C) by adding at the end the following:

"(6) USE OF FUNDS FOR MATCH.—Consistent with the requirements described under subsection (e)(3), an entity which receives a grant under this section may use a portion of such grant to meet all or a portion of the requirement to provide matching funds under section 121(e) of the National and Community Service Act of 1990 (42 U.S.C. 12571(e)) or any other such requirements under such Act.";

(2) in subsection (e)(1)—

(A) in subparagraph (A)(ii), by striking "youth offender" and inserting "youth justice-involved individual"; and

(B) in subparagraph (B)(i), by striking "basic skills deficient" and inserting "foundational skill needs";

(3) in subsection (f), by adding at the end the following:

"(3) CONSULTATION.—In establishing expected levels of performance under paragraph (1), the Secretary shall consult, on not less than an annual basis, with YouthBuild programs to ensure such levels of performance account for the workforce and postsecondary experiences of youth served by such programs.";

(4) in subsection (g), by adding at the end the following:

"(4) ANNUAL RELEASE OF FUNDING OPPORTUNITY ANNOUNCEMENT.—The Secretary shall, to the greatest extent practicable, announce new funding opportunities for grants under this section during the same time period each year that such grants are announced.

"(5) STATE WAGE DATA.—States receiving grants under this Act shall facilitate access to wage data of participants in YouthBuild programs for the purpose of meeting the requirements of this section. Such facilitation shall not reduce any protections afforded by the State that protect the privacy of participant information."; and

(5) by amending subsection (i) to read as follows:

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

"(1) $159,500,000 for fiscal year 2023;

"(2) $167,500,000 for fiscal year 2024;

"(3) $175,900,000 for fiscal year 2025;

"(4) $184,700,000 for fiscal year 2026;

"(5) $193,000,000 for fiscal year 2027; and

"(6) $203,600,000 for fiscal year 2028.".

SEC. 277. STRENGTHENING COMMUNITY COLLEGES TRAINING GRANTS PROGRAM.

Subtitle D of title I (29 U.S.C. 3221 et seq.), as amended by this Act is further amended—

(1) by redesignating section 172 as section 176; and

(2) by inserting after section 171 the following:

"SEC. 172. STRENGTHENING COMMUNITY COLLEGES TRAINING GRANTS PROGRAM.

"(a) PURPOSES.—The purposes of this section are—

"(1) to establish, improve, or expand high-quality educational or career training programs at community colleges; and

"(2) to expand opportunities for individuals to obtain recognized postsecondary credentials that are nationally or regionally portable and stackable for high-skill, high-wage, or in-demand industry sectors or occupations.

"(b) STRENGTHENING COMMUNITY COLLEGES TRAINING GRANTS PROGRAM.—

"(1) IN GENERAL.—From the amounts appropriated to carry out this section under subsection (k) and not reserved under paragraph (2), the Secretary shall, on a competitive basis, make grants to eligible institutions to carry out the activities described in subsection (e).

"(2) RESERVATION.—Of the amounts appropriated to carry out this section under subsection (k), the Secretary may reserve not more than two percent for the administration of grants awarded under this section, including—

"(A) providing technical assistance and targeted outreach to support eligible institutions serving a high number or high percentage of low-income individuals or individuals with barriers to employment, and rural-serving eligible institutions, to provide guidance and assistance in the process of applying for grants under this section; and

"(B) evaluating and reporting on the performance and impact of programs funded under this section in accordance with subsections (f) through (h).

"(c) AWARD PERIOD.—

"(1) INITIAL GRANT PERIOD.—Each grant under this section shall be awarded for an initial period of not more than 4 years.

"(2) SUBSEQUENT GRANTS.—An eligible institution that receives an initial grant under this section may receive one or more additional grants under this section for additional periods of not more than 4 years each if the eligible institution demonstrates that the community college and industry partnership supported with the initial grant was successful (as determined by the Secretary on the basis of the levels of performance achieved with respect to the performance indicators specified in subsection (f)).

"(d) APPLICATION.—

"(1) IN GENERAL.—To be eligible to receive a grant under this section, an eligible institution shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(2) CONTENTS.—At a minimum, an application submitted by an eligible institution under paragraph (1) shall include a description of each the following:

"(A) The extent to which the eligible institution included in the partnership has prior experience in leading similar capacity building projects that demonstrates the institution's ability to accomplish multi-pronged, complex projects and an explanation of the results of any such projects.

"(B) The extent to which the eligible institution can—

"(i) leverage additional resources to support the programs funded with the grant; and

"(ii) demonstrate the future sustainability of each such program.

"(C) The steps the institution will take to ensure the quality of each program supported by the grant, including the career pathways within such programs.

"(D) The needs that will be addressed by the community college and industry partnership supported by the grant.

"(E) The population and geographic area to be served by the partnership.

"(F) One or more industries that the partnership will target and data demonstrating that those industries are aligned with employer demand in the geographic area to be served by the partnership.

"(G) The educational or career training programs to be supported by the grant.

"(H) The recognized postsecondary credentials that are expected to be earned by participants in such programs and the related in-demand industry sectors or occupations for which such programs will prepare participants.

"(I) The evidence upon which the education and training strategies to be used in the programs are based and an explanation of how such evidence influenced the design of the programs to improve education and employment outcomes.

"(J) The methods and strategies the partnership will use to engage with employers in in-demand industry sectors or occupations.

"(K) The roles and responsibilities of each employer, organization, agency, or institution of higher education with which the eligible institution will partner to carry out activities under this section.

"(L) Whether, and to what extent, the activities of the partnership are expected to align with the workforce strategies identified in—

"(i) any State plan or local plan submitted under this Act by the State, outlying area, or locality in which the partnership is expected to operate;

"(ii) any State plan submitted under section 122 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2342) by such State or outlying area; and

"(iii) any economic development plan of the chief executive of such State or outlying area.

"(M) The goals of the partnership with respect to—

"(i) capacity building (as described in subsection (f)(1)(B)); and

"(ii) the expected performance of individuals participating in the programs to be offered by the partnership, including with respect to any performance indicators applicable under section 116 or subsection (f) of this section.

"(3) CONSIDERATION OF PREVIOUS EXPERIENCE.—The Secretary may not disqualify an otherwise eligible institution from receiving a grant under this section solely because such institution lacks previous experience in capacity building projects, as described in subparagraph (2)(A).

"(4) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to eligible entities that will use the grant to serve—

"(A) individuals with barriers to employment; or

"(B) incumbent workers who need to gain or improve foundational skills to enhance their employability.

"(e) USES OF FUNDS.—

"(1) COMMUNITY COLLEGE AND INDUSTRY PARTNERSHIP.—For the purpose of carrying out the activities specified in paragraphs (2) and (3), an eligible institution that receives a grant under this section shall establish a partnership or continue an existing partnership with one or more employers in an in-demand industry sector or occupation and shall maintain such partnership for the duration of the grant period. The eligible institution shall ensure that the partnership—

"(A) targets one or more specific high-skill, high-wage, or in-demand industries;

"(B) includes collaboration with the workforce development system;

"(C) serves adult and dislocated workers, incumbent workers, and new entrants to the workforce;

"(D) uses an evidence-based program design that is appropriate for the activities carried out by the partnership; and

"(E) incorporates, to the extent appropriate, virtual service delivery to facilitate technology-enabled learning.

"(2) REQUIRED ACTIVITIES.—An eligible institution that receives a grant under this section, in consultation with the partnership established under paragraph (1), shall—

"(A) establish, improve, or expand high quality, evidence-based education or career training programs, career pathway programs, or work-based learning programs (including apprenticeship programs or pre-apprenticeships that qualify an individual for participation in an apprenticeship program); and

"(B) use not less than 15 percent of the grant to provide supportive services to individuals participating in the programs funded with the grant to facilitate retention and program completion, which may include—

"(i) childcare, transportation, mental health services, and assistance in obtaining health insurance coverage and housing;

"(ii) assistance in accessing State and Federal means-tested benefits programs;

"(iii) career navigation, coaching, mentorship, and case management services, including providing information and outreach to individuals with barriers to employment to encourage such individuals to participate in programs funded with the grant; and

"(iv) providing access to course materials, technological devices, required equipment, and other supports necessary for participation in and successful completion of such programs.

"(3) ADDITIONAL ACTIVITIES.—In addition to the activities required under paragraph (2), an eligible institution that receives a grant under this section, in consultation with the partnership established under paragraph (1), shall carry out one or more of the following activities:

"(A) Establish, improve, or expand—

"(i) articulation agreements (as defined in section 486A(a) of the Higher Education Act of 1965 (20 U.S.C. 1093a(a)));

"(ii) credit transfer agreements;

"(iii) corequisite remediation programs that enable a student to receive remedial education services while enrolled in a postsecondary

course rather than requiring the student to receive remedial education before enrolling in a such a course;

"(iv) dual or concurrent enrollment programs;

"(v) competency-based education and assessment; or

"(vi) policies and processes to award academic credit for prior learning or for the programs described in paragraph (2).

"(B) Make available, in a format that is open, searchable, and easily comparable, information on—

"(i) curricula and recognized postsecondary credentials offered through programs funded with the grant, including any curricula or credentials created or further developed using such grant;

"(ii) the skills or competencies developed by individuals who participate in such programs; and

"(iii) related employment and earnings outcomes.

"(C) Establish or implement plans for providers of the programs described in paragraph (2) to meet the criteria and carry out the procedures necessary to be included on the eligible training services provider list described in section 122(d).

"(D) Purchase, lease, or refurbish specialized equipment as necessary to carry out such programs.

"(E) Reduce or eliminate unmet financial need relating to participants' cost of attendance (as defined under section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll)) in such programs.

"(4) ADMINISTRATIVE COST LIMIT.—An eligible institution may use not more than 10 percent of the funds received under this section for administrative costs, including costs related to collecting information, analysis, and coordination for purposes of subsection (f).

"(f) PERFORMANCE LEVELS AND PERFORMANCE REVIEWS.—

"(1) IN GENERAL.—The Secretary shall develop and implement guidance that establishes the levels of performance that are expected to be achieved by each community college and industry partnership funded with a grant under this section. Such performance levels shall be based on the following indicators:

"(A) Each of the primary indicators of performance for adults described in section 116(b).

"(B) The extent to which the partnership built capacity by—

"(i) increasing the breadth and depth of employer engagement and investment in educational and training programs in the in-demand industry sectors and occupations targeted by the partnership;

"(ii) designing or implementing new and accelerated instructional techniques or technologies, including the use of advanced online and technology-enabled learning; and

"(iii) increasing program and policy alignment across systems and decreasing duplicative services or service gaps.

"(C) With respect to individuals who participated in an education or training program funded with the grant—

"(i) the percentage of participants who successfully completed a program; and

"(ii) of the participants who were incumbent workers at the time of enrollment in the program, the percentage who advanced into higher-level positions during or after completing the program.

"(D) Such other indicators of performance as the Secretary determines appropriate.

"(2) CONSULTATION AND DETERMINATION OF PERFORMANCE LEVELS.—

"(A) CONSULTATION.—In developing the performance levels under paragraph (1), the Secretary shall consult with each partnership funded with a grant under this section.

"(B) DETERMINATION.—After completing the consultation required under subparagraph (A), the Secretary shall separately determine the performance levels that will apply to each partnership taking into account—

"(i) the expected performance levels of each eligible entity with respect to the goals described in subsection (d)(2)(M); and

"(ii) local economic conditions in the geographic area to be served by the partnership, including differences in unemployment rates and job losses or gains in particular industries.

"(C) NOTICE AND ACKNOWLEDGMENT.—

"(i) NOTICE.—The Secretary shall provide each partnership with a written notification that sets forth the performance levels that will apply to the partnership, as determined under subparagraph (B).

"(ii) ACKNOWLEDGMENT.—After receiving the notification described in clause (i), each partnership shall submit to the Secretary written confirmation that the partnership—

"(I) received the notification; and

"(II) agrees to be evaluated in accordance with the performance levels set by the Secretary.

"(3) PERFORMANCE REVIEWS.—On an annual basis during each year of the grant period, the Secretary shall evaluate the performance of each partnership funded with a grant under this section in a manner consistent with paragraph (2).

"(4) FAILURE TO MEET PERFORMANCE LEVELS.—After conducting an evaluation under paragraph (3), if the Secretary determines that a partnership did not achieve the performance levels applicable to the partnership under paragraph (2) the Secretary shall—

"(A) provide technical assistance to the partnership and

"(B) develop a performance improvement plan for the partnership.

"(g) EVALUATIONS AND REPORTS.—

"(1) IN GENERAL.—Not later than 5 years after the date on which the first grant is made under this section, the Secretary shall design and conduct an evaluation to determine the overall effectiveness of the community college and industry partnerships funded under this section.

"(2) ELEMENTS.—The evaluation conducted under paragraph (1) shall include an assessment of the general effectiveness of programs and activities supported by grants awarded under this section, including the extent to which the programs and activities—

"(A) developed new or expanded existing successful industry sector strategies, including the extent to which such partnerships deepened employer engagement and developed education and training programs that met industry skill needs;

"(B) created, expanded, or enhanced career pathways, including the extent to which the partnerships developed or improved competency-based education and assessment, credit for prior learning, modularized and self-paced curricula, integrated education and career training, dual enrollment in secondary and postsecondary career pathways, stacked and latticed credentials, and online and distance learning;

"(C) created alignment between community colleges and the workforce development system;

"(D) assisted individuals with finding, retaining, or advancing in employment;

"(E) assisted individuals with earning recognized postsecondary credentials; and

"(F) served various demographic groups, including people of different geographic locations, ages, races, national origins, and sex.

"(3) DESIGN REQUIREMENTS.—The evaluation under this subsection shall—

"(A) be designed by the Secretary (acting through the Chief Evaluation Officer) in conjunction with the partnerships being evaluated;

"(B) include analysis of participant feedback and outcome and process measures; and

"(C) use designs that employ the most rigorous analytical and statistical methods that are reasonably feasible, such as the use of control groups.

"(4) DATA ACCESSIBILITY.—The Secretary shall make available on a publicly accessible website of the Department of Labor any data collected as part of the evaluation under this subsection. Such data shall be made available in an aggregated format that does not reveal personally identifiable information.

"(5) PUBLICATION AND REPORTING OF EVALUATION FINDINGS.—The Secretary (acting through the Chief Evaluation Officer) shall—

"(A) in accordance with the timeline determined to be appropriate by the Chief Evaluation Officer, publish an interim report on the preliminary results of the evaluation conducted under this subsection;

"(B) not later than 60 days after the date on which the evaluation is completed under this subsection, submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on such evaluation; and

"(C) not later than 90 days after such completion date, publish and make the results of the evaluation available on a publicly accessible website of the Department of Labor.

"(h) ANNUAL REPORTS.—The Secretary shall make available on a publicly accessible website of the Department of Labor, in transparent, linked, open, and interoperable data formats, the following information:

"(1) The performance of partnerships on the capacity-building performance indicator set forth under subsection (f)(1)(B).

"(2) The performance of partnerships on the participant outcome performance indicators set forth under subsection (f)(1)(C)).

"(3) The number of individuals enrolled in employment and training activities funded with a grant under this section.

"(i) DEFINITIONS.—In this section:

"(1) COMMUNITY COLLEGE.—The term 'community college' means—

"(A) a public institution of higher education (as defined in section 101(a) of the Higher Education Act (20 U.S.C. 1001(a)), at which—

"(i) the highest degree awarded is an associate degree; or

"(ii) an associate degree is the most frequently awarded degree;

"(B) a branch campus of a 4-year public institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)), if, at such branch campus—

"(i) the highest degree awarded is an associate degree; or

"(ii) an associate degree is the most frequently awarded degree;

"(C) a 2-year Tribal College or University (as defined in section 316(b)(3) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)(3))); or

"(D) a degree-granting Tribal College or University (as defined in section 316(b)(3) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)(3))) at which—

"(i) the highest degree awarded is an associate degree; or

"(ii) an associate degree is the most frequently awarded degree.

"(2) ELIGIBLE INSTITUTION.—The term 'eligible institution' means—

"(A) a community college;

"(B) a postsecondary vocational institution (as defined in section 102(c) of the Higher Education Act of 1965 (20 U.S.C. 1002(c))); or

"(C) a consortium of such colleges or institutions.

"(j) SUPPLEMENT NOT SUPPLANT.—Funds made available under this section shall be used to supplement, and not supplant other Federal, State, and local public funds made available for carrying out the activities described in this section.

"(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

"(1) $100,000,000 for fiscal year 2023;

"(2) $110,000,000 for fiscal year 2024;

"(3) $121,000,000 for fiscal year 2025;

"(4) $133,000,000 for fiscal year 2026;

"(5) $146,000,000 for fiscal year 2027; and

"(6) $161,000,000 for fiscal year 2028.".

SEC. 278. REENTRY EMPLOYMENT OPPORTUNITIES.

Subtitle D of title I (29 U.S.C. 3221 et seq.), as amended by this Act, is further amended by inserting after section 172, as added by the preceding section, the following:

"SEC. 173. REENTRY EMPLOYMENT OPPORTUNITIES.

"(a) PURPOSES.—The purposes of this section are—

"(1) to improve the employment, earnings, and skill attainment, and reduce recidivism, of adults and youth who have been involved with the justice system;

"(2) to prompt innovation and improvement in the reentry of justice-involved individuals into the workforce so that successful initiatives can be established or continued and replicated; and

"(3) to further develop the evidence on how to improve employment, earnings, and skill attainment, and reduce recidivism of justice-involved individuals, through rigorous evaluations of specific services provided, including how they affect different populations and how they are best combined and sequenced.

"(b) REENTRY EMPLOYMENT COMPETITIVE GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS AUTHORIZED.—

"(1) IN GENERAL.—From the amounts appropriated under subsection (h)(1) and not reserved under subsection (h)(2), the Secretary—

"(A) shall, on a competitive basis, make grants to, or enter into contracts or cooperative agreements with, eligible entities to implement reentry projects that serve eligible adults or eligible youth; and

"(B) may use not more than 30 percent of such amounts to award funds under subparagraph (A) to eligible entities that are national or regional intermediaries to—

"(i) implement the reentry projects described in subparagraph (A); or

"(ii) provide such funds to other eligible entities—

"(I) to implement such reentry projects; and

"(II) to monitor and support such entities.

"(2) AWARD PERIODS.—The Secretary shall award funds under this section for an initial period of not more than 4 years, and may renew such awards for additional 4-year periods.

"(3) PRIORITY.—In awarding funds under this section, the Secretary shall give priority to eligible entities whose applications submitted under subsection (c) demonstrate a commitment to use such funds to implement reentry projects—

"(A) that will serve high-crime or high-poverty areas;

"(B) that will enroll in such reentry projects eligible youth or eligible adults—

"(i) prior to the release of such individuals from incarceration in a correctional institution; or

"(ii) not later than 90 days after such release;

"(C) whose strategy and design are evidence-based;

"(D) that establish partnerships with—

"(i) businesses; or

"(ii) institutions of higher education to provide project participants with programs of study leading to recognized postsecondary credentials in in-demand occupations;

"(E) that provide training services that are designed to meet the basic requirements of an employer (including a group of employers) and are conducted with a commitment by the employer to employ individuals upon successful completion of the training; or

"(F) that demonstrate a track record and ongoing commitment of developing, implementing, and refining reentry programs that include employment, education, training, and support services for adults and youth with current or prior justice system involvement.

"(c) APPLICATION.—

"(1) FORM AND PROCEDURE.—To be qualified to receive funds under this section, an eligible entity shall submit an application at such time, and in such manner, as determined by the Secretary, and containing the information described in paragraph (2).

"(2) CONTENTS.—An application submitted by an eligible entity under paragraph (1) shall contain the following:

"(A) A description of the eligible entity, including the experience of the eligible entity in providing employment and training services for justice-involved individuals.

"(B) A description of the needs that will be addressed by the reentry project supported by the funds received under this section, and the target participant population and the geographic area to be served.

"(C) A description of the proposed employment and training activities and supportive services, if applicable, to be provided under such reentry project, and how such activities and services will prepare participants for employment in in-demand industry sectors and occupations within the geographic area to be served by such reentry project.

"(D) The anticipated schedule for carrying out the activities proposed under the reentry project.

"(E) A description of—

"(i) the partnerships the eligible entity will establish with agencies and entities within the criminal justice system, local boards and one-stops, community-based organizations, and employers (including local businesses) to provide participants of the reentry project with work-based learning, job placement, and recruitment (if applicable); and

"(ii) how the eligible entity will coordinate its activities with other services and benefits available to justice-involved individuals in the geographic area to be served by the reentry project.

"(F) A description of the manner in which individuals will be recruited and selected for participation for the reentry project.

"(G) A detailed budget and a description of the system of fiscal controls, and auditing and accountability procedures, that will be used to ensure fiscal soundness for the reentry project.

"(H) A description of the expected levels of performance to be achieved with respect to the performance measures described in subsection (e).

"(I) A description of the evidence-based practices the eligible entity will use in administration of the reentry project.

"(J) An assurance that the eligible entity will collect, disaggregate by race, ethnicity, gender, and other participant characteristics, and report to the Secretary the data required with respect to the reentry project carried out by the eligible entity for purposes of the evaluation under this section.

"(K) Any other information required by the Secretary.

"(d) USES OF FUNDS.—

"(1) IN GENERAL.—An eligible entity that receives funds under this section shall use such funds to implement a reentry project for eligible adults, eligible youth, or both that provides one or more of the following services:

"(A) Supportive services.

"(B) For participants who are eligible youth, one or more of the program elements listed in subparagraphs (A) through (N) of section 129(c)(2).

"(C) One or more of the individualized career services listed in subclause (I) through (IX) of section 134(c)(2)(A)(xii).

"(D) Follow-up services after placement in unsubsidized employment as described in section 134(c)(2)(A)(xiii).

"(E) One or more of the training services listed in clauses (i) through (x)(i) in section 134(c)(3)(D), including subsidized employment opportunities through transitional jobs.

"(F) Apprenticeship programs.

"(G) Education in digital literacy skills.

"(H) Mentoring.

"(I) Provision of or referral to evidence-based mental health treatment by licensed practitioners.

"(J) Assistance in obtaining employment as a result of the establishment and development by the eligible entity of relationships and networks with large and small employers.

"(K) Assistance with driver's license reinstatement and fees for driver's licenses and other necessary documents for employment.

"(L) Provision of or referral to substance abuse treatment services, provided that funds awarded under this section are only used to provide such services to participants who are unable to obtain such services through other programs providing such services.

"(M) Assistance in obtaining employment as a result of the coordination by the eligible entity with employers to develop customized training programs and on-the-job training.

"(2) ADMINISTRATIVE COST LIMIT.—An eligible entity may not use more than 10 percent of the funds received under this section for administrative costs, including for costs related to collecting information, analysis, and coordination for purposes of subsection (e) or (f).

"(e) LEVELS OF PERFORMANCE.—

"(1) ESTABLISHMENT OF LEVELS.—

"(A) IN GENERAL.—The Secretary shall establish expected levels of performance for reentry projects funded this section for—

"(i) each of the primary indicators of performance for adults and youth described in section 116(b); and

"(ii) the additional performance indicators described in paragraph (2).

"(B) UPDATES.—The levels established under subparagraph (A) shall be updated for each 4-year award period.

"(2) ADDITIONAL INDICATORS OF PERFORMANCE.—In addition to the indicators described in paragraph (1)(A)(i), the Secretary—

"(A) shall establish an indicator of performance for projects funded under this section with respect participant recidivism; and

"(B) may establish other performance indicators for such projects as the Secretary determines appropriate.

"(3) AGREEMENT ON PERFORMANCE LEVELS.—In establishing and updating performance levels under paragraph (1), the Secretary shall reach agreement on such levels with the eligible entities receiving awards under this section that will be subject to such levels, based on factors including—

"(A) the expected performance levels of each such eligible entity described in the application submitted under subsection (c)(2)(H);

"(B) local economic conditions of the geographic area to be served by each such eligible entity, including differences in unemployment rates and job losses or gains in particular industries; and

"(C) the characteristics of the participants of the projects when the participants enter the project involved, including—

"(i) criminal records and indicators of poor work history;

"(ii) lack of work experience;

"(iii) lack of educational or occupational skills attainment;

"(iv) low levels of literacy or English proficiency;

"(v) disability status;

"(vi) homelessness; and

"(vii) receipt of public assistance.

"(4) FAILURE TO MEET PERFORMANCE LEVELS.—In the case of an eligible entity that fails to meet the performance levels established under paragraph (1) for the reentry project involved for any award year, the Secretary shall provide technical assistance to the eligible entity, including the development of a performance improvement plan.

"(f) EVALUATION OF REENTRY PROJECTS.—

"(1) IN GENERAL.—Not later than 5 years after the first award of funds under this section is made, the Secretary (acting through the Chief Evaluation Officer) shall meet the following requirements:

"(A) DESIGN AND CONDUCT OF EVALUATION.—Design and conduct an evaluation to evaluate the effectiveness of the reentry projects funded under this section, which meets the requirements of paragraph (2), and includes an evaluation of each of the following:

"(i) The effectiveness of such projects in assisting individuals with finding employment and maintaining employment at the second quarter and fourth quarter after unsubsidized employment is obtained.

"(ii) The effectiveness of such projects in assisting individuals with earning recognized postsecondary credentials.

"(iii) The effectiveness of such projects in relation to their cost, including the extent to which the projects improve reentry outcomes, including in wages earned, benefits provided by employers, career advancement, measurable skills gains, credentials earned, housing, health, and recidivism of participants in comparison to comparably situated individuals who did not participate in such projects.

"(iv) The effectiveness of specific services and interventions provided and of the overall project design.

"(v) If applicable, the extent to which such projects meet the needs of various demographic groups, including people of different geographic locations, ages, races, national origins, sex, and criminal records, and individuals with disabilities.

"(vi) If applicable, the appropriate sequencing, combination, or concurrent structure, of services for each subpopulation of individuals who are participants of such projects, such as the order, combination, or concurrent structure and services in which transitional jobs and occupational skills training are provided, to ensure that such participants are prepared to fully benefit from employment and training services provided under the project.

"(vii) Limitations or barriers to education and employment as a result of occupational or educational licensing restrictions, access to financial aid, and access to housing.

"(viii) The quality and effectiveness of technical assistance provided by the Secretary for implementing such projects.

"(ix) Other elements that the Chief Evaluation Officer may determine to be appropriate.

"(B) DATA ACCESSIBILITY.—Make available, on the publicly accessible website of the Department of Labor, data collected during the course of evaluation under this subsection, in an aggregated format that does not provide personally identifiable information.

"(2) DESIGN REQUIREMENTS.—An evaluation under this subsection—

"(A) shall—

"(i) be designed by the Secretary (acting through the Chief Evaluation Officer) in conjunction with the eligible entities carrying out the reentry projects being evaluated;

"(ii) include analysis of participant feedback and outcome and process measures; and

"(iii) use designs that employ the most rigorous analytical and statistical methods that are reasonably feasible, such as the use of control groups; and

"(B) may not—

"(i) collect personally identifiable information, except to the extent such information is necessary to conduct the evaluation; or

"(ii) reveal or share personally identifiable information.

"(3) PUBLICATION AND REPORTING OF EVALUATION FINDINGS.—The Secretary (acting through the Chief Evaluation Officer) shall—

"(A) in accordance with the timeline determined to be appropriate by the Chief Evaluation Officer, publish an interim report on such evaluation;

"(B) not later than 90 days after the date on which any evaluation is completed under this subsection, publish and make publicly available such evaluation; and

"(C) not later than 60 days after the completion date described in subparagraph (B), submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on such evaluation.

"(g) ANNUAL REPORT.—

"(1) CONTENTS.—Subject to paragraph (2), the Secretary shall post, using transparent, linked, open, and interoperable data formats, on its publicly accessible website an annual report on—

"(A) the number of individuals who participated in projects assisted under this section for the preceding year;

"(B) the percentage of such individuals who successfully completed the requirements of such projects; and

"(C) the performance of eligible entities on such projects as measured by the performance indicators set forth in subsection (e).

"(2) DISAGGREGATION.—The information provided under subparagraphs (A) through (C) of paragraph (1) with respect to a year shall be disaggregated by each project assisted under this section for such year.

"(h) AUTHORIZATION OF APPROPRIATIONS; RESERVATIONS.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

"(A) $250,000,000 for fiscal year 2023;

"(B) $300,000,000 for fiscal year 2024;

"(C) $350,000,000 for fiscal year 2025;

"(D) $400,000,000 for fiscal year 2026;

"(E) $450,000,000 for fiscal year 2027; and

"(F) $500,000,000 for fiscal year 2028.

"(2) RESERVATION OF FUNDS.—Of the funds appropriated under paragraph (1) for a fiscal year, the Secretary—

"(A) may reserve not more than 5 percent for the administration of grants, contracts, and cooperative agreements awarded under this section, of which not more than 2 percent may be reserved for the provision of—

"(i) technical assistance to eligible entities that receive funds under this section; and

"(ii) outreach and technical assistance to eligible entities desiring to receive such funds, including assistance with application development and submission; and

"(B) shall reserve not less than 1 percent and not more than 2.5 percent for the evaluation activities under subsection (f) or to support eligible entities with any required data collection, analysis, and coordination related to such evaluation activities.

"(i) DEFINITIONS.—In this section:

"(1) CHIEF EVALUATION OFFICER.—The term 'Chief Evaluation Officer' means the head of the independent evaluation office located organizationally in the Office of the Assistant Secretary for Policy of the Department of Labor.

"(2) COMMUNITY SUPERVISION.—The term 'community supervision' means mandatory oversight (including probation and parole) of a formerly incarcerated person—

"(A) who was convicted of a crime by a judge or parole board; and

"(B) who is living outside a secure facility.

"(3) CORRECTIONAL INSTITUTION.—The term 'correctional institution' has the meaning given the term in section 225(e).

"(4) ELIGIBLE ENTITY.—The term 'eligible entity' means—

"(A) a private nonprofit organization under section 501(c)(3) of the Internal Revenue Code of 1986, including a community-based or faith-based organization;

"(B) a local board;

"(C) a State or local government;

"(D) an Indian or Native American entity eligible for grants under section 166;

"(E) a labor organization or joint labor-management organization; or

"(F) a consortium of the entities described in subparagraphs (A) through (E).

"(5) ELIGIBLE ADULT.—The term 'eligible adult' means a justice-involved individual who—

"(A) is age 25 or older; and

"(B) in the case of an individual that was previously incarcerated, was released from incarceration not more than 3 years prior to enrollment in a project funded under this section.

"(6) ELIGIBLE YOUTH.—The term 'eligible youth' means a justice-involved individual who is not younger than age 14 or older than age 24.

"(7) HIGH-CRIME.—The term 'high-crime', when used with respect to a geographic area, means an area with crime rates that are higher than the rate for the overall city (for urban areas) or of non-metropolitan area in the State (for rural areas), as such terms are used by the Bureau of Labor Statistics.

"(8) HIGH-POVERTY.—The term 'high-poverty', when used with respect to a geographic area, means an area with a poverty rate of at least 25 percent as determined based on the most recently available data from the American Community Survey conducted by the Bureau of the Census.".

SEC. 279. SECTORAL EMPLOYMENT THROUGH CAREER TRAINING FOR OCCUPATIONAL READINESS (SECTOR) PROGRAM.

Subtitle D of title I (29 U.S.C. 3221 et seq.), as amended by this Act, is further amended by inserting after section 173, as added by the preceding section, the following:

"SEC. 174. SECTORAL EMPLOYMENT THROUGH CAREER TRAINING FOR OCCUPATIONAL READINESS (SECTOR) PROGRAM.

"(a) IN GENERAL.—From amounts appropriated under subsection (e)(1), and not reserved under subsection (e)(2), the Secretary shall—

"(1) use not less than 80 percent of such amounts to award grants under subsection (b) to each State to develop, convene, or expand industry or sector partnerships; and

"(2) use not less than 20 percent of such amounts to award grants under subsection (c), on a competitive basis, to eligible industry or sector partnerships for the purposes of expanding workforce development and employment opportunities for high-skill, high-wage, or in-demand industry sectors or occupations, as determined by the Secretary.

"(b) FORMULA GRANTS.—

"(1) DISTRIBUTION OF FUNDS.—

"(A) STATE ALLOTMENT.—From the amount determined by the Secretary under subsection (a)(1), the Secretary shall allot funds to each State on the basis of the relative allotment the State received under section 132(b) for such fiscal year, compared to the total amount allotted to all States under section 132(b) for such fiscal year.

"(B) LOCAL AREA ALLOCATIONS.—The Secretary shall use the amounts allotted under subparagraph (A) to distribute funds in the State to carry out the activities described in paragraph (2) by—

"(i) allocating funds to each local area of the State on the basis of the relative allocation the local area received under section 133(b) for such fiscal year, compared to the total amount allocated to all local areas in the State under section 133(b) for such fiscal year; or

"(ii) allocating funds to local areas of the State that have the highest rates of unemployment or poverty, or the highest numbers of individuals with barriers to employment in the State.

"(C) TRANSFER AUTHORITY.—A local board may transfer, if such a transfer is approved by the Governor, up to and including 100 percent of the funds allocated to the local area under section 133(b), and up to and including 100 percent of the funds allocated to the local area under this subsection for a fiscal year between—

"(i) adult employment and training activities; and

"(ii) activities under this section.

"(2) USE OF FUNDS.—The funds awarded under paragraph (1) may be used to—

"(A) regularly convene stakeholders in a collaborative structure to identify, develop, improve, or expand training, employment, and growth opportunities for high-skill, high-wage, or in-demand industry sectors or occupations;

"(B) form, expand, and improve training programs, to be managed by eligible industry and sector partnerships that include attainment of industry-recognized credentials, the integration of work-based learning activities with training curricula and occupational certification programs, and that address specific workforce issues and needs of groups of workers, with a priority on individuals with a barrier to employment, within regional labor markets in the State;

"(C) strengthen the coordination of eligible industry and sector partnerships and programs with the programs administered under subtitle B of this title and with the one-stop partners described in section 121; and

"(D) to directly provide, or arrange for the provision of, services to help individuals with barriers to employment and other participants complete and successfully transition out of training described in subparagraph (B), which services shall include career services, supportive services, or the provision of needs-related payments.

"(c) COMPETITIVE GRANTS.—

"(1) GRANTS AUTHORIZED.—From the amount determined by the Secretary under subsection (a)(2), the Secretary shall award grants, on a competitive basis, to eligible industry or sector partnerships for the purposes described in subsection (a)(2).

"(2) APPLICATION.—

"(A) FORM AND PROCEDURE.—To receive a grant under this subsection, the lead applicant on behalf of an eligible industry or sector partnership shall submit to the Secretary an application at such time, in such manner, and containing such information as specified by the Secretary.

"(B) CONTENTS.—An application submitted under paragraph (1) shall contain at a minimum the following:

"(i) Identification of the high-skill, high-wage, or in-demand industry sector or occupation on which such partnership is focused.

"(ii) A description of the activities to be carried out under the grant.

"(iii) A description of the workers that will be targeted for recruitment as program participants, how a priority of service under the grant will be provided to individuals with barriers to employment, and how the activities will be designed to maximize access and eliminate barriers to entry to training and other activities for such individuals.

"(iv) A description of other Federal or non-Federal resources that will be leveraged in support of the eligible industry or sector partnership (including cash or in-kind contributions from private-sector partners).

"(3) USES OF FUNDS.—An eligible industry or sector partnership awarded a grant under this subsection shall use such grant funds—

"(A) to engage and regularly convene stakeholders in a collaborative structure to identify, develop, improve, or expand training, employment, and growth opportunities for the high-skill, high-wage, or in-demand industry sector or occupation on which such partnership is focused;

"(B) to directly provide, or arrange for the provision of, high-quality, evidence-based training for high-skill, high-wage, or in-demand industry sectors or occupations on which such partnership is focused, which shall include training that leads to the attainment of nationally or regionally portable and stackable recognized postsecondary credentials for the industry sector or occupations described in paragraph (A), including—

"(i) training provided through apprenticeship programs, or pre-apprenticeship programs that articulate to apprenticeship programs, labor organizations, or joint labor-management partnerships;

"(ii) on-the job training, customized training, and paid internships and work experience;

"(iii) incumbent worker training to support lower wage workers in upgrading skills and advancing along a career pathway; and

"(iv) training services, in addition to those described in clauses (i) through (iii), that are authorized under section 134(c)(3)(D), including occupational skills training; and

"(C) to directly provide, or arrange for the provision of, services to help individuals with barriers to employment and other participants complete and successfully transition out of training described in subparagraph (B), which services shall include career services, supportive services, or the provision of needs-related payments authorized under subsections (c)(2), (c)(4), and (d)(3) of section 134.

"(4) PRIORITY IN SELECTION OF GRANTS.—The Secretary shall give priority consideration in applications that demonstrate the ability to serve eligible individuals in targeted economic regions that are experiencing high-poverty, have traditionally been underserved by regional economic development and sector partnership activities (including rural areas), or is facing or at risk of facing significant worker dislocation due to a disruption or change in the regional or State economy or labor market.

"(d) PROGRAM ACCOUNTABILITY AND EVALUATION.—

"(1) IN GENERAL.—The grants awarded under this section are subject to—

"(A) the primary indicators of performance under section 116(b)(2)(A) and expected levels of performance relating to such indicators; and

"(B) such additional measures as the Secretary deems appropriate, which may include skills attainment, wage or career progression, training-related employment, and additional job quality measures.

"(2) EVALUATION.—Not later than 5 years after the first award of funds under this section is made the Secretary (acting through the chief evaluation officer) shall design and conduct an evaluation to evaluate the effectiveness of the program carried out this section.

"(3) PUBLICATION.—The Secretary shall publish the outcomes of grantees under the indicators and measures described in paragraph (1) and the evaluation described in paragraph (2) on a publicly accessible website, and submit the evaluation findings to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate.

"(e) AUTHORIZATION OF APPROPRIATIONS; RESERVATIONS.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

"(A) $1,000,000,000 for fiscal year 2023;

"(B) $1,100,000,000 for fiscal year 2024;

"(C) $1,210,000,000 for fiscal year 2025;

"(D) $1,331,000,000 for fiscal year 2026;

"(E) $1,464,100,000 for fiscal year 2027; and

"(F) $1,610,510,000 for fiscal year 2028.

"(2) RESERVATION OF FUNDS.—Of the funds appropriated under paragraph (1) for a fiscal year, the Secretary may reserve not more than 5 percent which—

"(A) may be used for administration of the program described in this section, in addition to any other funds available for these activities, including providing comprehensive technical assistance, targeted outreach to eligible partnerships serving local areas with high unemployment rates or high percentages of low-income individuals or individuals with barriers to employment; and oversight to support eligible partnerships; and

"(B) shall be used to conduct an evaluation of the activities carried out under this section and for reporting on the performance and impact of programs funded under this section.

"(f) DEFINITIONS.—In this section:

"(1) ELIGIBLE INDUSTRY OR SECTOR PARTNERSHIP.—The term 'eligible industry or sector partnership' means—

"(A) an industry or sector partnership, which shall include multiple representatives described in each of clauses (i) through (iii) of paragraph (26)(A) of section 3; or

"(B) a partnership of multiple entities described in section 3(26) and a State board or local board, that is in the process of establishing an industry or sector partnership.

"(2) LEAD APPLICANT.—The term 'lead applicant' means an applicant for a grant under this section that is a State board, local board, institution of higher education, labor-management partnership, labor organization, industry association, or other State and regional nonprofit organizations with experience in designing, convening, and expanding industry or sector partnerships.".

SEC. 280. WORKFORCE DATA QUALITY INITIATIVE GRANTS.

Subtitle D of title I (29 U.S.C. 3221 et seq.), as amended by this Act, is further amended by inserting after section 174, as added by the preceding section, the following:

"SEC. 175. WORKFORCE DATA QUALITY INITIATIVE GRANTS.

"(a) AUTHORITY.—The Secretary is authorized to award grants, on a competitive basis, to States to create workforce longitudinal administrative databases and associated resources for the purpose of strengthening workforce development program quality, protecting privacy, and improving transparency.

"(b) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to States that—

"(1) have not previously received such a grant;

"(2) have the greatest need to improve their data infrastructure;

"(3) will use non-Federal contributions to improve State data infrastructure and related resources;

"(4) support co-enrollment in workforce related programs;

"(5) participate and contribute data to the State's linked longitudinal data system, including submitting data that when linked with elementary and secondary school and postsecondary data, provides the State the ability to create more data tools and analytics; and

"(6) enable research and program improvement activities.

"(c) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall be used to supplement, and not supplant, other Federal, State, or local funds used for developing State data systems.

"(d) ADMINISTRATIVE COSTS.—The Secretary shall reserve not more than 10 percent of funds made available to carry out this section for each fiscal year for the provision of technical assistance to support the implementation of grants awarded under this section.

"(e) PRIVACY.—Nothing in this section shall require the disaggregation of data when the number of individuals in a category is insufficient to yield statistically reliable information or when the results would reveal personally identifiable information about an individual, or would reveal such information when combined with other released information.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

"(1) $40,000,000 for fiscal year 2023;
"(2) $35,000,000 for fiscal year 2024;
"(3) $30,000,000 for fiscal year 2025;
"(4) $25,000,000 for fiscal year 2026;
"(5) $20,000,000 for fiscal year 2027; and
"(6) $15,000,000 for fiscal year 2028.

"(g) DEFINITION.—In this section, the term 'State' has the meaning given the term in section 3, except such term also includes each of the outlying areas (as defined in section 3).".

SEC. 281. AUTHORIZATION OF APPROPRIATIONS.

Section 176 (as redesignated by section 277), is amended to read as follows:

"SEC. 176. AUTHORIZATION OF APPROPRIATIONS.

"(a) NATIVE AMERICAN PROGRAMS.—There are authorized to be appropriated to carry out section 166 (not including subsection (k) of such section)—

"(1) $66,400,000 for fiscal year 2023;
"(2) $73,000,000 for fiscal year 2024;
"(3) $80,300,000 for fiscal year 2025;
"(4) $88,300,000 for fiscal year 2026;
"(5) $97,100,000 for fiscal year 2027; and
"(6) $106,800,000 for fiscal year 2028.

"(b) MIGRANT AND SEASONAL FARMWORKER PROGRAMS.—There are authorized to be appropriated to carry out section 167—

"(1) $109,100,000 for fiscal year 2023;
"(2) $114,600,000 for fiscal year 2024;
"(3) $120,300,000 for fiscal year 2025;
"(4) $126,300,000 for fiscal year 2026;
"(5) $132,600,000 for fiscal year 2027; and
"(6) $139,200,000 for fiscal year 2028.

"(c) TECHNICAL ASSISTANCE.—There are authorized to be appropriated to carry out section 168—

"(1) $3,600,000 for fiscal year 2023;
"(2) $3,800,000 for fiscal year 2024;
"(3) $4,000,000 for fiscal year 2025;
"(4) $4,200,000 for fiscal year 2026;
"(5) $4,400,000 for fiscal year 2027; and
"(6) $4,600,000 for fiscal year 2028.

"(d) EVALUATIONS AND RESEARCH.—There are authorized to be appropriated to carry out section 169—

"(1) $116,700,000 for fiscal year 2023;
"(2) $122,500,000 for fiscal year 2024;
"(3) $128,600,000 for fiscal year 2025;
"(4) $135,000,000 for fiscal year 2026;
"(5) $141,800,000 for fiscal year 2027; and
"(6) $148,900,000 for fiscal year 2028.".

Subtitle E—Administration

SEC. 291. NONDISCRIMINATION.

Section 188 (29 U.S.C. 3248) is amended—

(1) in subsection (a)(5), by adding at the end the following: "Provided that it shall not be a violation of this paragraph to exclude any individual from participation or employment in programs or activities receiving Federal financial as-

sistance where such participation or employment, or access to the premises upon which any part of such program, activity, or employment is performed, is subject to any requirements imposed in the interest of the national security of the United States under any security program in effect pursuant to or administered under any statute or regulation of the United States, Executive Order of the President, or other Federal contractual requirement, and such individual does not meet such requirements."; and

(4) in subsection (e) is amended by striking "Workforce Innovation and Opportunity Act" and inserting "Workforce Innovation and Opportunity Act of 2022".

SEC. 292. SECRETARIAL ADMINISTRATIVE AUTHORITIES AND RESPONSIBILITIES.

Section 189 (29 U.S.C. 3249) is amended—

(1) in subsection (d), by striking "the Workforce" and inserting "Labor";

(2) in subsection (g)(2)(B)(ii), by striking "subsection (a) or (b) of section 169 (relating to evaluations, research projects, studies and reports, and multistate projects)" and inserting "subsection (a), (b), or (c) of section 169 relating to evaluations, research projects, studies and reports, multistate projects, and the workforce development innovation fund";

(3) by striking subsection (h);

(4) by redesignating subsection (i) as subsection (h); and

(5) by amending paragraph (3)(A)(ii) of subsection (h) (as so redesignated) to read as follows:

"(ii) any of the statutory or regulatory requirements of the Wagner-Peyser Act (29 U.S.C. 49 et seq.) (excluding requirements relating to the provision of services to unemployment insurance claimants and veterans, the colocation of employment service offices with one-stop centers, the designation of a cooperating State agency, and requirements relating to universal access to basic labor exchange services without cost to jobseekers).".

SEC. 293. GUARD RAILS FOR PROGRAM INTEGRITY.

Section 194 (29 U.S.C. 3254) is amended by adding at the end the following:

"(16) An institution of higher education that is a proprietary institution of higher education (as defined in section 102(a)(1)(A) of the Higher Education Act of 1965 (20 U.S.C. 1002(a)(1)(A)) may not be—

"(A) designated or certified as a one-stop operator under section 121(d), or awarded funds under this title to operate a one-stop center; or

"(B) appointed to a State board or local board under section 101 or 107, respectively.".

TITLE III—ADULT EDUCATION AND FAMILY LITERACY

SEC. 301. FAMILY LITERACY.

The heading of title II of the Workforce Innovation and Opportunity Act (29 U.S.C. 3271 et seq.) is amended by inserting "**FAMILY**" before "**LITERACY**".

SEC. 302. PURPOSE.

Section 202 (29 U.S.C. 3271) is amended—

(1) in the matter preceding paragraph (1), by inserting "family" before "literacy activities";

(2) by amending paragraph (1) to read as follows:

"(1) assist adults to become literate and obtain the knowledge and skills (including digital skills) necessary for employment, economic self-sufficiency, and full participation in all aspects of adult life;";

(3) in paragraph (4)(A)—

(A) in clause (i), by striking "and" at the end; and

(B) by inserting after clause (ii) the following:

"(iii) digital skills; and";

SEC. 303. DEFINITIONS.

Section 203 (29 U.S.C. 3272) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking "and" at the end;

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (B) the following:

"(C) develop and use digitial technology skills; and";

(2) in paragraph (2), by inserting ", digital skills activities offered in conjunction with other adult education and literacy activities" after "family literacy activities";

(3) in paragraph (3), by inserting "family" before "literacy activities";

(4) in paragraph (4)(C)(i), by striking "is basic skills deficient" and inserting "has foundational skills needs";

(5) in paragraph (9)—

(A) in the matter preceding subparagraph (A), by striking "economic prospects" and inserting "economic and educational prospects"; and

(B) by adding at the end the following:

"(E) Digital literacy activities to enable parents or family members to develop and use digital literacy skills to support their children's learning.";

(6) by amending paragraph (11) to read as follows:

"(11) INTEGRATED EDUCATION AND TRAINING.—The term 'integrated education and training' means a service approach that provides adult education and family literacy activities concurrently and contextually with workforce preparation activities and workforce training (and which may be provided concurrently with other adult education activities and services, such as adult basic education) for a specific high-wage, high demand occupation or occupational cluster (including, as appropriate, for apprenticeship and pre-apprenticeship programs) for the purpose of educational and career advancement.";

(7) by amending paragraph (12) to read as follows:

"(12) INTEGRATED ENGLISH LITERACY AND CIVICS EDUCATION.—The term 'integrated English literacy and civics education' means instruction in literacy and English and other education services provided to English language learners who are adults, including professionals with degrees and credentials in their native countries—

"(A) that enables such adults—

"(i) to achieve competency in the English language;

"(ii) to build knowledge of United States history and civics;

"(iii) to prepare for United States citizenship and the naturalization process;

"(iv) to use digital technology at levels of proficiency necessary to function effectively as a worker, a parent or a family member, and a member of society;

"(v) to apply for Federal and other student financial aid and enroll in postsecondary education or other further learning; and

"(vi) to locate and apply for registered apprenticeship or pre-apprenticeship programs; and

"(B) which may include—

"(i) preparation for a high school equivalency diploma or postsecondary training or education;

"(ii) preparation for employment;

"(iii) preparation for apprenticeship or pre-apprenticeship programs, or the provision of information regarding where to acquire that preparation; or

"(iv) instruction in—

"(I) navigating the early childhood, elementary and secondary, and postsecondary education systems;

"(II) financial literacy;

"(III) the housing market in the United States; or

"(IV) accessing Federal, State, and local health care systems.";

(8) in paragraph (13) by striking "and solve problems," and all that follows through the period at the end and inserting "solve problems, and use digital technology at levels of proficiency necessary to function effectively as an employee, a parent or a family member, and a member of society.";

(9) by redesignating paragraphs (16) and (17) as paragraphs (17) and (18), respectively;

(10) by inserting after paragraph (15), the following:

"(16) UNIVERSAL DESIGN FOR LEARNING.—The term 'universal design for learning' has the meaning given the term in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).."; and

(11) in paragraph (18), as redesignated by paragraph (9)—

(A) by striking "using information" and inserting "using and acquiring information"; and

(B) by striking "education or training" and inserting "education or training (including registered apprenticeship and pre-apprenticeship programs)".

SEC. 304. AUTHORIZATION OF APPROPRIATIONS.

Section 206 (29 U.S.C. 3275) is amended by striking "$577,667,000 for fiscal year 2015" and all that follows through the period at the end and inserting "$785,100,000 for fiscal year 2023, $824,400,000 for fiscal year 2024, $865,600,000 for fiscal year 2025, $908,900,000 for fiscal year 2026, $954,300,000 for fiscal year 2027, and $1,002,000,000 for fiscal year 2028.".

SEC. 305. PERFORMANCE ACCOUNTABILITY SYSTEM.

Section 212 (29 U.S.C. 3292) is amended to read as follows:

"SEC. 212. PERFORMANCE ACCOUNTABILITY SYSTEM.

"(a) IN GENERAL.—Programs and activities authorized in this title are subject to the performance accountability provisions described in section 116.

"(b) INNOVATIVE PERFORMANCE ACCOUNTABILITY SYSTEM DEMONSTRATION PROGRAM.—

"(1) IN GENERAL.—The Secretary may authorize one or more eligible entities to implement an innovative performance accountability system that uses alternative primary indicators of performance that reflect the objectives and activities of the entity's adult education and family literacy programs and measure the attainment of the education and employment goals of the participants in such programs. The innovative performance accountability system may include—

"(A) performance indicators attained while an individual is enrolled in an adult education and family literacy program; and

"(B) performance indicators attained after an individual exits such a program.

"(2) DEMONSTRATION PERIOD.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the period during which an eligible entity may carry out an innovative accountability system authorized under this subsection shall be a period determined by the Secretary that does not exceed five years.

"(B) EXTENSION.—The Secretary may extend, by up to one year, the demonstration period determined under subparagraph (A) for an eligible entity if—

"(i) the Secretary determines that the innovative accountability system implemented by the entity is successfully meeting the objectives of this subsection; and

"(ii) the total period during which the entity implements such system under the demonstration program, inclusive of such extension, does not exceed six years.

"(3) APPLICATION.—

"(A) IN GENERAL.—Subject to subparagraph (C), an eligible entity that seeks authorization to implement an innovative performance accountability system under this subsection shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(B) CONTENTS.—At a minimum, each application under this paragraph shall include—

"(i) a description of the objectives of the innovative performance accountability system proposed by the eligible entity;

"(ii) a description of such accountability system, including a description of the performance indicators to be used;

"(iii) the duration of the period over which the entity intends to carry out the proposed accountability system;

"(iv) an explanation of why the entity believes the alternative indicators of performance proposed by the entity would more accurately measure the attainment of the objectives of the entity's adult education and family literacy programs compared to the indicators of performance described in section 116(b)(2)(A)(i);

"(v) an explanation of how the proposed performance indicators are expected to provide a valid and reliable measurement of the effectiveness of the entity's adult education and family literacy programs with respect to the individuals served by such programs;

"(vi) a description of how the entity will report to the Secretary and make publicly available the proposed indicators of performance on a timely basis;

"(vii) an assurance that the entity will prepare and submit the final report required under paragraph (4); and

"(viii) a description of how the innovative accountability system may be relevant to and replicated by States and outlying areas.

"(C) REVIEW OF CERTAIN APPLICATIONS.—In a case in which an eligible entity that is a consortium of eligible providers seeks authorization to implement an innovative performance accountability system under this subsection—

"(i) the consortium shall submit the application described in subparagraph (A) to the eligible agency of the State or outlying area in which the consortium intends to implement the system;

"(ii) the eligible agency shall review the application; and

"(iii) if the eligible agency approves the application, the agency shall forward the application to the Secretary together with any comments of the agency regarding the content of the application.

"(4) PROGRESS REPORT.—

"(A) IN GENERAL.—Not later than 180 days before the end of the initial demonstration period applicable to an eligible entity under paragraph (2)(A), and before the Secretary authorizes any extension of the demonstration period under paragraph (2)(B) for such entity, the eligible entity shall submit to the Secretary a report on the initial progress (in this paragraph referred to as the 'progress report') of the innovative accountability system implemented by the eligible entity under this section.

"(B) ELEMENTS.—The progress report under subparagraph (A) shall be based on the annual information submitted by participating local providers and shall include an assessment of the following:

"(i) The burden placed on the local programs to implement and carry out the innovative accountability system.

"(ii) Whether and to what extent—

"(I) the eligible entity has solicited feedback from local program directors and instructors about their satisfaction with the innovative accountability system;

"(II) local program instructors and directors have demonstrated a commitment and capacity to implement or continue to implement the system;

"(III) the system was used to measure the performance indicators for all students participating in the system; and

"(IV) the innovative accountability system can be used across States.

"(C) PEER REVIEW.—

"(i) IN GENERAL.—The eligible entity shall conduct a peer review of the innovative performance accountability system implemented by the eligible entity under this section.

"(ii) PEER REVIEW TEAM.—For purposes of conducting the peer review under clause (i), the eligible entity shall assemble a team of subject matter experts who—

"(I) are knowledgeable about innovative accountability systems; and

"(II) have demonstrated experience developing and implementing such systems.

"(iii) METHODOLOGY.—The methodology of the peer review shall meet requirements to be jointly established by the Secretary of Labor and Secretary of Education.

"(iv) ELEMENTS.—The peer review shall determine the extent to which the innovative accountability system includes primary indicators that reflect the objectives and activities of the State's adult education and family literacy programs.

"(D) COMMENTS.—The eligible entity shall provide a response to the findings of the progress report.

"(E) PUBLIC AVAILABILITY.—The progress report under this paragraph, including any comments provided under subparagraph (D), shall be made available on a publicly accessible website of the eligible entity.

"(5) FINAL REPORT.—Not later than one year after the conclusion of the demonstration period applicable to an eligible entity under paragraph (2), the entity shall submit to the Secretary a report on the results of the innovative performance accountability system implemented by the entity under this subsection. Each such report shall include the entity's assessment of whether, and to what extent, the innovative performance accountability system achieved its objectives.

"(6) CONTINUED REPORTING.—An eligible entity shall continue to report to the State, or the Secretary, as applicable, on the indicators of performance described in section 116(b)(2)(A)(i) during the demonstration period.

"(7) DEVELOPMENT AND DISSEMINATION OF BEST PRACTICES.—The Secretary shall—

"(A) based on the results of the demonstration programs authorized under this subsection and in consultation with the Director of the Institute of Education Sciences and the Secretary of Labor, identify best practices for the development and implementation of innovative performance accountability systems; and

"(B) disseminate information on those practices, including by making such information available on a publicly accessible website of the Department of Education.

"(8) RELATIONSHIP TO OTHER REQUIREMENTS.—Nothing in this subsection shall be construed to supersede the requirements of section 116 or to authorize the Secretary to modify or replace the performance accountability measures required under section 116. An eligible entity participating in a demonstration program under this subsection shall be subject to the applicable requirements of section 116 while participating in such program.

"(9) ELIGIBLE ENTITY DEFINED.—In this subsection, the term 'eligible entity' means—

"(A) an eligible agency;

"(B) a consortium of eligible agencies; or

"(C) a consortium of eligible providers within a State or outlying area.".

SEC. 306. STATE DISTRIBUTION OF FUNDS; MATCHING REQUIREMENT.

Section 222(b) (29 U.S.C. 3302(b)) is amended by adding at the end the following:

"(3) PUBLIC AVAILABILITY OF INFORMATION ON MATCHING FUNDS.—Each eligible agency shall maintain, on a publicly accessible website of such agency and in an easily accessible format, information documenting the non-Federal contributions made available to adult education and family literacy programs pursuant to this subsection, including—

"(A) the sources of such contributions; and

"(B) in the case of funds made available by a State or outlying area, an explanation of how such funds are distributed to eligible providers."

SEC. 307. STATE LEADERSHIP ACTIVITIES.

Section 223(a) (29 U.S.C. 3303(a)) is amended—

(1) in paragraph (1)(C)—

(A) by amending clause (ii) to read as follows:

"(ii) the role of eligible providers as a one-stop partner to provide access to employment, education (including apprenticeship and pre-apprenticeship programs), and training services;";

(B) in clause (iii), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(iv) assistance for students to be able to locate and apply for apprenticeship and pre-apprenticeship programs."; and

(2) in paragraph (2)—

(A) in subparagraph (J), by striking the period at the end and inserting ", such as the development and maintenance of policies for the credentialing of adult educators who demonstrate effectiveness.";

(B) by redesignating subparagraph (M) as subparagraph (N); and

(C) by inserting after subparagraph (L) the following:

"(M) Strengthening the quality of adult education and family literacy programs in the State through support for improved credentials, program quality standards, and certification and accreditation requirements.".

SEC. 308. GRANTS AND CONTRACTS FOR ELIGIBLE PROVIDERS.

Section 231(e)(6) (29 U.S.C. 3321(e)(6)) is amended by striking "including scientifically valid research and effective educational practice" and inserting "including the application of the principles of universal design for learning, scientifically valid research, and effective educational practice".

SEC. 309. LOCAL ADMINISTRATIVE COST LIMITS.

Section 233(a) (29 U.S.C. 3323(a)) is amended—

(1) in paragraph (1), by striking "95 percent" and inserting "85 percent"; and

(2) by amending paragraph (2) to read as follows:

"(2) of the remaining amount—

"(A) not more than 10 percent may be used for professional development for adult educators; and

"(B) not more than 5 percent may be used for planning, administration (including carrying out the requirements of section 116), and the activities described in paragraphs (3) and (5) of section 232.".

SEC. 310. NATIONAL LEADERSHIP ACTIVITIES.

Section 242 (29 U.S.C. 3332) is amended—

(1) by amending paragraph (1) of subsection (b) to read as follows:

"(1) assistance to help States meet the requirements of section 116, including assistance to ensure that—

"(A) the outcomes and other data required pursuant to that section are collected and reported in a timely and accessible manner; and

"(B) such data are reported consistently across States and eligible providers and are reviewed for quality and consistency by the Department of Education;";

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking "and" at the end of subparagraph (C);

(ii) in subparagraph (D), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(E) assistance in the dissemination or provision of information for apprenticeship and pre-apprenticeship programs."; and

(B) in paragraph (2)—

(i) in subparagraph (F), by striking "and" at the end;

(ii) by redesignating subparagraph (G) as subparagraph (L); and

(iii) by inserting after subparagraph (F) the following:

"(G) developing and rigorously evaluating model programs for the preparation of effective adult educators;

"(H) carrying out initiatives to support the professionalization of adult education through—

"(i) the creation and implementation of full-time staffing models; and

"(ii) improved credentials, program quality standards, and certification and accreditation requirements that States may adopt on a voluntary basis;

"(I) carrying out initiatives to support the professionalization of adult education through the creation and implementation of full-time staffing models;

"(J) providing professional development and technical assistance to adult educators;

"(K) incorporating the principles of universal design for learning for any activity carried out under subsection (b); and".

SEC. 311. INTEGRATED ENGLISH LITERACY AND CIVICS EDUCATION.

Section 243 (29 U.S.C. 3333) is amended—

(1) by amending subsection (a) to read as follows:

"(a) IN GENERAL.—From funds made available under section 211(a)(2) for each fiscal year, the Secretary shall award grants to States, from allotments under subsection (b), for English literacy and civics education, in combination with workforce preparation activities, workplace adult education and family literacy activities, apprenticeship and pre-apprenticeship programs, integrated education and training activities, or work-based learning.";

(2) in subsection (c)—

(A) in paragraph (1), by striking ", and place such adults in,"; and

(B) in paragraph (2), by inserting before the period the following: ", including the identification of in-demand industries and the placement of adult English language learners in unsubsidized employment within these industries"; and

(3) by adding at the end the following:

"(e) STATE DEFINED.—In this section, the term 'State' has the meaning given the term in section 3, except that such term also includes each of the outlying areas (as defined in section 3).".

SEC. 312. TECHNICAL CORRECTIONS TO OTHER LAWS.

Section 9215(c) of the Every Student Succeeds Act (Public Law 114–95) is amended—

(1) in the subsection heading, by striking "ADULT EDUCATION AND LITERACY ACT" and inserting "ADULT EDUCATION AND FAMILY LITERACY ACT"; and

(2) by striking "the Adult Education and Literacy Act" and inserting "the Adult Education and Family Literacy Act".

TITLE IV—GENERAL PROVISIONS

SEC. 401. PROHIBITION OF NATIONAL DATABASE MANAGEMENT.

Section 501(b) (29 U.S.C. 3341) is amended to read as follows:

"(b) PROHIBITION OF NATIONAL DATABASE MANAGEMENT.—Nothing in this Act (or the amendments to other laws made by the Workforce Innovation and Opportunity Act of 2022) shall be construed to permit the development, management, analysis, or maintenance by a private entity (whether for-profit or non-profit) of a national database of personally identifiable information of individuals receiving services under title I, or the amendments to other laws made by the Workforce Innovation and Opportunity Act of 2022.".

SEC. 402. ACCESSIBILITY.

Subtitle A of title V (29 U.S.C. 3341 et seq.) is further amended by adding at the end the following:

"SEC. 507. ACCESSIBILITY.

"Any uses of digital technology for the purpose of delivery of service under this Act shall ensure that the website or electronic communication conform to Level AA of the Web Content Accessibility Guidelines 2.0 of the Web Accessibility Initiative (or any successor guidelines).".

TITLE V—AMENDMENTS TO THE WAGNER-PEYSER ACT

SEC. 501. INCLUSION OF COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS AND AMERICAN SAMOA.

The Wagner-Peyser Act (29 U.S.C. 49 et seq.) is amended—

(1) in section 2(5) (29 U.S.C. 49a(5))—

(A) by striking "the Commonwealth of Puerto Rico" and inserting "Puerto Rico"; and

(B) by inserting "the Commonwealth of the Northern Mariana Islands, American Samoa," after "Guam,";

(2) in section 5(b)(1) (29 U.S.C. 49d(b)(1)), by inserting "the Commonwealth of the Northern Mariana Islands, and American Samoa," after "Guam,";

(3) in section 6(a) (29 U.S.C. 49e(a))—

(A) by inserting ", the Commonwealth of the Northern Mariana Islands, and American Samoa" after "except for Guam";

(B) by striking "allot to Guam" and inserting the following: "allot to—

"(1) Guam";

(C) by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(2) the Commonwealth of the Northern Mariana Islands and American Samoa an amount which, in relation to the total amount available for the fiscal year, is equal to the allotment percentage that Guam received of amounts available under this Act in fiscal year 1983."; and

(4) in section 6(b)(1) (29 U.S.C. 49e(b)(1)), in the matter following subparagraph (B), by inserting ", the Commonwealth of the Northern Mariana Islands, American Samoa," after "does not include Guam".

SEC. 502. WORKFORCE AND LABOR MARKET INFORMATION SYSTEM.

Section 15(g) of the Wagner-Peyser Act (29 U.S.C. 49l–2(g)) is amended to read as follows:

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $74,400,000 for fiscal year 2023, $78,100,000 for fiscal year 2024, $82,000,000 for fiscal year 2025, $86,100,000 for fiscal year 2026, $90,400,000 for fiscal year 2027, and $94,900,000 for fiscal year 2028.".

TITLE VI—AMENDMENTS TO THE REHABILITATION ACT OF 1973

SEC. 601. AUTHORIZATION OF APPROPRIATIONS.

(a) STATE PLANS.—Paragraph (1) of section 100(b) of the Rehabilitation Act of 1973 (29 U.S.C. 720(b)) is amended to read as follows:

"(1) IN GENERAL.—For the purpose of making grants to States under part B to assist States in meeting the costs of vocational rehabilitation services provided in accordance with State plans under section 101, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2023 through 2028, except that—

"(A) for fiscal year 2023 the amount to be appropriated shall be not less than $4,052,400,000; and

"(B) for fiscal year 2024 and each of the succeeding fiscal years, the amount to be appropriated for such a fiscal year shall not be less than the amount of the appropriation under this paragraph for the immediately preceding fiscal year, increased by the percentage change in the Consumer Price Index determined under subsection (c) for the immediately preceding fiscal year.".

(b) CLIENT ASSISTANCE PROGRAM.—Section 112(h) of the Rehabilitation Act of 1973 (29 U.S.C. 732(h)) is amended to read as follows:

"(h) There are authorized to be appropriated to carry out the provisions of this section—

"(1) $15,507,800 for fiscal year 2023;
"(2) $16,283,190 for fiscal year 2024;
"(3) $17,097,350 for fiscal year 2025;
"(4) $17,952,217 for fiscal year 2026;
"(5) $18,849,828 for fiscal year 2027; and
"(6) $19,792,319 for fiscal year 2028.".

(c) RESEARCH AND TRAINING.—Section 201 of the Rehabilitation Act of 1973 (29 U.S.C. 761) is amended to read as follows:

"SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title $134,357,300 for fiscal year 2023, $141,075,165 for fiscal year 2024, $148,128,923 for fiscal year 2025, $155,535,369 for fiscal year 2026, $163,312,138 for fiscal year 2027, and $171,477,745 for fiscal year 2028.".

(d) TRAINING.—Section 302(i) of the Rehabilitation Act of 1973 (29 U.S.C. 772(i)) is amended to read as follows:

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $43,494,001 for fiscal year 2023, $45,668,701 for fiscal year 2024, $47,952,136 for fiscal year 2025, $50,349,743 for fiscal year 2026, $52,867,230 for fiscal year 2027, and $55,510,592 for fiscal year 2028.".

(e) DEMONSTRATION AND TRAINING PROGRAMS.—Section 303(e) of the Rehabilitation Act of 1973 (29 U.S.C. 773(e)) is amended to read as follows:

"(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section there are authorized to be appropriated $7,489,900 for fiscal year 2023, $7,864,395 for fiscal year 2024, $8,257,615 for fiscal year 2025, $8,670,495 for fiscal year 2026, $9,104,020 for fiscal year 2027, and $9,559,221 for fiscal year 2028.".

(f) NATIONAL COUNCIL ON DISABILITY.—Section 405 of the Rehabilitation Act of 1973 (29 U.S.C. 785) is amended to read as follows:

"SEC. 405. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title $4,117,300 for fiscal year 2023, $4,323,165 for fiscal year 2024, $4,539,323 for fiscal year 2025, $4,766,289 for fiscal year 2026, $5,004,604 for fiscal year 2027, and $5,254,834 for fiscal year 2028.".

(g) ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD.—Section 502(j) of the Rehabilitation Act of 1973 (29 U.S.C. 792(j)) is amended to read as follows:

"(j) There are authorized to be appropriated for the purpose of carrying out the duties and functions of the Access Board under this section $10,835,000 for fiscal year 2023, $11,376,750 for fiscal year 2024, $11,945,588 for fiscal year 2025, $12,542,867 for fiscal year 2026, $13,170,010 for fiscal year 2027, and $13,828,511 for fiscal year 2028.".

(h) PROTECTION AND ADVOCACY OF INDIVIDUAL RIGHTS.—Section 509(l) of the Rehabilitation Act of 1973 (29 U.S.C. 794e(l)) is amended to read as follows:

"(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $22,808,500 for fiscal year 2023, $23,948,925 for fiscal year 2024, $25,146,371 for fiscal year 2025, $26,403,690 for fiscal year 2026, $27,723,874 for fiscal year 2027, and $29,110,068 for fiscal year 2028.".

(i) EMPLOYMENT OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES.—Section 610 of the Rehabilitation Act of 1973 (29 U.S.C. 29 U.S.C. 795o) is amended to read as follows:

"SEC. 610. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to carry out this title $35,599,300 for fiscal year 2023, $37,379,265 for fiscal year 2024, $39,248,228 for fiscal year 2025, $41,210,640 for fiscal year 2026, $43,271,172 for fiscal year 2027, and $45,434,730 for fiscal year 2028.".

(j) INDEPENDENT LIVING SERVICES.—Section 714 of the Rehabilitation Act of 1973 (29 U.S.C. 796e–3) is amended to read as follows:

"SEC. 714. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part $29,564,700 for fiscal year 2023, $31,042,935 for fiscal year 2024, $32,595,082 for fiscal year 2025, $34,224,836 for fiscal year 2026, $35,936,078 for fiscal year 2027, and $37,732,882 for fiscal year 2028.".

(k) CENTERS FOR INDEPENDENT LIVING.—Section 727 of the Rehabilitation Act of 1973 (29 U.S.C. 796f–6) is amended to read as follows:

"SEC. 727. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part $101,191,200 for fiscal year 2023, $106,250,760 for fiscal year 2024, $111,563,298 for fiscal year 2025, $117,141,463 for fiscal year 2026, $122,998,536 for fiscal year 2027, and $129,148,463 for fiscal year 2028.".

(l) INDEPENDENT LIVING SERVICES FOR OLDER INDIVIDUALS WHO ARE BLIND.—Section 753 of the Rehabilitation Act of 1973 (29 U.S.C. 796l) is amended to read as follows:

"SEC. 753. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this chapter $43,055,100 for fiscal year 2023, $45,207,855 for fiscal year 2024, $47,468,248 for fiscal year 2025, $49,841,660 for fiscal year 2026, $52,333,743 for fiscal year 2027, and $54,950,430 for fiscal year 2028.".

PURPOSE AND SUMMARY

The purpose of H.R. 7309, the *Workforce Innovation and Opportunity Act of 2022* (WIOA of 2022),[1] is to reauthorize and strengthen the primary federal law—the *Workforce Innovation and Opportunity Act of 2014* (WIOA of 2014)—governing the nation's workforce development system (WIOA). It fully funds WIOA programs by authorizing $78 billion over six years; establishes a permanent Department of Labor (DOL) program to help individuals released from incarceration transition back to employment and access sustainable career pathways; expands summer and year-round jobs programs for youth; strengthens the quality of the Jobs Corps program; codifies partnerships between employers and community colleges to provide high-quality job training; and strengthens industry and sector partnerships to better meet the needs of both employers and job seekers.

WIOA of 2022 has been endorsed by America Forward, American Library Association, Association of Farmworker Opportunity Programs, Center for Employment Opportunities, Corporation for a Skilled Workforce, Emsi Burning Glass, Jobs for the Future, Keys2Work, MidWest Urban Strategies, National Council of State Boards of Nursing, National Job Corps Association, National League of Cities, National Skills Coalition, RecycleForce, REDF, Results For America, San Diego Workforce Partnership, Transport Workers Union of America, Unite LA, U.S. Conference of Mayors, and YouthBuild USA.

[1] H.R. 7309, 117th Cong. (as reported by the H. Comm. on Ed. & Labor, Apr. 5, 2022).

COMMITTEE ACTION

117TH CONGRESS

On April 21, 2021, the Education and Labor (Committee) held a bipartisan Member roundtable on the reauthorization of the *Workforce Innovation and Opportunity Act*. During the roundtable, Members and panelists discussed challenges facing the existing workforce system and how the reauthorization of WIOA of 2014 could address those challenges. The panelists were: Mr. David Bradley, Analyst in Labor Economics, Congressional Research Service (CRS), Washington, DC; Ms. Dawn Locke, Acting Director, Education, Workforce, and Income Security, Government Accountability Office (GAO), Washington, DC; Mr. Ron Painter, President and CEO, National Association of Workforce Boards, Washington, DC; and Ms. Maria Flynn, President and CEO, Jobs for the Future, Boston, MA.

On May 13, 2021, the Committee held a bipartisan hearing entitled "*Workforce Innovation and Opportunity Act Reauthorization: Creating Opportunities for Youth Employment.*" The Committee heard testimony on the challenges facing the youth activities authorized under WIOA of 2014. The witnesses were: Ms. Chekemma Fullmore-Townsend, President and CEO, Philadelphia Youth Network, Philadelphia, PA; Mr. Thomas Showalter, Senior Advisor, National Youth Employment Coalition, Washington, DC; Ms. Deb Lindner, Human Resources Manager, Precor, Whitsett, NC; and Mr. Byron Garret, President & CEO, National Job Corps Association, Washington, DC.

On May 27, 2021, the Committee held a bipartisan hearing entitled "*Workforce Innovation and Opportunity Act Reauthorization: Creating Employment Pathways for Dislocated Workers.*" The Committee heard testimony on how to use the reauthorization of WIOA of 2014 to mitigate worker displacement and promote lifelong learning. The witnesses were: Mr. Joe Barela, Executive Director, Colorado Department of Labor and Employment, Denver, CO; Mr. P.J. McGrew, Executive Director, Indiana Governor's Workforce Cabinet, Indianapolis, IN; Mr. Matt Sigelman, Chief Executive Officer, Burning Glass Technologies, Boston, MA; and Ms. Portia Wu, Managing Director, U.S. Public Policy, U.S. Government Affairs, Microsoft Corporation, Washington, DC.

On June 15, 2021, the Committee held a bipartisan hearing entitled "*Workforce Innovation and Opportunity Act Reauthorization: Examining Successful Models of Employment for Justice-Involved Individuals.*" The Committee heard testimony on the need for a codified reentry grant that provides comprehensive services to justice-involved individuals. The witnesses were: Ms. Traci Scott, Vice President of Workforce Development, National Urban League, New York, NY; Mr. Gregg Keesling, President, Recycle Force, Indianapolis, IN; Ms. Pamela Lattimore, Senior Director for Research Development, Division for Applied Justice Research, RTI International, Research, Triangle Park, NC; and Ms. Wendi Safstrom, Executive Director, SHRM Foundation, Alexandria, VA.

On March 31, 2022, Rep. Robert C. "Bobby" Scott (D–VA–3) introduced H.R. 7309, the *Workforce Innovation and Opportunity Act of 2022*, with Reps. Frederica Wilson (D–FL–24), Suzanne Bonamici (D–OR–1), Juaquin Castro (D–TX–20), Sheila Cherfilus-

McCormick (D–FL–20), Joe Courtney (D–CT–2), Jahana Hayes (D–CT–5), Mondaire Jones (D–NY–17), Lucy McBath (D–GA–7), Kweisi Mfume (D–MD–7), Joseph Morelle (D–NY–25), Frank Mrvan (D–IN–1), Donald Norcross (D–NJ–1), Del. Gregorio Kilili Camacho Sablan (D–MP–AL), Haley Stevens (D–MI–11), Mikie Sherrill (D–NJ–11), Mark Takano (D–CA–41), and Andy Levin (D–MI–9) as original cosponsors. The bill reauthorizes the *Workforce Innovation and Opportunity Act of 2014* and was referred to the Committee.

On April 5, 2022, the Committee marked up H.R. 7309. An Amendment in the Nature of a Substitute (ANS) was offered by Rep. Jones that incorporated the provisions of H.R. 7309 and made the following modifications:

- clarifies that proprietary schools are not excluded from inclusion on the eligible training provider list and provides program integrity guardrails that foreclose their membership on state and local boards and their ability to operate one-stop centers;
- adds digital literacy to the list of permissible program elements for youth services;
- adds assistive technology as an allowable use of funds to accommodate those with disabilities for delivery of services;
- adds "age" as an element of professional development training for staff of the one-stop delivery system;
- adds "Institution of Higher Education" to the list of entities eligible for Workforce Innovation Funds;
- increases authorization of appropriations under the *Rehabilitation Act of 1973* (Rehabilitation Act)[2] for supported employment services for individuals with the most significant disabilities as well as the Architectural and Transportation Barriers Compliance Board; and
- makes other typographical and technical adjustments.

Four amendments to the ANS were offered:

- Rep. Mariannette Miller-Meeks (R–IA–2) offered a substitute amendment to reauthorize the WIOA of 2014 for six years. The substitute amendment did not significantly increase authorized funding levels but added allowable uses of funds for statewide and local workforce development activities and codifies the Reentry Employment Opportunities program, among other changes. The amendment was defeated by a vote of 20 Yeas and 29 Nays.
- Rep. Bob Good (R–VA–5) offered an amendment to require that WIOA participants comply with E-Verify. The amendment was defeated by a vote of 21 Yeas and 29 Nays.
- Rep. Good offered an amendment to strike references to "registered" for the purposes of allowing work-based learning opportunities other than the registered apprenticeship model. The amendment was defeated by a vote of 21 Yeas and 28 Nays.
- Rep. Mary Miller (R–IL–15) offered an amendment to prohibit WIOA funds from being used to reimburse health care services. The amendment was defeated by a vote of 21 Yeas and 29 Nays.

[2] Rehabilitation Act of 1973, Pub. L. No. 93–112 (29 U.S.C. § 701 *et seq.*).

- Rep. Miller (IL) offered an amendment to strike language in the ANS that defines individuals with barriers to employment to include gender identity and sexual orientation and other similar changes throughout. The amendment was defeated by a vote of 20 Yeas and 29 Nays.

The ANS was adopted by voice vote. The Committee ordered H.R. 7909 to be reported favorably, as amended, to the House of Representatives by a vote of 29 Yeas and 21 Nays.

COMMITTEE VIEWS

INTRODUCTION

The nation's public workforce development system is currently authorized by WIOA of 2014, which was enacted in 2014[3] as the most recent reauthorization of federal workforce development policy. The law includes five titles: (I) workforce development activities; (II) adult education and literacy; (III) amendments to the *Wagner-Peyser Act of 1933* (Wagner-Peyser); (IV) amendments to the Rehabilitation Act; and (V) general administrative provisions of WIOA.

DOL administers Titles I and III, while the Department of Education (ED) administers Titles II and IV, and the agencies jointly administer cross-cutting provisions across the titles, including Title V.

Title I of WIOA of 2014 funds adult, dislocated worker, and youth services for training, career, and supportive services using a statutory formula. Title I funds are distributed through a state workforce board, which is comprised of businesses, public agencies, community-based organizations, and labor organizations. The state workforce board then allocates funds to local workforce boards. The majority of formula funds are distributed to the local workforce boards, making WIOA of 2014 a localized approach to federal workforce investments. Title I also authorizes Job Corps, a residential program for at-risk youth, and national programs such as Indian and Native American (INA) Programs, the National Farmworker Jobs Program (NFJP), and YouthBuild.

Title II of WIOA of 2014 funds basic education for out of school adults, such as literacy and numeracy, with the aim of earning coursework towards a secondary degree and basic foundational skills for the job market. Title II also funds English language learning and civics education for immigrants. Funds are awarded to state education agencies who then distribute those funds to local education providers, such as local education agencies or community-based organizations. Of the funds to the states, 88 percent are distributed based on the states' relative share of adults who do not have a high school diploma (or equivalent) and are not enrolled in school. The remaining funds go to states based on the number of immigrants who were admitted for permanent legal residence.

Title III of WIOA of 2014 amends Wagner-Peyser, which established the Employment Service (ES) for the purpose of assisting job seekers with career services, such as career counseling and job placement assistance. Additionally, Wagner-Peyser established the labor market information system, which job seekers rely on to

[3] Pub. L. No. 113–128, 128 Stat. 1425 (2014) (codified as amended at 29 U.S.C. §§ 3101–3361).

learn what job openings are available in their local area. Title III amends Wagner-Peyser for the purposes of collocating the ES at one-stop centers and authorizing new funds for the labor market information system.

Title IV of WIOA of 2014 amends the Rehabilitation Act, which authorizes vocational rehabilitation (VR) services to individuals with disabilities. Funds are distributed to state VR agencies through a formula. Funding for the state grants is mandatory and is determined by using prior appropriations as a floor and then adjusting for inflation. In addition to the state grants, Title IV also authorizes discretionary funding for several other VR programs, such as the Client Assistance Program.

Despite being reauthorized several times with new levels of authorized funding, federal investment in workforce development has fallen markedly over time. While the U.S. labor force has grown by roughly half over the past four decades, federal spending on workforce development has fallen by two-thirds when adjusted for inflation.[4] Since 2002, the core WIOA formula programs—for adults, dislocated workers, and youth—have seen a roughly 45 percent decline in enacted federal funding when adjusted for inflation.[5] As a result, essential workforce development services are frequently unavailable to the people who need them most.

The WIOA of 2022 addresses these funding shortfalls by significantly increasing authorized funding levels and makes a number of changes to update and strengthen the existing workforce development system. The bill addresses several broad issues that emerged through the Committee's hearings and other efforts to solicit feedback from stakeholders.

UPDATING AND ADDING KEY DEFINITIONS TO THE STATUTE

The WIOA of 2022 improves or expands on several existing WIOA of 2014 definitions and adds new definitions to provide greater clarity for the workforce system. Below are key revisions and additions.

Apprenticeships and Pre-apprenticeships

Registered apprenticeships (RAs) are a proven strategy that have demonstrated high-quality training and wage progression across multiple industries. The bill adds a definition of "apprenticeship programs" to WIOA and defines them as programs registered under the *National Apprenticeship Act* (NAA). This added definition will ensure that WIOA funds will continue to be used only for apprenticeships that are RAs.

Pre-apprenticeships are an important conduit to apprenticeship programs and longer-term economic success, especially for individuals from communities that have traditionally been underrepresented in apprenticeships. The bill defines a "pre-apprenticeship program" as one that is designed to prepare participants for an ap-

[4] Harry J. Holzer, *The CEA Training Report: Very Wide of the Mark*, NAT'L SKILLS COALITION (Aug. 13, 2019), https://nationalskillscoalition.org/blog/industry-engagement/the-cea-training-report-very-wide-of-the-mark/.

[5] Committee analysis of Congressional Budget Office Historical Data and Economic Projections (July 2021) and Budget of the United States Government appendix documents (FY2004–FY2023).

prenticeship program registered under the NAA. This definition is to ensure that pre-apprenticeships lead to high-quality RAs.

Career Pathways

Career pathways is an educational approach that articulates multiple steps of education or training that lead toward a career path within an industry or occupation. It is a proven strategy for employment and educational progress.[6] WIOA of 2014 first codified this approach by defining "career pathways." The WIOA of 2022 amends the definition further to include supportive services, multiple entry and exit points, and a progression toward attainment of a recognized postsecondary credential.[7] These additions are intended to build on the existing definition of "career pathways" by allowing for more comprehensive services and flexibility of service. The addition of multiple entry and exit points are intended for students with different levels of preparedness to enter a designed career pathway at different points based on their relevant prior education. Additionally, the inclusion of supportive services is intended to ensure that participants within a career pathway are afforded the supports needed to progress along the articulated steps.

Competency

The bill adds a definition of "competency," which includes the attainment of the knowledge, skills, and abilities relevant to a subject area. Additionally, the definition of "competency" is tied to an occupational skill standard and requires that it be demonstrated by an appropriate proficiency measurement.[8] The purpose of adding this definition is to ensure that the term "competency," when it is used in the context of WIOA, denotes a standardized set of knowledge and skills that has been established as necessary to succeed in an occupation or industry and can be objectively assessed.

Dislocated Worker

Dislocated workers are workers who have lost a job through no fault of their own, often due to changing economic circumstances. As new causes of economic change emerge, the WIOA of 2014 definition of "dislocated workers" must be updated accordingly to reflect new realities in the U.S. economy. The bill revises the definition of "dislocated worker" in two ways to ensure that two categories of individuals who face challenges staying connected with the traditional labor market are eligible for services.[9] First, the bill adds the term "long-term unemployed," those who have been unemployed for 27 weeks or longer. These individuals have not qualified for unemployment compensation or been employed previously for a sufficient duration to demonstrate attachment to the labor force. However, the long-term unemployed—regardless of their prior earnings or duration of employment—face unique challenges with re-employment and are in need of WIOA assistance to regain a foothold in the labor market. Second, the bill adds some types of "gig workers" to the definition, including those who are under-

[6] Abt Associates, Dep't of Labor, Career Pathways Descriptive Analytical Project Summary (Jan. 2022), https://www.dol.gov/sites/dolgov/files/OASP/evaluation/pdf/ETA_Career%20Pathways%20Descriptive%20and%20Analytical%20Project_One-Pager.pdf.
[7] H.R. 7309, § 101(b).
[8] H.R. 7309, § 101(p)(1).
[9] H.R. 7309, § 101(c).

employed and engaged in occasional work for remuneration and those who are self-employed but looking for part-time work. This definition is consistent with the definition that was used to provide pandemic relief funds to gig workers.[10] When WIOA of 2014 was passed, the gig economy was in its infancy. Since then, the gig economy has expanded significantly. Now, according to a study, between 25 and 35 percent of workers engage in non-standard or gig work on a supplementary or primary basis.[11] And many gig workers are dissatisfied with their employment situations and would prefer to have traditional employment with a more stable schedule and benefits. However, the workforce development system is not meeting their needs. For example, a GAO study found that many local workforce boards were challenged when it came to helping gig workers, in part because they lacked clear promising practices on how to serve them.[12] In adding "gig workers" to the definition of dislocated worker, this bill makes them explicitly eligible for WIOA services and calls attention to the imperative to serve them better.

Eligible Youth

Under current statute, the definition of "eligible youth" is divided into two types of youth—those that are "in-school" and those that are "out-of-school." According to numerous stakeholders this definition did not accurately describe the populations in-need of workforce development services. The bill revises the definition of "eligible youth" in two important ways.[13] First, it replaces the separate "in-school" and "out of school youth" definitions with a single definition. This definition includes "opportunity youth," who are generally not enrolled in school but do not align with the existing "out of school youth" definition in the statute, and "other eligible youth," who are generally defined in the same way as the existing "in-school youth" definition in the statute. Combining all eligible youth into a single definition is part of the bill's effort to provide greater flexibility to local boards to target youth formula funds to the populations most in need of services. Second, the bill allows for self-attestation of eligibility as opposed to requiring documentary evidence. Finding documentation is a barrier to enrollment for youth, according to practitioners in the field. For example, it is almost impossible for homeless youth to provide documentation of their homeless status. The need to provide supporting documentation may slow down the enrollment process for youth who need assistance quickly or may even dissuade some from continuing with enrollment. In allowing for self-attestation to streamline the application process, this bill codifies existing DOL policy. DOL has issued guidance to states to clarify that self-attestation of eligibility is permitted for the WIOA youth program.[14] In addition, there is prece-

[10] See 15 U.S.C. § 9201.

[11] Kelsey Berkowitz, *The Public Workforce Development System and Gig Workers*, NEW AMERICA (Jan. 31, 2022), https://www.newamerica.org/education-policy/reports/the-public-workforce-development-system-and-gig-workers/.

[12] U.S. GOV'T ACCOUNTABILITY OFF., GAO–17–561, WORKFORCE TRAINING: DOL CAN BETTER SHARE INFORMATION ON SERVICES FOR ON-DEMAND, OR GIG, WORKERS 2 (2017), https://www.gao.gov/products/gao-17-561.

[13] H.R. 7309, § 101(e).

[14] Training and Employment Guidance Letter No. 23–19 from John Pallasch, Assistant Sec'y, Emp. & Training Admin., Dep't of Labor, to State and Local Stakeholders in the Workforce Innovation and Opportunity Act et al. 12 (June 18, 2020), https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=9155.

dent in federal education and training programs for allowing self-attestation of eligibility. For example, the TRIO program, which is administered by ED, and which provides outreach and educational services to disadvantaged youth, allows for self-attestation of eligibility.[15] The use of self-attestation is an acceptable process for the enrollment of youth and the bill prohibits states and local areas from banning it. Further, self-attestation is the preferred method of enrolling eligible youth to ensure that barriers to service are minimized.

As part of its revisions to the eligible youth definition, the bill adds a definition of "opportunity youth" as individuals who are age 16 to 24, not attending school or employed, and—with limited exceptions—lacking a secondary degree or its equivalent.[16] The term "opportunity youth" is a term that has emerged since WIOA of 2014 was passed and is used to describe youth who are disconnected from work or school.[17] Youth in the 16-24 age range are considered emerging adults, and this is a critical phase in which youth have the chance to gain an education and enter the workforce, but many remain at risk or lack sufficient support. Recognizing and prioritizing this group for special attention and services makes sense as an investment in our future. Also, compared to the existing category of "out of school youth," the category of "opportunity youth" is simpler for practitioners to identify and for youth to establish eligibility. This new definition eliminates the need to substantiate that a youth falls into one of several specific groups, such as being homeless or justice-involved, that youth may be reluctant to disclose or may lack documentation to support. This broader concept of "opportunity youth" also gives practitioners on the ground the flexibility to serve youth in their local area who are most at risk.

Evidence-Based

The bill adds a definition of "evidence-based" that includes four different tiers of quality of evidence based on the number and quality of supporting studies to substantiate the evidence, and it is consistent with the definition in the Every Student Succeeds Act.[18] Adding this definition is part of a broader effort in the bill to encourage a greater focus on using rigorously evaluated and proven strategies in the workforce development system. Along with adding this definition, the bill requires that WIOA funds be used for evidence-based approaches where practicable and authorizes a workforce development innovation fund to help build the evidence base in the field.[19] The evidence that currently exists on effective approaches in workforce development is not fully developed and may be inconsistent across program areas or sub-populations; therefore, this bill does not require any minimum percentage of funds to be used for evidence-based approaches. Rather, it aims to spur further development of evidence-based approaches and encourage practitioners to draw on this evidence when it is available. This focus on

[15] *See* 20 U.S.C. § 1070a–11(e).
[16] H.R. 7309, § 101(l).
[17] *Opportunity Youth*, YOUTH.GOV, https://youth.gov/youth-topics/opportunity-youth#:~:text=Opportunity%20youth%20are%20young%20people,exploring%20independence-%20and%20life%20opportunities (last visited May 4, 2022).
[18] H.R. 7309, § 101(p); Pub. L. No. 114–95, § 8002, 129 Stat. 1801, 2090–91 (2015).
[19] H.R. 7309, §§ 201(a), 207(e), 274(c).

evidence is also part of a larger, federal government-wide effort to develop evidence and use it to inform government operations.[20]

Foundational Skill Needs and Digital Literacy

WIOA of 2014 uses an antiquated term ("basic skills deficient") that is a deficit-based way to describe the basic skills needed for education and adult life. This bill replaces the term "basic skills deficient" with "foundational skill needs," to be consistent with trends in the fields of education and training. The bill also updates which skills are considered necessary and it sets a minimum threshold for employment in the WIOA of 2022 context.[21] It adds "digital literacy," "financial literacy," and "communication skills" to the definition of "foundational skill needs." The world of work has evolved, and an ability to use computers is now critical to many jobs. Also, communicating with co-workers and thinking critically are increasingly important skills across the labor market. By adding these skills to the definition of "foundational skill needs," the bill encourages the workforce system to focus more on helping job seekers develop these skills along with occupation-specific competencies.

Individuals with Barriers to Employment

Current law defines "individuals with barriers to employment" as a means for identifying different populations who have, or face, certain barriers that make it harder than others to gain employment or develop the needed skills to gain such employment. Under WIOA of 2014, individuals with barriers receive priority for certain services, local boards must develop strategies for serving individuals with barriers, and one-stop staff must receive technical assistance and training on how to serve individuals with barriers. This bill adds to the definition individuals who have been "historically underserved and marginalized as a result of race, color, national origin, sexual orientation, or gender identity."[22] Historical discrimination in the labor market against marginalized groups—e.g., racial, ethnic, or LGBTQ minorities—has resulted in persistently lower employment and earnings rates for these groups.[23] The workforce system is one way to counteract and reverse these historical trends. However, the workforce system is not achieving this goal for many of these individuals. For example, while Black participants make up a disproportionate share of those served by WIOA Title I funds, the median earnings of Black participants who have exited the program are 78 percent of the earnings of white participants.[24] This differential echoes the Black-white earnings gap and suggests that the workforce system could be doing more to fight employment discrimination as it interacts with employers. Also, LGBTQ workers of color are among the most disadvantaged in the

---

[20] OFF. OF MGMT. & BUDGET, EXEC. OFF. OF PRES., MEMO. M–21–27, EVIDENCE-BASED POLICYMAKING: LEARNING AGENDAS AND ANNUAL EVALUATION PLANS 1 (2021).

[21] H.R. 7309, § 101.

[22] H.R. 7309, § 101(g).

[23] *Race, Ethnicity, and the Economy: How Improving Economic Opportunity Benefits All: Hearing Before the H. Sel. Comm. on Econ. Disparity & Fairness in Growth*, 177th Cong. (2022) (statement of Valerie Wilson, Econ. Pol. Inst.), *available at* https://files.epi.org/uploads/243468.pdf.

[24] ALEX CAMARDELLE, JOINT CTR. FOR POL. & ECON. STUD., PRINCIPLES TO SUPPORT BLACK WORKERS IN THE WORKFORCE INNOVATION AND OPPORTUNITY ACT 3 (2021), https://jointcenter.org/principles-to-support-black-workers-in-the-workforce-innovation-and-opportunity-act/#:~:text=WIOA%20guardrails%20must%20be%20put,the%20opportunity%20costs%20of%20training.

nation's workforce and are at a significant risk of being unemployed. In fact, these workers have higher rates of unemployment when compared to non-LGBTQ workers of color.[25] By updating the definition of individuals with barriers to employment to include these marginalized groups, the bill is encouraging the workforce system to address, through WIOA services, the root cause of the disparities these groups experience in their employment and earnings.

Justice-Involved Individual

The existing statute uses an antiquated term of "ex-offenders"' to define "justice-involved individuals." This existing definition includes individuals who received alternative sentences or were sentenced to diversion programs, in addition to those who were incarcerated in a correctional institution or juvenile detention center. Other than replacing the term "offender" with "justice-involved individual" to be consistent with trends in the field, the bill makes no substantive changes to the existing definition.[26]

Low-Income Individual

Much like the definition of "individuals with barriers to employment" the definition of "low-income individual" is used to prioritize services for those most in need. The bill makes two revisions to this definition.[27] First, it raises the income threshold to qualify as low-income from 100 percent to 150 percent of the federal poverty line (or 70 percent of the lower living standard income level, if higher). The federal poverty line was developed decades ago based on certain assumptions about the costs of various household needs (e.g., food and housing). Researchers have documented that, as these costs have evolved over time, the poverty line makes less sense as an indicator of those with the greatest needs.[28] Today, 100 percent of the federal poverty line is $13,590 for an individual and $18,310 for a family of two.[29] At 150 percent—$20,385 for an individual and $27,465 for a family of two—WIOA will be targeting resources towards those who are in greatest need. Raising the threshold will give local one-stops the flexibility to serve youth and to enroll adults in career and training services who are marginally attached to the labor market, need assistance to obtain in-demand skills and economic self-sufficiency, but fall just outside of an arbitrary and outdated income limit. Furthermore, there is precedent for setting the income limit for federal means-tested programs at levels above the federal poverty line, or some multiple of the poverty line. The poverty guidelines, or percentage multiples of them (such as 125

---

[25] MOVEMENT ADVANCEMENT PROJECT ET AL., A BROKEN BARGAIN FOR LGBT WORKERS OF COLOR 4 (2013), https://www.lgbtmap.org/broken-bargain-lgbt-workers-of-color-release#:~:text=LGBT%20workers%20of%20color%20are%20at%20significant%20-risk%20of%20being,times%20the%20national %20unemployment%20rate.

[26] H.R. 7309, § 101(k).

[27] H.R. 7309, § 101(i).

[28] *A Threat to America's Children: The Trump Administration's Proposed Changes to the Poverty Line Calculation, Hearing Before the Subcomm. on Govt. Operations of the H. Comm. on Oversight & Reform*, 116th Cong. (2020) (statement of Indivar Dutta-Gupta, Co-Executive Director, Georgetown Ctr. on Poverty and Inequality, https://docs.house.gov/meetings/GO/GO24/20200205/110451/HHRG-116-GO24-Wstate-GuptaI-20200205.pdf, at 3) [hereinafter Dutta-Gupta Statement].

[29] *HHS Poverty Guidelines for 2022*, DEP'T OF HEALTH & HUMAN SERVS. (Jan. 12, 2022), https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines.

percent, 150 percent, or 185 percent), are used as an eligibility criterion by a number of federal programs.[30]

Second, the bill removes the requirement that the lower living standard income level be calculated based on the most recent "lower living family budget" issued by the Secretary of Labor (Secretary). The "lower living family budget" was an estimated budget for lower income families calculated by the Bureau of Labor Statistics (BLS). However, the BLS no longer does so, making it difficult for DOL to calculate an up-to-date and meaningful lower living standard income level each year. By eliminating this requirement, the bill gives DOL greater flexibility in the data sources it may use for its annual lower living standard income level updates.

Rapid Response Activity Rapid response activities are activities used by the states intended to mitigate job loss, dislocation, or long-term unemployment by notifying employees that are to be laid off of the workforce services available to them. The bill revises the definition of "rapid response activities" to clarify that these services should aim to help dislocated workers obtain a new job as soon as possible and in employment that offers the same wages and benefits as the dislocated worker's prior employment, to the extent practicable.[31] This change is part of the bill's broader effort to pivot the workforce system toward a focus on job quality, rather than just job placement.

Supportive Services

Supportive services generally are critical to enabling WIOA participants to complete career and training services and move on to economic self-sufficiency. The bill expands this definition to include new services such as mental health care, substance use disorder treatment, and assistance with accessing the internet.[32] By expanding the definition, this bill recognizes the broad range of challenges that may hinder participants from completing their WIOA programs or maintaining employment as well as the increasingly important role that internet access plays to employment as more work has shifted fully or partly to a virtual environment.

STRENGTHENING AND DIVERSIFYING WORKFORCE GOVERNANCE

The state and local workforce boards make key strategic policy decisions on how to spend WIOA funds, such as which in-demand industry sectors to engage with and in which types of training services to invest. This makes the composition and functions of the state and local workforce boards an important factor in ensuring that workforce funds are used as effectively and equitably as possible.

State Board Composition

The bill prioritizes giving workers a stronger voice in the decision-making process of the state boards. Specifically, it makes several revisions to the existing requirements for the state boards'

[30] *See Programs that Use the Poverty Guidelines as a Part of Eligibility Determination*, Dep't of Health & Human Servs. (Nov. 5, 2019), https://www.hhs.gov/answers/hhs-administrative/what-programs-use-the-poverty-guidelines/index.html.
[31] H.R. 7309, § 101(m).
[32] H.R. 7309, § 101(p).

composition.[33] First, it increases the share of labor organization that make up the state boards from 20 percent to 30 percent. Additionally, the bill adds "state agency officials" for secondary and adult education programs and community colleges or other institutions of higher education to the list of required board members to encourage better integration of workforce programs with educational entities.

When the membership of the state boards is being determined under current statute,[34] the geographic diversity of the state's constituency must be considered. This bill specifies that "demographic diversity" also must be a factor of consideration to ensure that board membership reflects the diversity of the state's population.[35]

Functions of the State Board

This bill makes several changes to the functions of the state boards with the goal of improving and modernizing the delivery of services. In particular, it requires the dissemination of evidence-based strategies—consistent with the definition of "evidence-based" that the bill also adds—to inform the one-stop centers' service delivery, including strategies for the use of digital technology. Following the COVID–19 pandemic, the one-stop center delivery system will need to adapt to new norms of remote service delivery by utilizing proven, evidence-based strategies for such delivery.

Additionally, the bill requires state boards to increase the types of professional development required for service delivery staff to ensure they are educated on different approaches to service delivery, such as human centered design and trauma-informed practices. Such professional development will be important for service delivery staff to apply when helping participants who have particular barriers to employment, such as victims of domestic violence.

State Plans

The bill changes the content of the state plans in several ways. First, it requires states to consider in their analysis of economic conditions the industries or sectors projected to decline or face significant changes in employment opportunities. With technology and automation becoming an increasingly disruptive force in the labor market,[36] many industries and associated occupations considered "in-demand" in the short term may quickly become obsolete over the medium to long term, leading to further displacement. Current law does not require state boards to consider the cause of long-term disruption; it only requires the use of basic economic projections, such as the BLS occupational projections. For example, the number of long-haul truck driver jobs are projected to grow 6.6 percent over the next 10 years (similar to overall projections of 7.7 percent),[37] even though the position is expected to be nearly wiped out due to

[33] H.R. 7309, § 201
[34] 29 U.S.C. § 3111.
[35] H.R. 7309, § 201(b).
[36] U.S. GOV'T ACCOUNTABILITY OFF., GAO–19–257, WORKFORCE AUTOMATION: BETTER DATA NEEDED TO ASSESS AND PLAN FOR EFFECTS OF ADVANCED TECHNOLOGIES ON JOBS 5–10 (2017), https://www.gao.gov/products/gao-19-257.
[37] *Employment by detailed occupation*, BUREAU OF LABOR STATISTICS (Sept. 8, 2021), https://www.bls.gov/emp/tables/emp-by-detailed-occupation.htm.

automation.[38] This bill now requires state boards to consider such longer-term projected changes in the labor market. Further, state boards should utilize other sources of data in addition to BLS occupational or industry projections to identify long term trends that may not be captured by one source of data.

Second, states will be required to describe how they will address inequitable outcomes in their workforce systems that were identified in the state equity reports, which are newly established gap analyses under the performance reporting section. It is not enough to identify inequities in employment and training outcomes, it is also important to address those inequities through strategic planning and other activities. The intention of the cross-referencing of the state equity reports with state planning is to create a continuous improvement approach to addressing and ultimately eliminating inequities.

Third, the state plans will need to include a description of how the state will align the workforce system with other federal programs, such as the Higher Education Act of 1965 and Medicaid, among others. These new requirements will increase coordination and leveraging of funds to avoid programmatic duplication and maximize efficiency.

Finally, states will be required to consult with stakeholders during the state plan development process. Having organizations such as eligible training providers, community-based organizations, and industry groups involved in the development of the state plans will ensure that those with direct experience with workforce development have a means of directly informing key policy decisions that affect workforce development. Further, the state plans will now be required to have a public comment period to ensure that stakeholders and the public at large have a period to review, comment, and advise the state board before it finalizes its state plan.

Local Areas and Boards

This bill adds the relevant state economic development agency as an entity with which local agencies must consult. The relevant state economic development agency is added to inform the local area designation process through better alignment with local economic markets. Other than this change, the bill maintains the existing process established in 2014 by which local areas are designated within each state.

The makeup of the local board membership reflects the makeup of the state boards as discussed above, with the same requirement of demographic diversity and increased labor representation.

Functions of the Local Board

The bill adds new functions required of the local boards. Specifically, it emphasizes the role technology must play in the delivery of services—including business services, career navigation, and employment and training activities—and requires that local boards develop strategies to utilize digital technology to enhance and expand such services, both by reaching populations that may not easily access the in-person one-stop centers and by integrating dif-

[38] Aniruddh Mohan & Parth Vaishnav, *Impact of automation on long haul trucking operator-hours in the United States*, 9 HUMANITIES AND SOCIAL SCIENCES COMMUNICATIONS, article 82, at 2 (2022), https://www.nature.com/articles/s41599-022-01103-w.

ferent programs' intake and case management systems. The bill also adds new standing committees to the local board that will focus on adult education services, work-based learning opportunities, and matters related to workers and changes in the economy.

The COVID–19 pandemic has forced local boards to be innovative in their approach to service delivery by being less reliant on in-person contact through the one-stop system. This bill acknowledges the advances many local boards have made in the use of technology by codifying service delivery strategies already in place.

INCENTIVIZING JOB QUALITY AND EQUITY THROUGH WIOA'S PERFORMANCE ACCOUNTABILITY SYSTEM

In part to incentivize a greater focus on placing WIOA participants in high-quality jobs and on serving all participants equitably, the bill makes several changes to the primary performance indicators for the WIOA core programs, the process for negotiating state performance goals, and how state performance results are reported.[39]

Primary Performance Indicators

The bill makes two changes that would incentivize a greater focus on quality jobs. It adds a measure of median earnings of participants at the fourth quarter after program exit to the existing measure of median earnings at the second quarter after exit. This new measure of longer-term wage progression is intended to spur local boards and one-stop centers to consider whether training programs will lead to jobs that have the potential for wage growth and career advancement. Also, the bill authorizes the Secretaries of Labor and Education to develop a new performance indicator related to the quality of participants' employment, such as the availability of benefits or a safe workplace. Too often, in part because of underinvestment, the workforce system does not support the types of longer-term training that leads to quality jobs that provide economic self-sufficiency. The average amount spent on training for WIOA Title I adult participants in program year 2020 was approximately $2,000,[40] which is not adequate to cover training that leads to high-quality jobs. Not surprisingly, the median quarterly earnings for adult program participants who were placed in unsubsidized jobs, which are jobs that are not supported using government subsidies, in 2020 was only $6,600, or about $13 per hour if working full-time.[41] Along with ramping up funding to support longer-term training, it is important to also incentivize the system to focus on high-quality job placement.

The bill also makes other changes to improve and streamline the primary performance indicators. It adjusts the metric related to "measurable skill gain" to remove the requirement that skill gains be achieved within the program year. The purpose of this change is to remove the disincentive to enrolling participants toward the end of the program year, when it will be more difficult for them

[39] H.R. 7309, § 211.

[40] DEP'T OF LABOR, WIOA NATIONAL PERFORMANCE SUMMARY 1 (2020), https://www.dol.gov/sites/dolgov/files/ETA/Performance/pdfs/PY%202020%20WIOA%20National%20Performance%20Summary.pdf.

[41] Dep't of Labor, WIOA National Performance Summary 1 (2020), https://www.dol.gov/sites/dolgov/files/ETA/Performance/pdfs/PY%202020%20WIOA%20National%20Performance%20Summary.pdf.

to achieve a skill gain within the same program year. The intent for participants to achieve skill gains within 12 months of program enrollment remains the same; however, the bill recognizes that the 12 months may span two program years. Also, the bill eliminates the performance measure related to effectiveness in serving employers. The measure was created in the WIOA of 2014 as a means of measuring the efficacy of the workforce system in serving employers. Employers are a critical customer of the workforce development system and understands that engaging employers is vital to the system's success. In fact, this bill invests in employer engagement by authorizing funds specifically for local boards to convene and develop industry and sector partnerships.[42] However, this measure has proven challenging to implement. DOL and ED have piloted several measures of effectiveness in serving employers since WIOA of 2014 but have yet to finalize any measures because of the problems with all these measures. A 2021 Urban Institute report that was commissioned by DOL and ED reported several challenges with the pilot measures that limited the measures' effectiveness and even created perverse incentives.[43] For example, the employer penetration rate pilot measure—a measure of the proportion of employers that have had contact with the workforce system—incentivizes local areas to emphasize quantity of interactions with employers over quality, intensive services.[44] Also, the repeat business customer pilot measure discourages local areas from reaching out to new employers[45], and the retention with same employer pilot measure does not account for the fact that some workers may do better by moving on to better jobs with new employers.[46] Retaining the effectiveness in serving employers measure will cause states and local areas to continue to expend valuable time and resources on collecting data for a measure that hasn't proven effective in incentivizing high-quality services to employers.

Negotiation Process The bill adjusts the process by which states negotiate with DOL and ED to come to agreement on performance goals in order to minimize unnecessary work for states, so they can devote more time and resources to developing their workforce development strategies. Under existing law, states must propose in their state plans the levels of performance that the WIOA core programs will meet for the first two program years covered by the state plans. The states then reach agreement with DOL and ED on the finalized levels, based on factors including the statistical adjustment model maintained by DOL. According to stakeholders, states set their expected performance levels in the state plans in a vacuum, without knowing the levels determined by DOL's statistical adjustment model, and their efforts to predict expected performance levels are often superseded by the statistical adjustment model, according to the National Association of State Workforce Agencies. This bill eliminates the requirement for states to initially propose their expected levels of performance, instead requiring the federal agencies to initially propose expected performance levels for

[42] H.R. 7309, § 279.

[43] SHAYNE SPAULDING *et al.*, URBAN INST., MEASURING THE EFFECTIVENESS OF SERVICES TO EMPLOYERS, at xvii–xix (2020), https://www.dol.gov/sites/dolgov/files/OASP/Measures%20of%20Effectiveness%20in%20Serving%20Employers_Final%20Report_12-31-20.pdf.

[44] *Id.* at xviii.

[45] *Id.*

[46] *Id.* at xix.

each state, and then giving the states a chance to provide input before agreement on finalized levels is reached.

State Performance Reports The bill requires states to publish state equity reports, that among other things, identify disparities in performance outcomes between participants who are individuals with barriers to employment and other participants. The state equity reports also are required to include disaggregated performance data on different categories of individuals with barriers to employment. Modeled after a similar analysis required of states under the Strengthening Career and Technical Education for the 21st Century Act,[47] the reports' purpose is to create greater transparency regarding the performance of groups that historically may not have been as effectively served by the workforce development system as other participants. The state equity reports are intended to ultimately lead to corrective actions by states or local boards that address any such performance disparities. This is to correct the inequitable outcomes for different populations utilizing WIOA services. For example, one study found that while 35 percent of WIOA participants identified as Black—a higher rate than the national population—those same participants were still earning 78 cents to the dollar compared to white WIOA participants who also completed the program.[48] Such analysis is not being done systematically by the states, and such reports would support the strategic planning in the state plans to ensure there is an actionable process for addressing inequities.

The bill also requires that the reports that states must annually submit to DOL on the performance of their WIOA programs under current law be made available digitally using data formats. Current state performance reports are published online in PDF format that are not easily usable for data analysis. This provision updates the requirements for publishing performance data so reports are more usable by researchers and evaluators using data software, relevant for today's internet-based world, and transparent about the workforce development system.

STREAMLINING AND CLARIFYING ONE-STOP DELIVERY SYSTEM REQUIREMENTS

The bill eliminates the requirement for one-stop system partners in each local area to negotiate their contributions to the infrastructure costs of the one-stop centers.[49] According to multiple stakeholders and a Mathematica Policy Research study of WIOA of 2014 implementation, this requirement is actually counterproductive.[50] I takes considerable staff time and resources to negotiate each partner's contribution, especially in the case of partners that are only connected to the one-stop system virtually. Altogether, the contribution amounts are often too small to the total costs to be worth the amount of staff time devoted to the negotiation process, time

[47] Pub. L. No. 115–224, § 124, 132 Stat. 1563, 1584 (2018).

[48] ALEX CAMARDELLE, PRINCIPLES TO SUPPORT BLACK WORKERS IN THE WORKFORCE INNOVATION AND OPPORTUNITY ACT 2–3 (2021), https://jointcenter.org/wp-content/uploads/2021/10/Principles-to-Support-Black-Workers-in-the-WIOA.pdf.

[49] H.R. 7309, § 221.

[50] BRITTANY ENGLISH & PAMELA HOLCOMB, MATHEMATICA, NEW REQUIREMENTS FOR AMERICAN JOB CENTER SYSTEMS REGARDING ONE-STOP OPERATORS, PARTNERSHIP AGREEMENTS, AND CERTIFICATION 17–19 (2020), https://www.dol.gov/sites/dolgov/files/OASP/evaluation/pdf/ETA_WIOAStudy_AJCsystems.pdf.

which could have been used more effectively on service delivery. Instead of maintaining this local negotiation process, the bill authorizes states to set aside up to 10 percent of WIOA Title I, II, and III funds to support one-stop infrastructure costs, with funds distributed to local areas through a formula developed by the state board. If this set-aside is not sufficient, then local one-stop partners must determine how to collectively cover the additional costs of their one-stop infrastructure. Additionally, the Secretaries of Labor and Education shall issue joint guidance to ensure that funds from Titles I, II, and III are paying a share of the infrastructure costs that are proportionate to their services provided.

In addition, the bill makes several other changes to streamline or clarify requirements regarding the one-stop system.[51] For example, it allows local boards to serve as one-stop operators if approved by the governor. Local boards were able to serve in this capacity prior to the enactment of the WIOA of 2014, when a requirement was added that local boards competitively award the one-stop operator role to another entity.[52] Some local boards, especially in rural areas, have reportedly faced challenges with finding qualified entities to bid on the one-stop operator role.[53] This bill allows flexibility for governors to approve local boards to operate one-stop centers in such cases.

Also, the bill clarifies that the responsibilities of the one-stop operator must include managing the one-stop infrastructure and facilitating coordination among one-stop system partners and may include provision of direct services. According to stakeholders and a Mathematica Policy Research study, the lack of federal guidance in current law has caused confusion among states and local areas and inconsistency in how one-stop operators' roles are operationalized.[54] The changes made in the bill rectify the issue of the one-stop operators' responsibilities not being explicitly defined in current law.

Additionally, the bill clarifies that one-stop infrastructure includes both the physical one-stop centers and the technological infrastructure needed to provide virtual services. The one-stop system has been moving to more of a mix of in-person and virtual services. This trend was accelerated by the COVID–19 pandemic, which forced many one-stop centers to temporarily shift entirely to virtual services. This bill recognizes the importance of supporting and further developing such virtual service delivery, while still preserving physical one-stop centers as an option for job seekers who may need or prefer in-person assistance.

---

[51] H.R. 7309, § 221.

[52] Brittany English & Pamela Holcomb, Mathematica, New Requirements for American Job Center Systems Regarding One-Stop Operators, Partnership Agreements, and Certification 2–3 (2020), https://www.dol.gov/sites/dolgov/files/OASP/evaluation/pdf/ETA_WIOAStudy_AJCsystems.pdf.

[53] Brittany English & Pamela Holcomb, Mathematica, New Requirements For American Job Center Systems Regarding One-Stop Operators, Partnership Agreements, and Certification 10 (2020), https://www.dol.gov/sites/dolgov/files/OASP/evaluation/pdf/ETA_WIOAStudy_AJCsystems.pdf.

[54] Brittany English & Pamela Holcomb, Mathematica, New Requirements for American Job Center Systems Regarding One-Stop Operators, Partnership Agreements, and Certification 7–8 (2020), https://www.dol.gov/sites/dolgov/files/OASP/evaluation/pdf/ETA_WIOAStudy_AJCsystems.pdf.

CREATING AN EMPLOYER-VALIDATED, TRANSPARENT, ELIGIBLE TRAINING PROVIDER LIST

The eligible training provider list (ETPL) is the list of training programs approved by the state to receive Title I funds. It can be a useful tool in ensuring consumer choice is available to individuals who received a training voucher through their individual training account. Current law utilizes a model of providing individuals with training vouchers so they have the freedom to select the provider that best fits their training goals; however, revisions are needed due to inadequacies of the ETPL requirements that have emerged since WIOA of 2014 implementation. Namely, the quality of training providers varies and there are too few controls to ensure that training programs lead to high quality, high wage jobs. Additionally, the criteria for different states' ETPL are too varied, which makes it challenging for high-quality training providers to meet different sets of criteria and operate in more than one state. Also, online ETPL information is not easily navigable, limiting the efficacy of consumer choice. The bill maintains the underlying model and addresses these shortcomings through new standards in the State Criteria provisions of WIOA of 2014 and the addition of an employer validation of such standards.

State Criteria

The bill strengthens the consistency and quality of training standards required for inclusion on the ETPL through several means. It requires states to consider the performance levels of training providers as described in the performance accountability section. It also adds several new standards related to training and job quality to ensure that providers are offering programs that lead to good, in-demand jobs. These standards include the recognized postsecondary credentials, employment opportunities, earnings, and competencies that are expected to result from the training program.

Employer Validation

The quality of a training provider is dependent on the industry sector or employer that is partnered with the provider. Employer engagement is an important factor in the quality of the design, development, and delivery of a training curriculum.[55] Program curricula must be informed by the needs and expertise of the hiring employer. In recognition of this, the bill requires that training providers validate that their programs meet certain criteria related to the quality of the training, the credentials and competencies to be earned, and the expected job opportunities through an employer partnership in a manner decided by the Secretary.

[55] SHAYNE SPAULDING & ANANDA MARTIN-CAUGHEY, THE GOALS AND DIMENSIONS OF EMPLOYER ENGAGEMENT IN WORKFORCE DEVELOPMENT PROGRAMS 7 (2015), https://www.urban.org/sites/default/files/publication/76286/2000552-the-goals-and-dimensions-of-employer-engagement-in-workforce-development-programs_1.pdf.

ALLOWING GREATER LOCAL FLEXIBILITY IN THE YOUTH FORMULA PROGRAM

Transferability of Youth Workforce Funds

Recognizing the need for increased funding and specific programmatic requirements for summer and year-round youth employment programs, the bill establishes a separate section for these programs. At the same time, recognizing the need for flexibility for the local boards to move funds between programs, the bill authorizes the transfer of up to 100 percent of funds between the youth section and the summer and year-round employment section in a manner consistent with WIOA's transfer authority between the adult and dislocated programs.

Comprehensive Local Needs Assessment

With the revision of the "eligible youth" definition, and the removal of the requirement to spend seventy five percent of youth formula funds on "out-of-school youth," local boards have greater flexibility under this bill in serving the youth population of their local areas. A comprehensive local needs assessment is included to assist in local boards' efforts to determine how best to target youth formula funds based on the local youth population and ensure efficiency in the use of public funds. Modeled after the comprehensive local needs assessment created under the Carl D. Perkins Career and Technical Education Act of 2006,[56] the bill's needs assessment requirements include the local boards consulting with local stakeholders knowledgeable about youth workforce needs, such as educational agencies, training providers, community-based organizations, and businesses. Such stakeholders are well positioned to inform local boards of gaps in the public services available to the local youth population most in-need. The needs assessment is not intended to be duplicative of the existing requirements of the local plan and should assist local boards in developing their workforce strategies to serve local youth.

Program Element Flexibility

Current law requires that local boards implement each and every listed youth program element regardless of the need of the local youth or the capacity of the board itself. In an acknowledgement that this requirement is onerous and overly prescriptive, the bill provides local boards greater flexibility in choosing which program elements to implement in service of local youth needs.

Summer and Year-Round Employment for Youth

This bill encourages expanded use of subsidized employment for youth, which is an existing activity in the program elements under WIOA, through increased funding and programmatic guidance. This section was drawn from the Opening Doors for Youth Act,[57] a bill introduced in the 117th Congress that attempts to maintain a connection to the education system for "in-school youth," or recon-

[56] Pub. L. No. 109–270, tit. I, § 134, 120 Stat. 683, 732 (codified as amended at 20 U.S.C. § 2354).
[57] H.R. 4403, 117th Cong (1st Sess. 2021).

nect "opportunity youth" to the labor market, through summer and year-round employment opportunities.

In 2018, nearly 4.4 million young people ages 16 to 24 were disconnected from both school and work, representing a steady, eight-year decline in youth disconnection rates.[58] The COVID 19 pandemic is expected to significantly roll back this progress. Researchers estimate that there were six million young people disconnected in 2020 and that this number could grow to nine million (one in four) young people.[59] Disconnected youth are three times more likely than other youth to have a disability, twice as likely to live below the federal poverty line, and significantly more likely to live in racially segregated neighborhoods, and disconnected young women and girls are four times more likely to have a child.[60]

The new summer programs will help "in-school youth" remain connected to the education system and avoid involvement in the criminal and juvenile justice systems, while the year-round program will provide "opportunity youth" with the extended entry-level work experiences and work-readiness skills that are vital to improved employment outcomes.

Each program shall be required to match eligible youth with an employer for placement in a high-quality summer or year-round job. Those jobs may be subsidized up to 65 percent to incentivize employers to participate in the program, with employers still required to contribute so they have some financial responsibility to the participant. This bill requires that priority be given to programs placing youth in jobs that are in high-skill, high wage, or in-demand sector or occupations, to ensure that participating youth acquire relevant skills and competencies and are prepared for a potential future career path.

Both programs also include soft skills training, coaching or mentoring services, career services, financial literacy training, follow-up services, and other supportive services to ensure that a participating youth receives comprehensive support and education along with the work experience gained from the subsidized employment. These programs are intended to bring eligible youth into the labor market with enough experience to earn unsubsidized employment in the medium to long term.

ENCOURAGING FOCUS ON EQUITY AND JOB QUALITY IN ADULT AND DISLOCATED WORKER PROGRAMS

The bill makes a number of changes to the adult and dislocated worker formula programs aimed at enhancing equity within these programs, encouraging a greater focus on job quality, and making it easier and faster for individuals to access the services they need.[61]

Reservation of Funds for Individuals with Barriers to Employment

The bill reserves 75 percent of the adult formula funds allocated to local workforce areas for providing training, intensive career,

---

[58] KRISTEN LEWIS, SOC. SCI. RSCH. COUNCIL, MEASURE OF AMERICA, A DECADE UNDONE: YOUTH DISCONNECTION IN THE AGE OF CORONAVIRUS 4, 17 (2020), https://ssrc-static.s3.amazonaws.com/moa/ADecadeUndone.pdf.

[59] *Id.* at 7.

[60] *Id.* at 9–10.

[61] H.R. 7309, § 242.

and supportive services to individuals with barriers to employment. Current law requires that adult funds be prioritized for those with certain barriers—low-income, public assistance recipients, and basic skills deficient.[62] This bill strengthens the prioritization requirement by adding a specific percentage reservation but at the same time broadens the population that is prioritized. This bill also emphasizes serving individuals with barriers to employment in several ways, including by adding serving individuals with barriers to employment as one of the explicit purposes of the Act and by expanding the population to be prioritized for adult services to include basic skills deficient.[63] However, in practice, the proportion of individuals with barriers to employment who were served did not increase with the implementation of WIOA of 2014 between 2015 and 2020. According to a Mathematica Policy Research study, the percentage of those who exited the WIOA adult program and who fell into at least one common category of individuals with barriers to employment remained fairly flat from 2015 to 2020.[64] Local staff reported several common challenges to serving more individuals with barriers, including disincentives created by the performance measures and difficulty determining eligibility as an individual with a barrier.[65] Federal WIOA dollars should be targeted to those most in need of assistance. This bill continues and expands WIOA of 2014's emphasis on serving individuals with barriers by pushing local areas in a more concerted way to focus on this population. This requirement will encourage local areas and states to think creatively about how to enroll and serve more individuals with barriers. Furthermore, for many states and local areas, this requirement will likely not require a significant shift in how they provide services. In its guidance, DOL already requires local areas to use at least 50 percent of their adult funds for the priority groups under WIOA, with 75 percent as an aspirational goal.[66] According to DOL, most states are already meeting the 50 percent requirement, with many using 75 percent of funds for these populations. Only about 7 states are not meeting the 50 percent threshold. This bill codifies DOL's existing focus on serving these populations.

Supportive Services Requirement

This bill makes provision of supportive services a required local activity, instead of a permissible activity as under current law. This change enhances equity by making it possible for more individuals who face obstacles to program participation—ranging from lack of affordable child care to substance use disorders to unreliable internet access—to complete career and training services and achieve long-term economic self-sufficiency. Evidence shows that

---

[62] *See* 29 U.S.C. § 3174(c)(3)(E).

[63] KATE DUNHAM ET AL., MATHEMATICA, CHANGE AND CONTINUITY IN THE ADULT AND DISLOCATED WORKER PROGRAMS UNDER WIOA 18–19 (2020), https://www.dol.gov/sites/dolgov/files/OASP/evaluation/pdf/ETA_WIOAStudy_AdultDW.pdf.

[64] KATE DUNHAM ET AL., MATHEMATICA, CHANGE AND CONTINUITY IN THE ADULT AND DISLOCATED WORKER PROGRAMS UNDER WIOA 20 (2020), https://www.dol.gov/sites/dolgov/files/OASP/evaluation/pdf/ETA_WIOAStudy_AdultDW.pdf.

[65] KATE DUNHAM ET AL., MATHEMATICA, CHANGE AND CONTINUITY IN THE ADULT AND DISLOCATED WORKER PROGRAMS UNDER WIOA 20–22 (2020), https://www.dol.gov/sites/dolgov/files/OASP/evaluation/pdf/ETA_WIOAStudy_AdultDW.pdf.

[66] Training and Employment Guidance Letter No. 7–20 from John Pallasch, Assistant Sec'y, Emp. and Training Admin, Dep't of Labor, to State Workforce Agencies et al. 3 (Nov. 24, 2020), https://wdr.doleta.gov/directives/attach/TEGL/TEGL_7-20.pdf.

training services are more likely to have a positive impact when combined with supportive services.[67] In a review of evidence on employment and training programs, Mathematica Policy Research reported that supportive services, in combination with technical training and case management, have more positive employment and earnings outcomes compared to training services alone.[68] However, a separate Mathematica study found that a sample of local boards spent only 3 percent of their WIOA Title I formula funds on supportive services.[69] By making supportive services a required activity, combined with significantly ramping up funding for the WIOA Title I formula program,[70] this bill encourages local areas to see supportive services as an integral component of the array of services they can offer job seekers, along with career services and training. While local areas may still tap into other programs to provide certain supportive services—WIOA requires that supportive services be provided only if not available from other sources—this bill encourages greater use of WIOA funds for supportive services when necessary.

Greater Focus on Older Workers and Victims of Gender-Based Violence

The bill takes steps to enhance the workforce development system's ability to serve older workers and victims of gender-based violence. Specifically, the bill authorizes state workforce agencies to use their WIOA 15 percent set-aside funds to develop alternative approaches to serving older workers and to improve coordination with employment and training programs under the *Older Americans Act*[71] (such as the Senior Community Service Employment Program). For a variety of reasons, a growing proportion of older individuals is continuing to work,[72] but the workforce system does not always serve this population effectively. This bill encourages states to consider how their WIOA services can better accommodate this important segment of the workforce.

With regard to victims of gender-based violence, the bill authorizes state workforce agencies to use their set-aside funds to improve coordination with state domestic violence coalitions. Victims of gender-based violence are often in need of workforce development services, as they may no longer be supported by an abusive spouse or partner. At the same time, they may not be aware of available services and may face particular challenges with completing services due to the trauma and disruptions caused by gender-based violence.[73] Greater coordination between state workforce

---

[67] CYNTHIA HESS ET AL., INST. FOR WOMEN'S POL. RSCH., SUPPORTIVE SERVICES IN JOB TRAINING AND EDUCATION: A RESEARCH REVIEW 30 (2016), https://files.eric.ed.gov/fulltext/ED612498.pdf.

[68] JONAH DEUTSCH ET AL., MATHEMATICA, THE WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA) RESEARCH PORTFOLIO 11 (2021), https://www.dol.gov/sites/dolgov/files/OASP/evaluation/pdf/WIOA%20Portfolio%20Research%20Evidence%20Scan.pdf.

[69] JONAH DEUTSCH ET AL., MATHEMATICA, THE WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA) RESEARCH PORTFOLIO 11 (2021), https://www.dol.gov/sites/dolgov/files/OASP/evaluation/pdf/WIOA%20Portfolio%20Research%20Evidence%20Scan.pdf.

[70] H.R. 7309, § 251.

[71] Older Americans Act of 1965, Pub. L. No. 89–73 (42 U.S.C. § 3001 *et seq.*).

[72] KATHARINE G. ABRAHAM & SUSAN N. HOUSEMAN, POLICIES TO IMPROVE WORKFORCE SERVICES FOR OLDER AMERICANS 5 (2020), https://www.brookings.edu/wp-content/uploads/2020/11/ES–11.19.20-Abraham-Houseman.pdf.

[73] FUTURES WITHOUT VIOLENCE, ECONOMIC JUSTICE, MOBILITY, AND SECURITY RECOMMENDATIONS FOR THE GENDER-BASED VIOLENCE NATIONAL ACTION PLAN 5–6 (2021), https://

agencies and domestic violence coalitions may result, for example, in more referrals of victims to one-stops and to cross-training of one-stop staff so they are more aware of the unique challenges faced by this population. The Committee recommends that, when this section is being implemented and states are coordinating with domestic violence organizations, they may coordinate with both domestic violence state coalitions as well as state and local domestic violence organizations and other victim service providers. This will ensure that survivors' needs are met as domestic violence state coalitions tend to focus more on advocacy while domestic violence service providers and organizations focus more on providing services and meeting the needs of survivors.

Encouraging Adult Education for WIOA Applicants

The bill revises the eligibility criteria for WIOA Title I training services. If one-stop centers find individuals ineligible for training due to a lack of foundational skills, the centers are required to either provide or refer these individuals to adult literacy services. The requirement that individuals have the foundational skills needed to successfully complete a WIOA Title I training program ensures that Title I funds are targeted appropriately to those who can benefit from them. At the same time, this requirement is an obstacle for many individuals who have not been well-served by the nation's primary and secondary school systems. This finding of ineligibility should not be a stopping point in an individual's efforts to achieve a better job; rather, it should serve as an opportunity to connect such individuals to the adult education services they need before enrolling in occupational training. Among individuals who exited the WIOA Title I adult formula program in 2020, about 2 percent were co-enrolled in adult education services,[74] suggesting there may be an opportunity to encourage more collaboration and co-enrollment between the programs.

Job Quality Indicators for On-the-Job Training

As part of its broader focus on quality jobs, the bill authorizes governors or local boards to increase the reimbursement rate for on-the-job training to as high as 90 percent, contingent on the jobs being subsidized meeting certain indicators of job quality. The goal of WIOA is to help individuals break out of the cycle of poverty and achieve long-term economic self-sufficiency. But too often, WIOA participants are placed in jobs that do not offer competitive wages or opportunities for advancement. Encouraging a greater focus on job quality within on-the-job training is one way the bill improves the workforce system's record on job quality. The basic indicators of job quality defined in this bill—competitive wages, availability of benefits, safe workplaces—are the minimum that workers should accept. They are hallmarks of jobs that can become long-term ca-

---

www.futureswithoutviolence.org/wp-content/uploads/FUTURES-Economic-Security-Recommendations-for-the-GBV-National-Action-Plan-FINAL.pdf.

[74] SOCIAL POL'Y RSCH. ASSOCIATES, PY 2019 STATE DATA BOOK WISCONSIN 60 (2021), https://www.dol.gov/sites/dolgov/files/eta/performance/pdfs/PY2019/PY%202019%20WIOA%20and%20Wagner-Peyser%20State%20Data%20Book_WI.pdf.

reers and lead to economic self-sufficiency.[75] Employers that want higher federal subsidizes to hire and train up new staff should be willing, in return, to guarantee these basic, minimum levels of job quality. While it is not feasible at the federal level to establish more precise definitions of these basic indicators of job quality, as, for example, competitive wage levels vary across states and industries, the bill gives governors or local boards—depending on whether the on-the-job training subsidizes are administered at the state or local level—discretion to operationalize the basic indicators and develop objective standards that are a good fit for their states or labor market areas.

Changes to Ease Program Enrollment

The bill includes several changes that streamline or eliminate obstacles to program enrollment. First, it allows one-stop centers to enroll individuals (who initially appear to meet the necessary requirements) in training services while their eligibility is being verified. If the participant's eligibility is ultimately confirmed, WIOA funds will be applied. If the participant is deemed ineligible, the training provider will be required to cover training costs incurred to that point and no WIOA funds will be expended. The current process for determining eligibility for WIOA training services can be cumbersome, with assessments of need and capacity to benefit from services, and potentially documentation of income level or other qualifying conditions. For individuals with an immediate need for training services to upgrade their skills and obtain employment, these delays can result in missed job opportunities, inability to enroll in a particular training program that may not be offered throughout the year, or even a decision not to further pursue WIOA training. This bill provides a path for such individuals to enroll in training more quickly so they can achieve their career goals.

Second, the bill includes two important changes that make it easier for dislocated workers to access the needs-related payments to complete training for another, in-demand occupation. The bill eliminates a requirement that dislocated workers enroll in training within 13 weeks after dislocation. The existing requirement for dislocated workers to enroll in training within 13 weeks of losing their jobs is onerous for many dislocated workers, who within this initial period are often coming to terms with their dislocation and trying to develop a plan for what they will do to re-skill. Many have not fully developed this plan within 13 weeks, or if they have, the selected training program may not be available within this window.

The bill also increases the level of payments for those who did not qualify for Unemployment Insurance from 100 percent to 150 percent of the federal poverty line. According to stakeholders, the federal poverty line is insufficient to sustain dislocated workers and their families through their training programs. As has been documented extensively, the federal poverty line is based on an outdated calculation of family financial needs that has not evolved to reflect shifting costs of different household needs.[76] Raising the

[75] WILLIAM J. CONGDON ET AL., URBAN INST., UNDERSTANDING GOOD JOBS: A REVIEW OF DEFINITIONS AND EVIDENCE, at v–vii (2020), https://www.urban.org/research/publication/understanding-good-jobs-review-definitions-and-evidence.

[76] Dutta-Gupta Statement, *supra* note 29, at 3.

level of payments for those who did not qualify for unemployment compensation will enable more dislocated workers to complete training and obtain the skills they need for longer-term economic self-sufficiency.

Third, the bill makes diagnostic testing and other assessments of individuals an authorized component of the standard set of career services available to all one-stop customers, and not available only as an intensive career service. The purpose of this change is to make it easier for one-stop staff to conduct more in-depth assessments of individuals to determine if they lack foundational skills, which is one way that individuals may qualify as having a barrier to employment and receive prioritization for intensive career services and training services in the adult formula program. Current law only allows such in-depth assessments as part of intensive career services, which has created a challenge because one-stops may not be able to determine if an individual qualifies for the intensive career services priority without first conducting an in-depth assessment.[77]

Encouraging Incumbent Worker Training and Transitional Jobs

The bill authorizes local boards to spend a higher portion of their adult and dislocated worker formula funds on incumbent worker training and transitional jobs. It increases the portion of adult and dislocated worker formula funds that may be spent on incumbent worker training from 20 percent to 25 percent, and up to 30 percent if the governor determines that such training was effective in the prior year. Incumbent worker training can be an effective strategy both to help workers advance in their careers and achieve higher wages and to avert layoffs by enabling workers to re-skill and remain relevant. Incumbent worker training is also an important tool that local boards can use to engage employers and get them involved with the workforce development system.[78] Raising the cap on incumbent worker training gives local boards more flexibility to meet the needs of local employers. Also, the bill increases the cap on spending on transitional jobs from 10 percent to 40 percent. Transitional jobs are a proven strategy for helping certain populations who face barriers to employment—such as individuals returning from incarceration—obtain longer-term employment. For individuals who may face challenges with obtaining unsubsidized employment, perhaps because of their minimal work experience or biases among employers, transitional jobs provide work experience for their resume, help them develop the soft skills that employers are looking for, and give them the chance to prove themselves to employers who may then hire them permanently. One rigorous evaluation of a nationwide reentry program that uses the transitional jobs model found that the program significantly increased employment and earnings for participants and resulted in net financial gains for society, in particular from reduced criminal justice system costs as program participants were less likely to experi-

[77] 29 U.S.C. 3174(c).

[78] KATE DUNHAM ET AL., MATHEMATICA, CHANGE AND CONTINUITY IN THE ADULT AND DISLOCATED WORKER PROGRAMS UNDER WIOA 35–36 (2020), https://www.dol.gov/sites/dolgov/files/OASP/evaluation/pdf/ETA_WIOAStudy_AdultDW.pdf.

ence recidivism than control group members.[79] Raising the cap to 40 percent gives local boards more flexibility to tailor their services to the needs of their populations.

STRENGTHENING JOB CORPS

Self-Attestation

Consistent with the eligible youth definition for the youth formula program (as discussed above), the bill allows for self-attestation of eligibility by youth enrolling in the Job Corps program. Finding documentation is a barrier to enrollment and may slow down the enrollment process for youth, or even dissuade some from continuing with enrollment. Thus, the use of self-attestation is an acceptable process for the enrollment of youth, and the bill prohibits state and local areas from banning it. Further, self-attestation should be the preferred method of enrolling eligible youth to ensure that barriers to service are minimized.

Increasing Competitive Contract Bidding

DOL uses a firm-fixed price contracting approach for Job Corps operators.[80] This approach was recommended by government agencies such as GAO and the DOL Office of Inspector General (OIG) for the purpose of easing administrative burden. However, the move to fixed price contracts has the unintended consequence, according to stakeholders, of reducing the flexibility of Job Corps operators to maintain prevailing wages for their staff, such as teachers and instructors, leading to increased staff turnover. The quality of education is dependent on the quality of teachers,[81] making the retention of good teachers critical to the success of the Job Corps program. This bill requires that Job Corps use a best value and fair and reasonable pricing contracting process to ensure that operators have the flexibility to pay and retain quality instructors, and maintain Job Corps facilities, without the restrictions of agreed upon firm-fixed prices.

Additionally, the bill requires the application of the *Service Contract Act (SCA)*.[82] The application of this law is further assurance that teachers and instructors are afforded prevailing wages. The law establishes a process of identifying the prevailing wage of relevant occupations within the local area. However, according to stakeholders, past instances of prevailing wage surveys conducted by DOL with the use of BLS's Occupational Employment Statistics led to misclassification of Job Corps teachers and instructors and lower prevailing wages. This bill requires that future surveys compare the wages of Job Corps educators to schoolteachers within the local area to ensure that Job Corps educators are paid an accurate

[79] CINDY REDCROSS ET AL., DEP'T OF HEALTH & HUMAN SERVS., MORE THAN A JOB: FINAL RESULTS FROM THE EVALUATION OF THE CENTER FOR EMPLOYMENT OPPORTUNITIES (CEO) TRANSITIONAL JOBS PROGRAM, at ES–1–ES–2 (2012), https://www.mdrc.org/sites/default/files/full_451.pdf.

[80] *See* News Release, Dep't of Labor, U.S. Department of Labor Announces Award of Four Contracts For Job Corps Operations Using New Firm-Fixed Price Approach (May 15, 2020), U.S. Department of Labor Announces Award of Four Contracts for Job Corps Operations Using New Firm-Fixed Price Approach | U.S. Department of Labor (dol.gov).

[81] *See, e.g.*, Dan Goldhaber, *In Schools, Teacher Quality Matters Most*, 16 EDUCATION NEXT 56–62 (2016), https://www.educationnext.org/in-schools-teacher-quality-matters-most-coleman/.

[82] *See* 41 U.S.C. §§ 6701–6707.

prevailing wage for a similar occupation, with the intent of improving retention.

Lastly, the quality of programmatic service and education is enhanced through a more competitive bidding process. Under current law, the ability for new entrants to compete for a Job Corps operator contract is limited as an operator must demonstrate relevant experience as a campus operator, which includes housing and educating students. This bill minimizes that burden by encouraging the use of student outcome data as the basis for bid consideration, so that organizations that have no direct experience as a Job Corps operator but can demonstrate positive outcomes when serving at-risk youth have a reasonable chance of winning a bid. Further, the bill requires DOL to develop a mentor-protége program, like the program created under the *Small Business Act*,[83] with the goal of developing sub-contractors into experienced operators through a mentor-protégé relationship with the sub contractor's Job Corps Operator.

Improving Zero Tolerance Through Behavioral Management

The existing statute has a draconian zero-tolerance policy that allows for too many ways in which a student could be unfairly expelled from the program. The current statute states that a student could be expelled for "an act of violence, for use, sale, or possession of a controlled substance, for abuse of alcohol, or for other illegal or disruptive activity."[84] The use of the term "disruptive activity" is broad and can lead to expulsion for acts conducted by a student that do not merit such a harsh disciplinary measure. The bill revises the zero-tolerance policy by appropriately limiting grounds for expulsion to only carrying out an act of violence that seriously endangers the safety of the students or engaging in illegal activity.

Further, the disciplinary measures outlined in the bill, along with the narrowed zero-tolerance policy and drug testing, fall under a behavioral management plan that each director of a Job Corps campus will have to develop. The intention of this plan is to provide a process and structure for the director to manage the safety and conduct of their respective student communities by encouraging positive behavioral interventions with a multi-tier system of supports. Positive behavioral interventions reinforce positive behavior rather than punishing students for bad behavior. Multi-tier systems of support are an evidence-based framework for applying a holistic approach to positive behavioral interventions.[85]

ENHANCING EXISTING NATIONAL PROGRAMS

Native American Programs

The bill makes several revisions to improve the Native American programs under WIOA.[86] Among other things, it removes the requirement that DOL award grants under this program on a competitive basis. The intent of this change is to give DOL greater

[83] See 15 U.S.C. § 657r.
[84] 29 U.S.C. § 3202(b)(1)–(2)(A).
[85] ROBERT H. HORNER *et al.*, CTR. ON PBIS, IS SCHOOL-WIDE POSITIVE BEHAVIORAL INTERVENTIONS AND SUPPORTS (PBIS) AN EVIDENCE-BASED PRACTICE? (Mar. 2020), https://assets-global.website-files.com/5d3725188825e071f1670246/60bf970915720b202ceafcd8_Evidence%20Base%20PBIS%20043020.pdf.
[86] H.R. 7309, § 271.

flexibility in how it awards grants to nonprofit providers to ensure the highest quality services are provided. The competitive award process is meant to incentivize providers to compete to serve geographic areas by improving the quality of their services. However, according to DOL and representatives of Native American tribes, providers are reluctant to compete, so the same providers continue to serve each geographic area. With this change, DOL could instead opt to bar low-performing providers and allow better-performing providers to take their place without any competition. The bill also encourages service providers to use evidence-based approaches. Additionally, the bill allows members of the Native American Council that advises DOL on employment and training issues to continue serving after their terms have expired, until their replacements have been named. This change is intended to ensure continuity on this Advisory Council so there are no gaps in its efforts to ensure high-quality services.

Migrant and Seasonal Farmworkers Program

To better reflect the typical work period of seasonal and some migrant farm laborers, this bill revises the period of consecutive work within the 24 months prior to program application by a farmworker from 12 months to 8 months. In doing so, the expected result will be greater numbers of eligible farmworkers accessing and benefitting from program service.

The bill authorizes funds under this section to be available for federal obligation beginning April 1 of each fiscal year for expenditure by grantees beginning July 1 of each fiscal year.

Technical Assistance

The bill adds a requirement that DOL provide technical assistance that helps inform one-stop staff on trauma-informed approaches and issues related to gender-based violence.[87] As discussed above, the intent of this addition is to develop the workforce system's understanding of trauma-informed approaches to employment and training services generally, and of gender-based violence issues specifically. Developing an understanding of trauma-informed approaches can help one-stop staff work more effectively with job seekers who have experienced a wide range of trauma that affects their ability to participate in employment and training services. Victims of gender-based violence are one group that has experienced a particular type of trauma and may be served more effectively because of this technical assistance.[88] When implementing this requirement, DOL should either contract with, hire, or fund individuals or organizations with a background in gender-based violence to provide training and technical assistance on trauma-informed practices and gender-based violence for WIOA program staff.

---

[87] H.R. 7309, § 273.

[88] FUTURES WITHOUT VIOLENCE, ECONOMIC JUSTICE, MOBILITY, AND SECURITY RECOMMENDATIONS FOR THE GENDER-BASED VIOLENCE NATIONAL ACTION PLAN 6 (2021), https://www.futureswithoutviolence.org/wp-content/uploads/FUTURES-Economic-Security-Recommendations-for-the-GBV-National-Action-Plan-FINAL.pdf.

Evaluations and Research

The bill updates and strengthens the evaluations and research provisions of WIOA of 2014 in two ways.[89] First, it removes the language in current law that authorizes research studies on several specific workforce development topics because those studies have been completed. The bill replaces those studies with an authorization for a new study about correctional institution employment and training, which is needed to further develop the limited evidence on effective strategies in this area.

Second, the bill authorizes a workforce development innovation fund. The purpose of this fund is to encourage innovation in workforce development and help build the evidence base about effective approaches. With respect to administering this fund, DOL awards grants to local and state boards, nonprofits, and institutions of higher education to conduct innovative workforce development projects. Unlike the existing multistate project authority under WIOA, this fund allows for smaller, potentially single-site projects that test an innovative concept.[90] The fund is authorized to provide early-phase grants to test such unproven ideas, mid-phase grants to scale up and evaluate initial projects that show promise, and expansion grants to more widely implement and replicate the most successful projects. Over the longer term, the goal is for workforce programs under WIOA to draw on the evidence from this fund and increasingly adopt evidence-based approaches into their standard practices.

YouthBuild Programs

The bill makes several revisions to the YouthBuild program that enhance the services available through the program and make other improvements.[91] The bill extends the authorized period of follow-up services after job placement from 12 months to 24 months, in recognition of the ongoing challenges that at-risk youth may face with maintaining employment and the need for extended supports. It authorizes the use of YouthBuild funds for providing meals to participants, which according to YouthBuild programs is critical to enabling low-income youth to participate in the program. It also allows YouthBuild grantees to count their YouthBuild grant funds towards the matching requirement of the *National and Community Service Act of 1990*.[92] YouthBuild programs report that many of the grantees under the program are small, community-based organizations that lack the funds to meet the matching requirement under the *National and Community Service Act of 1990.* This change enables more of these organizations—which best understand the needs of and have connections with at-risk youth in their communities—to receive grants.

AUTHORIZING NEW NATIONAL PROGRAMS

Strengthening Community Colleges Training Grants

Community colleges are a critical partner in the workforce development system as a major provider of WIOA-funded training serv-

[89] H.R. 7309, § 274.
[90] 29 U.S.C. § 3224(a)–(b).
[91] H.R. 7309, § 276.
[92] 42 U.S.C. § 12571(e).

ices and a repository of subject matter expertise in a wide range of fields. Strengthening community colleges' focus on workforce development will help the workforce system meet its goals. DOL's Strengthening Community Colleges Training grants, currently operated by DOL under WIOA evaluations and research authority, aim to build the capacity of community colleges to provide training for in-demand jobs and address equity gaps in the labor market, in conjunction with employers and the workforce development system.[93] In 2022, DOL announced the availability of $45 million for the second round of competitive grants.[94] This bill codifies this competitive grant program, including its basic purposes and design.[95] It authorizes grants for community colleges to work in partnership with employers and the workforce system to develop training for in-demand industry sectors and occupations. Community colleges must use the funds to develop and deliver education and training programs, which can include career pathways, work-based learning, and apprenticeships. They must also reserve 15 percent of funds for supportive services to help participants complete training, consistent with this bill's overall emphasis on supportive services. The bill also continues the existing grants' focus on addressing equity, as grants are prioritized to applicants that will serve individuals with barriers to employment or incumbent workers who need foundational skills training.

Reentry Employment Opportunities

The bill authorizes reentry employment opportunity (REO) competitive grants, codifying the grant program currently operated by DOL under WIOA evaluations and research authority.[96] There is a critical need for reentry employment and training services for individuals returning from incarceration. Nearly 600,000 individuals are released from state and federal prisons each year,[97] and according to one study almost half of them will experience repeat contact with the criminal justice system within a year of release.[98] This bill takes a step toward addressing the employment challenges faced by these justice-involved individuals by making reentry services a permanent part of the workforce development system and incorporating best practices gleaned from congressional testimony and other sources. The bill authorizes DOL to award competitive grants to non-profit providers to provide employment and training services to justice-involved adults or youth. The grant period is for four years, ensuring that programs have sufficient time to provide services and continue follow-up after job placement. In awarding grants, priority is given to grantees serving individuals prior to or soon after release from incarceration, to maximize the chances for a smooth transition from incarceration to stable employment. Au-

---

[93] *See* FOA–ETA–22–02, Dep't of Labor, Strengthening Community Colleges Training Grants 3, 5 (Mar. 2, 2022), https://www.grants.gov/web/grants/view-opportunity.html?oppId=336701.

[94] *Id.* at 3.

[95] H.R. 7309, § 277.

[96] H.R. 7309, § 278; 29 U.S.C. § 3224(b)(5).

[97] NATHAN JAMES, CONG. RSCH. SERV., 7–5700, OFFENDER REENTRY: CORRECTIONAL STATISTICS, REINTEGRATION INTO THE COMMUNITY, AND RECIDIVISM 2 (2015).

[98] Annelies Goger et al., *Prisoner Reentry, in* BROOKINGS-AEI WORKING GROUP ON CRIMINAL JUSTICE REFORM, A BETTER PATH FORWARD FOR CRIMINAL JUSTICE 71 (2021), https://www.brookings.edu/research/a-better-path-forward-for-criminal-justice-prisoner-reentry/; MARIEL ALPER ET AL., DEP'T OF JUST., 2018 UPDATE ON PRISONER RECIDIVISM: A 9-YEAR FOLLOW-UP-PERIOD (2005–2014), at 1 (2018), https://bjs.ojp.gov/library/publications/2018-update-prisoner-recidivism-9-year-follow-period-2005–2014.

thorized activities include intensive career counseling; the full range of training services available under WIOA; supportive services including mental health treatment such as cognitive behavioral therapy, which has been shown to be linked to improved employment and recidivism outcomes for justice-involved individuals; employer engagement; and transitional jobs, a common approach for helping justice-involved individuals get connected to the workforce.[99] The grant program has a rigorous evaluation component to continue to build the evidence base in this area that examines the effectiveness of specific services, the impacts on different sub-populations, and the appropriate sequencing of services.

Sectoral Employment through Career Training for Occupational Readiness (SECTOR) Program

The involvement of employers and industry groups is critical to the success of the workforce development system, as it ensures that training and other workforce development activities are targeted to skills that are in demand among local employers. Industry and sector partnerships have the potential to be a valuable form of engagement between industry and the workforce system, as they bring employers and workforce professionals together to focus on building the worker pipeline for locally in-demand industry sectors. WIOA of 2014 included a new requirement for local boards to use adult and dislocated worker funds to develop and convene industry and sector partnerships.[100] However, according to a Mathematica Policy Research report, few local boards undertook major new sector partnership initiatives in response to this requirement, and some local staff said the definition of industry and sector partnerships was too nebulous and hard to operationalize.[101] This bill establishes a separate industry and sector partnership program within WIOA, which includes a funding set-aside for this purpose and more fully developed programmatic requirements.[102] Most of the funding (80 percent) is distributed by formula to the states and local boards, to supplement their existing formula funds and allow them to increase their investment in such partnerships. In addition, 20 percent of funding is reserved for competitive grants, so the Secretary can target funds to particular regions experiencing economic disruptions and to high-growth industries. For example, these grant funds could be used to support regional efforts to develop jobs in the creative economy, the green economy, health care, or information technology.

ADULT EDUCATION AND LITERACY

Digital Literacy Skills

Technological advances since the last authorization of WIOA in 2014 have made digital literacy a necessary skillset to function in the labor market and adult life in much the same way as literacy and numeracy. This bill includes "digital literacy" or "digital skills"

[99] JOHANNA LACOE & HANNAH BETESH, SUPPORTING REENTRY EMPLOYMENT AND SUCCESS: A SUMMARY OF THE EVIDENCE FOR ADULTS AND YOUNG ADULTS 4, 6 (2019), https://www.dol.gov/sites/dolgov/files/OASP/evaluation/pdf/REOSupportingReentryEmploymentRB090319.pdf.

[100] Pub. L. No. 113–128, § 134(c), 128 Stat. 1425, 1520 (2014).

[101] KATE DUNHAM ET AL., MATHEMATICA, CHANGE AND CONTINUITY IN THE ADULT AND DISLOCATED WORKER PROGRAMS UNDER WIOA 34–35 (2020), https://www.dol.gov/sites/dolgov/files/OASP/evaluation/pdf/ETA_WIOAStudy_AdultDW.pdf.

[102] H.R. 7309, § 279.

throughout the *Adult Education and Family Literacy Act* to ensure that adults receiving foundational education are gaining all the requisite skills needed in the current economy.

Integrated Education

This bill further expands upon the definition of "Integrated Education and Training" and "Integrated English Literacy and Civics Education." In both instances, it provides further detail on the kinds of workforce preparation activities that make up integrated education. For "Integrated Education and Training," it specifies that workforce preparation activities should lead to high wage and high demand occupations to ensure that participants in integrated adult education receive training for the same in-demand, sustainable careers as Title I WIOA participants. The definition of "Integrated English Literacy and Civics Education" builds upon the existing activities that make up that definition by further including the use of digital technology skills, application for federal student financial aid and apprenticeship programs, preparation for high school enrollment or employment, and instruction in navigating multiple support systems and financial literacy. These activities make up important components of civic life.

Performance Accountability Demonstration

The existing statute requires that adult education activities be subject to the same performance accountability requirements as Title I programs. While the alignment of performance measures across the workforce system and varying populations is a useful evaluative tool, it does not allow for the capture of different challenges and achievements among different populations. In acknowledgment that adult education services should be measured in different ways than Title I services, this bill authorizes a new demonstration grant for the purpose of innovating new performance measures that better capture the outcomes experienced by adult learners.

An important element of the demonstration grants are the reporting requirements during and after the duration of the grants. The grants require that those receiving funding shall provide to the Secretary a report on the progress made on alternative performance measures, which shall go through a peer review process. The process of the progress report and associated peer review are intended to provide a robust feedback loop to best inform the Secretaries of Labor and Education about the efficacy of proposed alternative measures.

Professional Development

To ensure that individuals in adult education are receiving a high-quality education, the staffing and professional development of adult educators must be given increased funding and emphasis. This bill addresses the supply of high-quality adult educators in several ways. It amends the State Leadership activities to pilot and strengthen program quality standards and credentialing of adult educators. It also increases allowable funds for program development by removing professional development activities from the local administrative cost limit cap and providing their own separate allowance of funds. It amends the National Leadership Activi-

ties to allow for improved professionalization of the adult education workforce. According to stakeholders, the adult education workforce is comprised of too many part-time educators, which limits the efficacy and supply of educators for adult education services. This bill rectifies that by providing for the creation and implementation of full-time staffing models.

AUTHORIZING FUNDS TO MEET THE NATION'S WORKFORCE DEVELOPMENT NEEDS

Overall, H.R. 7309 authorizes $78 billion in spending for workforce development programs over six years, Fiscal Year (FY) 2023 to FY 2028. This historic investment corrects for decades of erosion of federal spending on these programs, which has left a weakened workforce system that cannot provide the needed level of services—training programs leading to high-quality jobs and supportive services to help participants complete training—and cannot serve enough people in need of services.

With regard to the core Title I formula programs for adults, dislocated workers, and youth, the bill authorizes $6 billion for FY 2023. This level of funding more than matches the inflation-adjusted previous highest level of funding for these programs in FY 2002 and is nearly double the amount appropriated for FY 2022. The bill then authorizes a 10 percent increase each year for these formula programs, so funding levels will at least keep up with inflation and the federal investment will not continue to erode. Ultimately, by FY 2028, the authorized funding levels for the formula programs is estimated to support training for one million participants.

The bill authorizes a significant increase in the investment in reentry services, with $250 million authorized for FY 2023—compared to about $100 million appropriated in FY 2022—followed by $50 million increases each year and a funding level of $500 million in FY 2028. The current level of spending for REO programs does not meet the needs of the entire reentry population; this bill recognizes the need to invest more while also providing time for reentry service providers to build up their capacity to serve more participants.

Lastly, the bill authorizes FY 2023 funding levels above the FY 2022 enacted levels for all other WIOA programs as well, with subsequent annual increases to keep pace with inflation.

SECTION-BY-SECTION ANALYSIS

Sec. 1. Short title

This section states that the title of this bill is the Workforce Innovation and Opportunity Act of 2022 (WIOA of 2022).

Sec. 2. References

This section states that any reference to an amendment to or repeal of a section or other provisions is made to the Workforce Innovation and Opportunity Act of 2014 (WIOA of 2014), unless otherwise expressly provided.

Sec. 3. Transition provisions

This section contains provisions that authorize the Secretary of Labor (Secretary) and other relevant agencies to take the actions needed for an orderly transition from WIOA of 2014 to WIOA of 2022).

Sec. 4. Effective date

This section establishes that the date that WIOA of 2022 will take effect is July 1, 2023, with further specified guidance for the state and local plans.

Sec. 5. Table of Contents

TITLE I—DEFINITIONS AND OTHER GENERAL MATTERS

Sec. 101. Definitions

This section amends or adds definitions of key terms, including:

- Apprenticeship Program. Defines an apprenticeship program as a program registered under the *National Apprenticeship Act*.
- Career Pathways. Amends the definition of career pathways to include supportive services, multiple entry and exit points, and a progression toward attainment of a recognized postsecondary credential.
- Competency. Defines competency as the attainment of knowledge, skills, and abilities in a subject area, as specified by an occupational skill standard and demonstrated by an appropriate written or hands-on proficiency measurement.
- Dislocated worker. Amends the definition of dislocated worker to include two additional populations, the underemployed and the long-term unemployed, who do not qualify for dislocated services under the existing statute.
- Eligible youth. Amends the definition of eligible youth by replacing the in-school and out of school youth definitions with a single definition, and allows for self-attestation, thus streamlining the eligibility determination process for youth who may lack access to otherwise required documentation.
- Evidence-based. Defines three tiers of evidence-based approaches based on the number and quality of evaluations supporting the effectiveness of these approaches.
- Foundational skill needs. Replaces the term basic skills deficient with foundational skill needs and adds several new areas of foundational skill needs including digital literacy, financial literacy, and communication skills.
- Individuals with barriers to employment. Amends this definition by adding individuals who have been historically underserved and marginalized as a result of race, color, national origin, sexual orientation, or gender identity.
- Justice-involved individual. Replaces the term offender with justice-involved individual.
- Low-income individual. Expands this definition to include individuals with incomes up to 150 percent of the federal poverty line.

• Opportunity youth. Defines opportunity youth as individuals who are ages 16 to 24, not attending school, and underemployed or not employed.

• Pre-Apprenticeship Program. Defines a pre-apprenticeship program as a program designed to prepare participants for an apprenticeship program registered under the *National Apprenticeship Act*.

• Supportive services. Expands this definition to include new services such as mental health care, substance use disorder treatment, and assistance with accessing the internet.

• Work-based learning. Defines work-based learning with the definition given to this term in section 3 of the *Carl D. Perkins Career and Technical Education Act of 2006*.

TITLE II—WORKFORCE DEVELOPMENT ACTIVITIES

Subtitle A—System Alignment

Chapter 1—State Provisions

Sec. 201. State Workforce Development Boards

This section amends the membership requirements for state boards that set statewide workforce development strategies and priorities, including by increasing the potential share of labor organizations to 30 percent, requiring representation by post-secondary and adult education institutions, and requiring demographic diversity on the boards that reflects the diversity of the state. The section also amends the functions of the state boards by requiring them to develop strategies for using digital technology to enhance access to workforce development services for individuals with barriers to employment.

Sec. 202. Unified State Plan

This section amends the required elements of the unified state plan by increasing the focus on how the workforce system in the state is meeting the needs of certain groups such as opportunity youth and individuals with disabilities. It also provides more direction regarding the process for obtaining public input on the draft plan. The section also requires the state plan to describe the state's strategy for joint planning, alignment, coordination, and leveraging funds, including with federal partners.

Sec. 203. Combined State Plan

This section amends the combined state plan—an option under which the state submits to the federal government a workforce development plan that includes the core partners in the workforce system as well as one or more additional partners—by adding apprenticeship programs as a potential additional program for inclusion.

Chapter 2—Local Provisions

Sec. 206. Workforce Development Areas

This section amends the process that Governors use when designating local workforce development areas—geographic areas that correspond to local labor markets and receive allocations of Title I

funds by formula—including by requiring consultation with state economic development agencies and a consideration of how such designations will improve efficiency in service delivery and ensure access to comprehensive one-stop centers.

Sec. 207. Local Workforce Development Boards

This section amends the membership requirements for local boards that establish workforce development strategies and priorities for local areas by, among other things, increasing the potential share of labor organizations on the boards to 30 percent, requiring standing committees focused on adult education and other issues, and requiring the demographic composition of the boards to reflect the demographic diversity of the local area. It amends the functions of the local board in several ways, including by ensuring that technology is leveraged to ensure individuals with barriers to employment have access to workforce services.

Sec. 208. Local Plans

This section amends the required elements of local plans—documents outlining workforce development strategies and priorities for local areas—by, among other things, requiring descriptions of how the local board will help job seekers assess their options for entering training programs that lead to high quality jobs and how the local board will leverage technology to improve coordination and co-enrollment among one-stop partners. This section also requires the local board to conduct a comprehensive needs assessment for better coordination and availability of youth workforce activities.

Chapter 3—Performance Accountability

Sec. 211. Performance Accountability System

This section amends the workforce development system's performance accountability metrics in several areas, including by:

- adding a measure of longer-term earning progression (median earnings at the fourth quarter following program exit);
- providing authority to the Secretary to develop new performance measures to indicate the quality of jobs earned after participants receive training, such as paid time off and workplace safety, among others;
- amending the process for states and federal agencies to come to an agreement on state performance levels, including by requiring the federal agencies to initially propose expected performance levels based on their statistical adjustment model and by expanding the requirement for continuous improvement to include adoption of new service strategies or serving new populations; and
- requiring states to develop and publish state equity reports that identify and quantify any disparities in performance outcomes across demographic groups, such as race, ethnicity, and gender.

Subtitle B—Workforce Investment Activities and Providers

Chapter 1—Workforce Investment Activities and Providers

Sec. 221. Establishment of One-Stop Delivery Systems

This section amends requirements for the one-stop delivery system—the network of comprehensive one-stop centers, affiliated sites, and partners that provides workforce development services in a local area—in several ways, including by:

- authorizing public libraries to serve as affiliated one-stop sites, creating another option for bringing workforce services into communities;
- providing greater clarity on the role of one-stop operators, which includes managing infrastructure, facilitating coordination among partners, and providing direct services;
- emphasizing that one-stop infrastructure includes both the physical footprint of the one-stop centers and the technology needed to provide virtual services;
- allowing local workforce development boards to serve as one-stop operators under certain conditions; and
- providing a set-aside of funding to cover one-stop infrastructure costs from Title I formula, Wagner-Peyser, and Adult Education programs, and eliminating the Infrastructure Funding Agreement requirements.

Sec. 222. Identification of Eligible Providers of Training Services

This section amends the requirements governing the state eligible training provider list (ETPL)—the list of training programs approved by the state to be funded with Title I funds—in several ways, including by:

- authorizing online education and training programs to qualify for the ETPL;
- expanding the criteria that states can develop for inclusion on the ETPL, through guidance from the Secretary, to include a certification by employers or an industry and sector partnership that the training will lead to recognized post-secondary credentials, in-demand competencies, and opportunities for jobs paying competitive wages;
- strengthening the accountability measures that bar training providers whose performance does not meet established criteria from inclusion on the ETPL for a period of time; and
- requiring the Governor to review the training providers on the ETPL annually to ensure they still satisfy the criteria for inclusion.

Chapter 2—Youth Workforce Investment Activities

Sec. 231. State Allotments

This section amends the allotment of youth funds to the states by reserving 1.5 percent of such funds for youth who are migrant and seasonal farmworkers and by increasing the reservation for youth in outlying areas.

Sec. 232. Within State Allocations

This section amends how funds allocated to local areas are to be used by allowing for the transfer of youth funds between the summer and year-round employment programs authorized in section 234 of the bill and youth activities authorized under section 129 of WIOA of 2014.

Sec. 233. Use of Funds for Youth Workforce Investment Activities

This section amends the required and allowable youth workforce development activities that the one-stop delivery system provides to eligible youth in several ways, including by:

- requiring local areas to conduct a comprehensive youth needs assessment, which must, among other things, address the performance outcomes for youth in the local area, the particular workforce development needs of local youth, the workforce services available, and effective strategies that will be employed for meeting youths' needs; and
- removing the requirement that all program elements must be provided as a part of authorized youth workforce activities.

Sec. 234. Summer and Year-Round Employment for Youth

This section directs local areas to provide summer and year-round employment opportunities that may include subsidized and unsubsidized employment. The summer or year-round employment program must include elements such as mentoring, work-readiness training, career exploration, coaching, and financial literacy training.

Chapter 3—Adult and Dislocated Worker Employment and Training Activities

Sec. 241. Within State Allocations

This section makes a technical change by eliminating references to unobligated funds left over from the *Workforce Investment Act of 1998* and allows for the transfer of funds between the adult and dislocated worker activities and the sectoral employment through career training for occupational readiness (SECTOR) program, authorized in section 279.

Sec. 242. Use of Funds for Employment and Training Activities

This section amends the required and allowable uses of funds for adult and dislocated worker employment and training activities provided by the one-stop delivery system in several ways, including by:

- enhancing workforce development services for older workers, by allowing States to use their reserve funds to develop alternative strategies for meeting the needs of older workers—such as self-employment—and to coordinate with other programs serving this population;
- enhancing the workforce system's ability to effectively serve individuals who have been victims of gender-based violence by allowing states to use their reserve funds to coordinate with other programs serving victims;

- requiring one-stops to connect individuals to adult education services before finding them ineligible for training services because of a lack of foundational skills;
- requiring that at least 75 percent of adult funds allocated to local areas for career, training, or supportive services be spent on individuals who have the highest needs, including those who are low-income, are public assistance recipients, and have other barriers to employment;
- providing further clarity on the types of requirements employers should meet to receive reimbursements for on-the-job training costs, such as basic indicators of job quality, including competitive wages, availability of benefits, and a safe workplace;
- making supportive services a required activity, available to adults and dislocated workers who are in career or training services or in their first 12 months of a placement in unsubsidized employment; and
- raising the cap on the proportion of local funds that can be spent on incumbent worker training (to 25 percent) and transitional jobs (to 40 percent).

Chapter 4—General Workforce Development Provisions

Sec. 251. Authorization of Appropriations

This section authorizes funding for Fiscal Years 2023 to 2028 for youth workforce investment activities; adult employment and training activities; dislocated worker employment and training activities; and industry or sector partnership training.

Subtitle C—Job Corps

Sec. 261. Amendments Relating to Job Corps

This section amends the Job Corps program—a residential program for opportunity youth that provides employment and training services at centers across the country—by:

- renaming "Job Corp Centers" as "Job Corps Campuses";
- simplifying the eligibility requirements for Job Corps enrollees by removing the 20 percent cap on individuals between the ages of 22 and 24, and allowing for an increase in the maximum age to age 28 for individuals with disabilities and justice-involved individuals;
- allowing the self-attestation of youth who meet eligibility criteria, thus streamlining the eligibility determination process for those who may lack access to otherwise required documentation;
- establishing that contracts awarded to Job Corps operators and service providers are based on the best value and fair and reasonable pricing;
- allowing new entrants into the competitive bidding process by establishing selection criteria for non-incumbent offerors to demonstrate relevant programmatic experience through past effectiveness assisting youth, and creating a mentor-protégé program modeled after the *Small Business Act* program, which would allow service providers to develop capacity as a Job Corps operator;

- removing volatility in the designation of high-performance Job Corps operators by using two prior years of data instead of one;
- clarifying the authority of Job Corps Campus operators to hire staff and provide professional development as well as enter into agreements with local partners;
- allowing operators to implement a behavioral management plan to establish standards of conduct and positive behavioral interventions;
- narrowing the current definition of "zero tolerance" to instances of violence or illegal activity on campus;
- revising the guidelines under the zero-tolerance policy to restrict disciplinary measures to only acts of violence that seriously endanger the safety of students, staff, or the community or illegal activity on campus;
- establishing an advisory group of Job Corps operators and service providers to review reporting data and provide recommendations for the newly established behavioral management plans;
- covering employees of Job Corps operators and service providers under the *Service Contract Act*, as well as academic and career technical instructors at Job Corps campuses (who are otherwise exempt from the *Service Contract Act*), to help ensure high quality instructors can be hired and retained;
- requiring bidders to identify costs for compliance with the wage and benefits requirements under the *Service Contract Act*, based upon a survey by the Secretary comparing wage and benefit levels with local public educational institutions; and
- revising the performance model of Job Corps Campuses to ensure the performance measures are equitable, transparent, and open to the public.

Sec. 162. Authorization of Appropriations

This section authorizes funding for Fiscal Years 2023 to 2028 for all Job Corps operations and activities.

Subtitle D—National Programs

Sec. 271. Native American Programs

This section amends Native American employment and training programs in several ways, including by eliminating the requirement for DOL to award grants on a competitive basis; requiring that the organizational component within DOL that administers the Native American programs be a division of DOL; and allowing members of the Native American employment and training council to continue serving after their terms have expired until their successors have been named.

Sec. 272. Migrant and Seasonal Farmworker Programs

This section amends migrant and seasonal farmworker programs by clarifying the periods of time in which appropriated funds may be obligated and used for program activities.

Sec. 273. Technical Assistance

This section clarifies that DOL's technical assistance is intended to support the professional development of staff in the workforce development system. The section also requires DOL to support the provision of training to one-stop staff on trauma-informed approaches, gender and racial biases, and the unique safety challenges faced by survivors of gender-based violence.

Sec. 274. Evaluations and Research

This section amends the evaluations and research provisions in WIOA of 2014 by creating a new workforce development innovation fund. This new fund aims to build evidence on what works in workforce development by funding three different types of grants:

- early-phase grants to test innovative program ideas;
- mid-phase grants to implement and evaluate early-phase programs that showed promise; and
- expansion grants to scale up, replicate, and fully evaluate programs that were found to produce sizable impacts in mid-phase grants.

These grants may be awarded to entities including state and local boards and community-based organizations.

Sec. 275. National Dislocated Worker Grants

This section amends the national dislocated worker grants to allow national and regional intermediary organizations to receive grants.

Sec. 276. YouthBuild Program

This section amends the YouthBuild program in several ways, including by:

- reserving grant funds for programs in rural areas, when appropriated funds are above a certain threshold;
- extending the allowed period of follow-up services to 24 months to ensure participants succeed in employment;
- allowing the program to fund meals for participants;
- allowing grantees to count YouthBuild funds toward the matching requirement under the *National and Community Service Act*; and
- requiring states to facilitate YouthBuild programs' access to Unemployment Insurance wage data for the purpose of performance measurement.

Sec. 277. Community College and Industry Partnership Grants

This section codifies DOL's Strengthening Community Colleges Training Grants, authorizing a competitive grant program that aims to build community colleges' capacity to provide employment and training programs leading to post-secondary credentials in in-demand industries or occupations. Community college grantees, in partnership with employers and the workforce development system, must develop employment and training programs targeting specific industry sectors. Required or allowable activities under the grants include:

- developing or scaling up career training, career pathways, or work-based learning options such as apprenticeships;

- assisting individuals with barriers to employment with accessing such programs; and
- providing supportive services to help participants complete their education and training.

Sec. 278. Reentry Employment Opportunities

This section codifies DOL's reentry employment opportunities (REO) current demonstration grant program as a permanent part of WIOA of 2022. It authorizes competitive grants to assist justice-involved adults and youth in obtaining and sustaining employment. Grantees may be community-based organizations or national and regional intermediary organizations. In awarding grants, DOL must prioritize grantees serving high-crime and high-poverty areas, enrolling participants prior to or soon after release from incarceration, and using evidence-based approaches. Allowable activities under the grants include:

- providing career counseling and training services;
- transitional jobs;
- outreach to employers; and
- supportive services, including mental health care and substance use disorder treatment.

Sec. 279. Sectoral Employment Through Career Training for Occupational Readiness

This section authorizes a new national industry and sector partnership program that will help state or local boards convene, develop, or expand sectoral partnerships for the purposes of providing career, training, and supportive services to adult and dislocated workers, including those with barriers to employment. It allocates 20 percent of authorized funding through national competitive grants and the remaining 80 percent to local boards through the adult formula.

Sec. 280. Workforce Data Quality Initiative Grants

This section authorizes a new workforce data quality initiative grant that would codify an existing program administered by DOL that allocates funds to states for the purposes of creating or expanding longitudinal systems.

Sec. 281. Authorization of Appropriations

This section authorizes funding for national programs for Fiscal Years 2023 to 2028.

Subtitle E—Administration

Sec. 291. Nondiscrimination

This section clarifies that entities receiving WIOA of 2022 funds are allowed to limit services only to citizens in cases where career and education programs are related to projects of importance to national security.

Sec. 292. Secretarial Administrative Authorities and Responsibilities

This section makes secretarial amendments to WIOA of 2014, including correcting the name of the Education and Labor Committee

and making technical revisions to section 189 to correspond to the reauthorized bill.

Sec. 293. Guardrails for Program Integrity

This section restricts proprietary institutions of higher education from participating as a state or local board member and operating a one-stop center.

TITLE III—ADULT EDUCATION AND FAMILY LITERACY

Sec. 301. Family Literacy

This section amends the title of Title II of WIOA of 2014 to read "*Adult Education and Family Literacy Act*."

Sec. 302. Purpose

This section amends the purpose of the *Adult Education and Family Literacy Act* to include the need for digital literacy skills.

Sec. 303. Definitions

This section amends or adds definitions of key terms, including:

- Adult education and literacy activities. Adds digital skills as another type of activity.
- Family literacy activities. Adds digital literacy activities to the list of family literacy activities.
- Integrated education and training. Clarifies that integrated education and training may be offered concurrently with other adult education activities.
- Integrated English literacy and civics education. Amends integrated English literacy and civics education to include additional activities, such as achieving digital literacy, applying for federal aid, financial literacy, and navigating the housing market and secondary education.

Sec. 304. Authorization of Appropriations

This section authorizes funding for the *Adult Education and Family Literacy Act* for Fiscal Years 2023 to 2028.

Sec. 305. Performance Accountability System

This section creates a new demonstration program, under the authority of the Secretary of Education, for the purposes of developing new performance measures that better capture the efficacy of adult education and literacy programs as compared to the existing performance measures required under WIOA of 2014.

Sec. 306. State Distribution of Funds; Matching Requirement

This section requires that state agencies make publicly available the source of matching contributions and how such funds are distributed to eligible providers.

Sec. 307. State Leadership Activities

This section allows for the development, maintenance, and improvement of quality of credentialing and professional development of adult educators.

Sec. 308. Grants and Contracts for Eligible Providers

This section amends section 231 of WIOA of 2014 by replacing "scientifically valid research and effective educational practice" with the application of "universal design for learning."

Sec. 309. Local Administrative Cost Limits

This section increases the allowable use of funds for professional development of adult educators by moving such activities outside the administrative cost limits.

Sec. 310. National Leadership Activities

This section adds new technical assistance requirements to the national leadership programs, including requiring that outcomes and data are collected and reported in a timely manner and that such data is reported consistently across states.

Sec. 311. Integrated English Literacy and Civics Education

This section amends the Integrated English Literacy and Civics Education grants authorized under section 243 of WIOA of 2014 by including workforce preparation activities, such as pre-apprenticeship and apprenticeship programs, as allowable activities.

Sec. 312. Technical Corrections to Other Laws

This section makes a technical correction to the title of the *Adult Education and Family Literacy Act*.

TITLE IV—GENERAL PROVISIONS

Sec. 401. Prohibition of National Database Management

This section amends the prohibition on a national workforce data base under WIOA of 2014 by allowing the creation of one by DOL on the condition it be housed and managed by the federal government and not by a third party or contractor and that no personally identifiable information will be revealed or published.

Sec. 402. Accessibility

This section ensures that any use of digital technology for purposes of service delivery be compliant with assistive technology standards.

TITLE V—AMENDMENTS TO THE WAGNER-PEYSER ACT

Sec. 501. Inclusion of Commonwealth of the Northern Mariana Islands and American Samoa

This section ensures that the Commonwealth of the Northern Mariana Islands and American Samoa be allowed to receive funding under Wagner-Peyser.

Sec. 502. Workforce and Labor Market Information System

This section authorizes funding for the Labor Market Information System authorized under the *Wagner-Peyser Act*.

TITLE VI—AMENDMENTS TO THE REHABILITATION ACT OF 1973

Sec. 601. Authorized Appropriations

This section authorizes funding for provisions of the *Rehabilitation Act of 1973*, as amended under WIOA of 2014, for Fiscal Years 2023 through 2028. Most of that funding is for mandatory grants that are increased each year by a formula in the *Rehabilitation Act of 1973* that specifies that each year's funding will equal at least the prior year's funding plus an increase equal to inflation.

EXPLANATION OF AMENDMENTS

The amendments, including the amendment in the nature of a substitute, are explained in the descriptive portions of this report.

APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

Pursuant to section 102(b)(3) of the *Congressional Accountability Act of 1995*, Pub. L. No. 104–1, H.R. 7309, as amended, applies to terms and conditions of employment within the legislative branch because one of the laws amended by H.R. 7309 (*Rehabilitation Act of 1973*) is included within the list of laws applicable to the legislative branch enumerated in section 102(a) of the *Congressional Accountability Act of 1995*.

UNFUNDED MANDATE STATEMENT

Pursuant to Section 423 of the *Congressional Budget and Impoundment Control Act of 1974*, Pub. L. No. 93–344 (as amended by Section 101(a)(2) of the *Unfunded Mandates Reform Act of 1995*, Pub. L. No. 104–4) the Committee traditionally adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office (CBO) pursuant to section 402 of the *Congressional Budget and Impoundment Control Act of 1974*. The Committee reports that because this cost estimate was not timely submitted to the Committee before the filing of this report, the Committee is not in a position to make a cost estimate for H.R. 7309, as amended.

EARMARK STATEMENT

In accordance with clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 7309 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as described in clauses 9(e), 9(f), and 9(g) of rule XXI.

ROLL CALL VOTES

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the Committee advises that the following roll call votes occurred during the Committee's consideration of H.R. 7309:

Date: 4/5/2022

COMMITTEE ON EDUCATION AND LABOR RECORD OF COMMITTEE VOTE

Roll Call:1 Bill: H.R.7309 Amendment Number:2

Disposition: Defeated by a roll call vote of 20-29

Sponsor/Amendment: Miller-Meeks / R_ANS_01

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. SCOTT (VA) (Chairman)		X		Mrs. FOXX (NC) (Ranking)	X		
Mr. GRIJALVA (AZ)		X		Mr. WILSON (SC)	X		
Mr. COURNTEY (CT)		X		Mr. THOMPSON (PA)	X		
Mr. SABLAN (MP)		X		Mr. WALBERG (MI)	X		
Ms. WILSON (FL)		X		Mr. GROTHMAN (WI)	X		
Ms. BONAMICI (OR)		X		Ms. STEFANIK (NY)	X		
Mr. TAKANO (CA)			X	Mr. ALLEN (GA)	X		
Ms. ADAMS (NC)		X		Mr. BANKS (IN)	X		
Mr. DESAULNIER (CA)		X		Mr. COMER (KY)	X		
Mr. NORCROSS (NJ)		X		Mr. FULCHER (ID)			X
Ms. JAYAPAL (WA)		X		Mr. KELLER (PA)	X		
Mr. MORELLE (NY)		X		Ms. MILLER-MEEKS (IA)	X		
Ms. WILD (PA)		X		Mr. OWENS (UT)	X		
Mrs. MCBATH (GA)		X		Mr. GOOD (VA)		X	
Mrs. HAYES (CT)		X		Mrs. MCCLAIN (MI)	X		
Mr. LEVIN (MI)		X		Mrs. HARSHBARGER (TN)	X		
Ms. OMAR (MN)		X		Mrs. MILLER (IL)	X		
Ms. STEVENS (MI)		X		Mrs. SPARTZ (IN)	X		
Ms. LEGER FERNÁNDEZ (NM)		X		Mr. FITZGERALD (WI)	X		
Mr. JONES (NY)		X		Mr. CAWTHORN (NC)			X
Ms. MANNING (NC)		X		Mrs. STEEL (CA)	X		
Mr. MRVAN (IN)		X		Ms. LETLOW (LA)	X		
Mr. BOWMAN (NY)		X		Mr. JACOBS (NY)	X		
Mrs. CHERFILUS-MCCORMICK (FL)		X		*Vacancy*			
Mr. POCAN (WI)		X					
Mr. CASTRO (TX)		X					
Ms. SHERRILL (NJ)		X					
Mr. ESPAILLAT (NY)		X					
Mr. KWEISI MFUME (MD)		X					

TOTALS: Ayes: 20 Nos: 29 Not Voting: 3

Total: 53 / Quorum: / Report:

(29 D - 24 R)

^Although not present for the recorded vote, Member expressed he/she would have voted AYE if present at time of vote.

*Although not present for the recorded vote, Member expressed he/she would have voted NO if present at time of vote.

Date: 4/5/2022

COMMITTEE ON EDUCATION AND LABOR RECORD OF COMMITTEE VOTE

Roll Call:2 Bill: H.R.7309 Amendment Number:3

Disposition: Defeated by a roll call vote of 21-29

Sponsor/Amendment: Good / GOOD_087

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. SCOTT (VA) (Chairman)		X		Mrs. FOXX (NC) (Ranking)	X		
Mr. GRIJALVA (AZ)		X		Mr. WILSON (SC)	X		
Mr. COURNTEY (CT)		X		Mr. THOMPSON (PA)	X		
Mr. SABLAN (MP)		X		Mr. WALBERG (MI)	X		
Ms. WILSON (FL)		X		Mr. GROTHMAN (WI)	X		
Ms. BONAMICI (OR)		X		Ms. STEFANIK (NY)	X		
Mr. TAKANO (CA)		X		Mr. ALLEN (GA)	X		
Ms. ADAMS (NC)		X		Mr. BANKS (IN)	X		
Mr. DESAULNIER (CA)		X		Mr. COMER (KY)	X		
Mr. NORCROSS (NJ)		X		Mr. FULCHER (ID)			X
Ms. JAYAPAL (WA)		X		Mr. KELLER (PA)	X		
Mr. MORELLE (NY)		X		Ms. MILLER-MEEKS (IA)	X		
Ms. WILD (PA)		X		Mr. OWENS (UT)	X		
Mrs. MCBATH (GA)		X		Mr. GOOD (VA)	X		
Mrs. HAYES (CT)		X		Mrs. MCCLAIN (MI)	X		
Mr. LEVIN (MI)		X		Mrs. HARSHBARGER (TN)	X		
Ms. OMAR (MN)		X		Mrs. MILLER (IL)	X		
Ms. STEVENS (MI)		X		Mrs. SPARTZ (IN)	X		
Ms. LEGER FERNÁNDEZ (NM)		X		Mr. FITZGERALD (WI)	X		
Mr. JONES (NY)		X		Mr. CAWTHORN (NC)			X
Ms. MANNING (NC)		X		Mrs. STEEL (CA)	X		
Mr. MRVAN (IN)		X		Ms. LETLOW (LA)	X		
Mr. BOWMAN (NY)		X		Mr. JACOBS (NY)	X		
Mrs. CHERFILUS-MCCORMICK (FL)		X		*Vacancy*			
Mr. POCAN (WI)		X					
Mr. CASTRO (TX)		X					
Ms. SHERRILL (NJ)		X					
Mr. ESPAILLAT (NY)		X					
Mr. KWEISI MFUME (MD)		X					

TOTALS: Ayes: 21 Nos:29 Not Voting:2

Total: 53 / Quorum: / Report:

(29 D - 24 R)

^Although not present for the recorded vote, Member expressed he/she would have voted AYE if present at time of vote.

*Although not present for the recorded vote, Member expressed he/she would have voted NO if present at time of vote.

Date: 4/5/2022

COMMITTEE ON EDUCATION AND LABOR RECORD OF COMMITTEE VOTE

Roll Call:3 Bill: H.R.7309 Amendment Number: 4

Disposition: Defeated by a roll call vote of 21-28

Sponsor/Amendment: Good / GOOD_088

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. SCOTT (VA) (Chairman)		X		Mrs. FOXX (NC) (Ranking)	X		
Mr. GRIJALVA (AZ)		X		Mr. WILSON (SC)	X		
Mr. COURNTEY (CT)		X		Mr. THOMPSON (PA)	X		
Mr. SABLAN (MP)		X		Mr. WALBERG (MI)	X		
Ms. WILSON (FL)		X		Mr. GROTHMAN (WI)	X		
Ms. BONAMICI (OR)		X		Ms. STEFANIK (NY)	X		
Mr. TAKANO (CA)		X		Mr. ALLEN (GA)	X		
Ms. ADAMS (NC)		X		Mr. BANKS (IN)	X		
Mr. DESAULNIER (CA)		X		Mr. COMER (KY)	X		
Mr. NORCROSS (NJ)		X		Mr. FULCHER (ID)			X
Ms. JAYAPAL (WA)		X		Mr. KELLER (PA)	X		
Mr. MORELLE (NY)		X		Ms. MILLER-MEEKS (IA)	X		
Ms. WILD (PA)			X	Mr. OWENS (UT)	X		
Mrs. MCBATH (GA)		X		Mr. GOOD (VA)	X		
Mrs. HAYES (CT)		X		Mrs. MCCLAIN (MI)	X		
Mr. LEVIN (MI)		X		Mrs. HARSHBARGER (TN)	X		
Ms. OMAR (MN)		X		Mrs. MILLER (IL)	X		
Ms. STEVENS (MI)		X		Mrs. SPARTZ (IN)	X		
Ms. LEGER FERNÁNDEZ (NM)		X		Mr. FITZGERALD (WI)	X		
Mr. JONES (NY)		X		Mr. CAWTHORN (NC)			X
Ms. MANNING (NC)		X		Mrs. STEEL (CA)	X		
Mr. MRVAN (IN)		X		Ms. LETLOW (LA)	X		
Mr. BOWMAN (NY)		X		Mr. JACOBS (NY)	X		
Mrs. CHERFILUS-MCCORMICK (FL)		X		*Vacancy*			
Mr. POCAN (WI)		X					
Mr. CASTRO (TX)		X					
Ms. SHERRILL (NJ)		X					
Mr. ESPAILLAT (NY)		X					
Mr. KWEISI MFUME (MD)		X					

TOTALS: Ayes: 21 Nos: 28 Not Voting: 3

Total: 53 / Quorum: / Report:

(29 D - 24 R)

^Although not present for the recorded vote, Member expressed he/she would have voted AYE if present at time of vote.

*Although not present for the recorded vote, Member expressed he/she would have voted NO if present at time of vote.

Date: 4/5/2022

COMMITTEE ON EDUCATION AND LABOR RECORD OF COMMITTEE VOTE

Roll Call:4 Bill: H.R.7309 Amendment Number:5

Disposition: Defeated by a roll call vote of 20-29

Sponsor/Amendment: Miller / MILLIL_030

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. SCOTT (VA) (Chairman)		X		Mrs. FOXX (NC) (Ranking)	X		
Mr. GRIJALVA (AZ)		X		Mr. WILSON (SC)	X		
Mr. COURNTEY (CT)		X		Mr. THOMPSON (PA)	X		
Mr. SABLAN (MP)		X		Mr. WALBERG (MI)	X		
Ms. WILSON (FL)		X		Mr. GROTHMAN (WI)	X		
Ms. BONAMICI (OR)		X		Ms. STEFANIK (NY)	X		
Mr. TAKANO (CA)		X		Mr. ALLEN (GA)	X		
Ms. ADAMS (NC)		X		Mr. BANKS (IN)	X		
Mr. DESAULNIER (CA)		X		Mr. COMER (KY)	X		
Mr. NORCROSS (NJ)		X		Mr. FULCHER (ID)			X
Ms. JAYAPAL (WA)		X		Mr. KELLER (PA)	X		
Mr. MORELLE (NY)		X		Ms. MILLER-MEEKS (IA)			X
Ms. WILD (PA)		X		Mr. OWENS (UT)	X		
Mrs. MCBATH (GA)		X		Mr. GOOD (VA)	X		
Mrs. HAYES (CT)		X		Mrs. MCCLAIN (MI)	X		
Mr. LEVIN (MI)		X		Mrs. HARSHBARGER (TN)	X		
Ms. OMAR (MN)		X		Mrs. MILLER (IL)	X		
Ms. STEVENS (MI)		X		Mrs. SPARTZ (IN)	X		
Ms. LEGER FERNÁNDEZ (NM)		X		Mr. FITZGERALD (WI)	X		
Mr. JONES (NY)		X		Mr. CAWTHORN (NC)			X
Ms. MANNING (NC)		X		Mrs. STEEL (CA)	X		
Mr. MRVAN (IN)		X		Ms. LETLOW (LA)	X		
Mr. BOWMAN (NY)		X		Mr. JACOBS (NY)	X		
Mrs. CHERFILUS-MCCORMICK (FL)		X		*Vacancy*			
Mr. POCAN (WI)		X					
Mr. CASTRO (TX)		X					
Ms. SHERRILL (NJ)		X					
Mr. ESPAILLAT (NY)		X					
Mr. KWEISI MFUME (MD)		X					

TOTALS: Ayes: 20 Nos:29 Not Voting: 3

Total: 53 / Quorum: / Report:

(29 D - 24 R)

^Although not present for the recorded vote, Member expressed he/she would have voted AYE if present at time of vote.

*Although not present for the recorded vote, Member expressed he/she would have voted NO if present at time of vote.

Date: 4/5/2022

COMMITTEE ON EDUCATION AND LABOR RECORD OF COMMITTEE VOTE

Roll Call:5 Bill: H.R.7309 Amendment Number:6

Disposition: Defeated by a roll call vote of 21-29

Sponsor/Amendment: Miller / MILLIL_031

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. SCOTT (VA) (Chairman)		X		Mrs. FOXX (NC) (Ranking)	X		
Mr. GRIJALVA (AZ)		X		Mr. WILSON (SC)	X		
Mr. COURNTEY (CT)		X		Mr. THOMPSON (PA)	X		
Mr. SABLAN (MP)		X		Mr. WALBERG (MI)	X		
Ms. WILSON (FL)		X		Mr. GROTHMAN (WI)	X		
Ms. BONAMICI (OR)		X		Ms. STEFANIK (NY)	X		
Mr. TAKANO (CA)		X		Mr. ALLEN (GA)	X		
Ms. ADAMS (NC)		X		Mr. BANKS (IN)	X		
Mr. DESAULNIER (CA)		X		Mr. COMER (KY)	X		
Mr. NORCROSS (NJ)		X		Mr. FULCHER (ID)			X
Ms. JAYAPAL (WA)		X		Mr. KELLER (PA)	X		
Mr. MORELLE (NY)		X		Ms. MILLER-MEEKS (IA)	X		
Ms. WILD (PA)		X		Mr. OWENS (UT)	X		
Mrs. MCBATH (GA)		X		Mr. GOOD (VA)	X		
Mrs. HAYES (CT)		X		Mrs. MCCLAIN (MI)	X		
Mr. LEVIN (MI)		X		Mrs. HARSHBARGER (TN)	X		
Ms. OMAR (MN)		X		Mrs. MILLER (IL)	X		
Ms. STEVENS (MI)		X		Mrs. SPARTZ (IN)	X		
Ms. LEGER FERNÁNDEZ (NM)		X		Mr. FITZGERALD (WI)	X		
Mr. JONES (NY)		X		Mr. CAWTHORN (NC)			X
Ms. MANNING (NC)		X		Mrs. STEEL (CA)	X		
Mr. MRVAN (IN)		X		Ms. LETLOW (LA)	X		
Mr. BOWMAN (NY)		X		Mr. JACOBS (NY)	X		
Mrs. CHERFILUS-MCCORMICK (FL)		X		*Vacancy*			
Mr. POCAN (WI)		X					
Mr. CASTRO (TX)		X					
Ms. SHERRILL (NJ)		X					
Mr. ESPAILLAT (NY)		X					
Mr. KWEISI MFUME (MD)		X					

TOTALS: Ayes: 21 Nos:29 Not Voting:2

Total: 53 / Quorum: / Report:

(29 D - 24 R)

^Although not present for the recorded vote, Member expressed he/she would have voted AYE if present at time of vote.

*Although not present for the recorded vote, Member expressed he/she would have voted NO if present at time of vote.

Date: 04/5/2022

COMMITTEE ON EDUCATION AND LABOR RECORD OF COMMITTEE VOTE

Roll Call: 6 Bill: 7309 Amendment Number: Motion

Disposition: Adopted by a Full Committee voice vote 29-21

Sponsor/Amendment: Jones motion to report H.R. 7309 to the House with an amendment and with the recommendation that the amendment be agreed to, and the bill as amended, do pass

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. SCOTT (VA) (Chairman)	X			Mrs. FOXX (NC) (Ranking)		X	
Mr. GRIJALVA (AZ)	X			Mr. WILSON (SC)		X	
Mr. COURNTEY (CT)	X			Mr. THOMPSON (PA)		X	
Mr. SABLAN (MP)	X			Mr. WALBERG (MI)		X	
Ms. WILSON (FL)	X			Mr. GROTHMAN (WI)		X	
Ms. BONAMICI (OR)	X			Ms. STEFANIK (NY)		X	
Mr. TAKANO (CA)	X			Mr. ALLEN (GA)		X	
Ms. ADAMS (NC)	X			Mr. BANKS (IN)		X	
Mr. DESAULNIER (CA)	X			Mr. COMER (KY)		X	
Mr. NORCROSS (NJ)	X			Mr. FULCHER (ID)			X
Ms. JAYAPAL (WA)	X			Mr. KELLER (PA)		X	
Mr. MORELLE (NY)	X			Ms. MILLER-MEEKS (IA)		X	
Ms. WILD (PA)	X			Mr. OWENS (UT)		X	
Mrs. MCBATH (GA)	X			Mr. GOOD (VA)		X	
Mrs. HAYES (CT)	X			Mrs. MCCLAIN (MI)		X	
Mr. LEVIN (MI)	X			Mrs. HARSHBARGER (TN)		X	
Ms. OMAR (MN)	X			Mrs. MILLER (IL)		X	
Ms. STEVENS (MI)	X			Mrs. SPARTZ (IN)		X	
Ms. LEGER FERNÁNDEZ (NM)	X			Mr. FITZGERALD (WI)		X	
Mr. JONES (NY)	X			Mr. CAWTHORN (NC)			X
Ms. MANNING (NC)	X			Mrs. STEEL (CA)		X	
Mr. MRVAN (IN)	X			Ms. LETLOW (LA)		X	
Mr. BOWMAN (NY)	X			Mr. JACOBS (NY)		X	
Mrs. CHERFILUS-MCCORMICK (FL)	X			*Vacancy*			
Mr. POCAN (WI)	X						
Mr. CASTRO (TX)	X						
Ms. SHERRILL (NJ)	X						
Mr. ESPAILLAT (NY)	X						
Mr. KWEISI MFUME (MD)	X						

TOTALS: Ayes: 29 Nos: 21 Not Voting: 2

Total: 53 / Quorum: / Report:

(29 D - 24 R)

^Although not present for the recorded vote, Member expressed he/she would have voted AYE if present at time of vote.

*Although not present for the recorded vote, Member expressed he/she would have voted NO if present at time of vote.

STATEMENT OF PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause (3)(c) of rule XIII of the Rules of the House of Representatives, the goals of H.R. 7309 are to modernize our nation's workforce development system through increased funding and a new focus on equity and job quality.

DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, the Committee states that no provision of H.R. 7309 is known to be duplicative of another federal program, including any program that was included in a report to Congress pursuant to section 21 of Pub. L. No. 111–139 or the most recent Catalog of Federal Domestic Assistance.

HEARINGS

Pursuant to clause 3(c)(6) of rule XIII of the Rules of the House of Representatives, the Committee held a bipartisan roundtable and three bipartisan hearings that were used to develop H.R. 7309.

On April 21, 2021, the Education and Labor (Committee) held a bipartisan Member roundtable on the reauthorization of the *Workforce Innovation and Opportunity Act*. During the roundtable, Members and panelists discussed challenges facing the existing workforce system and how the reauthorization of WIOA of 2014 could address those challenges. The panelists were: Mr. David Bradley, Analyst in Labor Economics, Congressional Research Service (CRS), Washington, DC; Ms. Dawn Locke, Acting Director, Education, Workforce, and Income Security, Government Accountability Office (GAO), Washington, DC; Mr. Ron Painter, President and CEO, National Association of Workforce Boards, Washington, DC; and Ms. Maria Flynn, President and CEO, Jobs for the Future, Boston, MA.

On May 13, 2021, the Committee held a bipartisan hearing entitled "*Workforce Innovation and Opportunity Act Reauthorization: Creating Opportunities for Youth Employment*." The Committee heard testimony on the challenges facing the youth activities authorized under WIOA of 2014. The witnesses were: Ms. Chekemma Fullmore-Townsend, President and CEO, Philadelphia Youth Network, Philadelphia, PA; Mr. Thomas Showalter, Senior Advisor, National Youth Employment Coalition, Washington, DC; Ms. Deb Lindner, Human Resources Manager, Precor, Whitsett, NC; and Mr. Byron Garret, President & CEO, National Job Corps Association, Washington, DC.

On May 27, 2021, the Committee held a bipartisan hearing entitled "*Workforce Innovation and Opportunity Act Reauthorization: Creating Employment Pathways for Dislocated Workers*." The Committee heard testimony on how to use the reauthorization of WIOA of 2014 to mitigate worker displacement and promote lifelong learning. The witnesses were: Mr. Joe Barela, Executive Director, Colorado Department of Labor and Employment, Denver, CO; Mr. P.J. McGrew, Executive Director, Indiana Governor's Workforce Cabinet, Indianapolis, IN; Mr. Matt Sigelman, Chief Executive Officer, Burning Glass Technologies, Boston, MA; and Ms. Portia Wu, Managing Director, U.S. Public Policy, U.S. Government Affairs, Microsoft Corporation, Washington, DC.

On June 15, 2021, the Committee held a bipartisan hearing entitled "*Workforce Innovation and Opportunity Act Reauthorization: Examining Successful Models of Employment for Justice-Involved Individuals*." The Committee heard testimony on the need for a codified reentry grant that provides comprehensive services to justice-involved individuals. The witnesses were: Ms. Traci Scott, Vice President of Workforce Development, National Urban League, New York, NY; Mr. Gregg Keesling, President, Recycle Force, Indianapolis, IN; Ms. Pamela Lattimore, Senior Director for Research Development, Division for Applied Justice Research, RTI International, Research, Triangle Park, NC; and Ms. Wendi Safstrom, Executive Director, SHRM Foundation, Alexandria, VA.

STATEMENT OF OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE

In compliance with clause 3(c)(1) of rule XIII and clause 2(b)(1) of Rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the descriptive portions of this report.

NEW BUDGET AUTHORITY AND CBO COST ESTIMATE

Pursuant to clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the *Congressional Budget and Impoundment Control Act of 1974*, and pursuant to clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the *Congressional Budget and Impoundment Control Act of 1974*, the Committee has requested but not received a cost estimate for the bill from the Director of the Congressional Budget Office.

COMMITTEE COST ESTIMATE

Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison of the costs that would be incurred in carrying out H.R. 7309. However, clause 3(d)(2)(B) of that rule provides that this requirement does not apply when the committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the *Congressional Budget and Impoundment Control Act of 1974*. The Committee reports that because this cost estimate was not timely submitted to the Committee before the filing of this report, the Committee is not in a position to make a cost estimate for H.R. 7309, as amended.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, H.R. 7309, as reported, are shown as follows:

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics,

and existing law in which no change is proposed is shown in roman):

WORKFORCE INNOVATION AND OPPORTUNITY ACT

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Workforce Innovation and Opportunity Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

* * * * * * *

Sec. 2. Purposes.
Sec. 3. Definitions.

TITLE I—WORKFORCE DEVELOPMENT ACTIVITIES

* * * * * * *

Subtitle B—Workforce Investment Activities and Providers

* * * * * * *

CHAPTER 2—YOUTH WORKFORCE INVESTMENT ACTIVITIES

* * * * * * *

Sec. 130. Summer and year-round employment for youth.

* * * * * * *

Subtitle D—National Programs

* * * * * * *

[Sec. 172. Authorization of appropriations.]
Sec. 172. Strengthening Community Colleges Training Grants Program.
Sec. 173. Reentry employment opportunities.
Sec. 174. Sectoral employment through career training for occupational readiness (sector) program.
Sec. 175. Workforce data quality initiative grants.
Sec. 176. Authorization of appropriations.

* * * * * * *

TITLE V—GENERAL PROVISIONS

Subtitle A—Workforce Investment

* * * * * * *

Sec. 507. Accessibility.

* * * * * * *

SEC. 3. DEFINITIONS.

In this Act, and the core program provisions that are not in this Act, except as otherwise expressly provided:

(1) ADMINISTRATIVE COSTS.—The term "administrative costs" means expenditures incurred by State boards and local boards, direct recipients (including State grant recipients under subtitle B of title I and recipients of awards under subtitles C and D of title I), local grant recipients, local fiscal agents or local grant subrecipients, and one-stop operators in the performance of administrative functions and in carrying out activities under title I that are not related to the direct provision of workforce investment services (including services to participants and employers). Such costs include both personnel and nonpersonnel costs and both direct and indirect costs.

(2) ADULT.—Except as otherwise specified in section 132, the term "adult" means an individual who is age 18 or older.

(3) ADULT EDUCATION; ADULT EDUCATION AND LITERACY ACTIVITIES.—The terms "adult education" and "adult education and literacy activities" have the meanings given the terms in section 203.

(4) APPRENTICESHIP PROGRAM.—The term "apprenticeship program" means a program registered under the Act of August 16, 1937 (commonly known as the "National Apprenticeship Act"; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.).

[(4)**]** *(5)* AREA CAREER AND TECHNICAL EDUCATION SCHOOL.—The term "area career and technical education school" has the meaning given the term in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302).

[(5) BASIC SKILLS DEFICIENT.—The term "basic skills deficient" means, with respect to an individual—

[(A) who is a youth, that the individual has English reading, writing, or computing skills at or below the 8th grade level on a generally accepted standardized test; or

[(B) who is a youth or adult, that the individual is unable to compute or solve problems, or read, write, or speak English, at a level necessary to function on the job, in the individual's family, or in society.**]**

(6) CAREER AND TECHNICAL EDUCATION.—The term "career and technical education" has the meaning given the term in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302).

[(7) CAREER PATHWAY.—The term "career pathway" means a combination of rigorous and high-quality education, training, and other services that—

[(A) aligns with the skill needs of industries in the economy of the State or regional economy involved;

[(B) prepares an individual to be successful in any of a full range of secondary or postsecondary education options, including apprenticeships registered under the Act of August 16, 1937 (commonly known as the "National Apprenticeship Act"; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.) (referred to individually in this Act as an "apprenticeship", except in section 171);

[(C) includes counseling to support an individual in achieving the individual's education and career goals;

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

[(E) organizes education, training, and other services to meet the particular needs of an individual in a manner that accelerates the educational and career advancement of the individual to the extent practicable;

[(F) enables an individual to attain a secondary school diploma or its recognized equivalent, and at least 1 recognized postsecondary credential; and

[(G) helps an individual enter or advance within a specific occupation or occupational cluster.**]**

(7) CAREER PATHWAY.—The term "career pathway" means a combination of rigorous and high-quality education, training, and other services that—

(A) are designed to support progression towards attainment of a recognized postsecondary credential;

(B) align with the skill needs of industries in the economy of the State or regional economy involved;

(C) include multiple entry and exit points;

(D) prepare an individual to be successful in any of a full range of secondary or postsecondary education options, including apprenticeship programs;

(E) provide career services, including counseling to support an individual in achieving the individual's education and career goals, and helping the individual to identify and access a path to skills and credentials that are needed for the educational and career advancement of the individual;

(F) include supportive services or provides assistance in applying for and accessing direct support services, means-tested Federal benefit programs, or similar State, tribal, or local benefit programs;

(G) include, as appropriate, education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster (such as through work-based learning opportunities);

(H) organize education, training, and other services to meet the particular needs of an individual in a manner that accelerates the educational and career advancement of the individual to the extent practicable;

(I) enable an individual to attain a secondary school diploma or its recognized equivalent as applicable, and at least 1 recognized postsecondary credential; and

(J) help an individual enter or advance within a specific occupation or occupational cluster.

(8) CAREER PLANNING.—The term "career planning" means the provision of a client-centered approach in the delivery of services, designed—

(A) to prepare and coordinate comprehensive employment plans, such as service strategies, for participants to ensure access to necessary workforce investment activities and supportive services, using, where feasible, computer-based technologies; and

(B) to provide job, education, and career counseling, as appropriate during program participation and after job placement.

(9) CHIEF ELECTED OFFICIAL.—The term "chief elected official" means—

(A) the chief elected executive officer of a unit of general local government in a local area; and

(B) in a case in which a local area includes more than 1 unit of general local government, the individuals designated under the agreement described in section 107(c)(1)(B).

(10) COENROLLMENT.—The term "coenrollment" means simultaneous enrollment in more than one of the programs or activities carried out by a one-stop partner in section 121(b)(1)(B).

[(10)**]** *(11)* COMMUNITY-BASED ORGANIZATION.—The term "community-based organization" means a private nonprofit organization (which may include a faith-based organization), that is representative of a community or a significant segment of a community and that has demonstrated expertise and effectiveness in the field of workforce development.

(12) COMPETENCY.—The term 'competency' means the attainment of knowledge, skills, and abilities in a subject area, as specified by an occupational skill standard and demonstrated by an appropriate written, oral, hands-on, or other appropriate proficiency measurement.

[(11)**]** *(13)* COMPETITIVE INTEGRATED EMPLOYMENT.—The term "competitive integrated employment" has the meaning given the term in section 7 of the Rehabilitation Act of 1973 (29 U.S.C. 705), for individuals with disabilities.

[(12)**]** *(14)* CORE PROGRAM.—The term "core programs" means a program authorized under a core program provision.

[(13)**]** *(15)* CORE PROGRAM PROVISION.—The term "core program provision" means—

(A) chapters 2 and 3 of subtitle B of title I (relating to youth workforce investment activities and adult and dislocated worker employment and training activities);

(B) title II (relating to adult education and literacy activities);

(C) sections 1 through 13 of the Wagner-Peyser Act (29 U.S.C. 49 et seq.) (relating to employment services); and

(D) title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.), other than section 112 or part C of that title (29 U.S.C. 732, 741) (relating to vocational rehabilitation services).

[(14)**]** *(16)* CUSTOMIZED TRAINING.—The term "customized training" means training—

(A) that is designed to meet the specific requirements of an employer (including a group of employers);

(B) that is conducted with a commitment by the employer to employ an individual upon successful completion of the training; and

(C) for which the employer pays—

(i) a significant portion of the cost of training, as determined by the local board involved, taking into account the size of the employer and such other factors as the local board determines to be appropriate, which may include the number of employees participating in training, wage and benefit levels of those employees (at present and anticipated upon completion of the training), relation of the training to the competitiveness of a participant, and other employer-provided training and advancement opportunities; and

(ii) in the case of customized training (as defined in subparagraphs (A) and (B)) involving an employer located in multiple local areas in the State, a significant portion of the cost of the training, as determined by

the Governor of the State, taking into account the size of the employer and such other factors as the Governor determines to be appropriate.

(17) DIGITAL LITERACY SKILLS.—The term "digital literacy skills" has the meaning given the term in section 202(A) of the Museum and Library Services Act (20 U.S.C. 9101(2)).

[(15)**]** *(18)* DISLOCATED WORKER.—The term "dislocated worker" means an individual who—

(A)(i) has been terminated or laid off, or who has received a notice of termination or layoff, from employment; *and*

(ii)(I) is eligible for or has exhausted entitlement to unemployment compensation; **[**or**]**

(II) has been employed for a duration sufficient to demonstrate, to the appropriate entity at a one-stop center referred to in section 121(e), attachment to the workforce, but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that were not covered under a State unemployment compensation law; **[**and**]** *or*

(III) has been an unemployed individual for 27 weeks or more;

[(iii) is unlikely to return to a previous industry or occupation;**]**

(B)(i) has been terminated or laid off, or has received a notice of termination or layoff, from employment as a result of any permanent closure of, or any substantial layoff at, a plant, facility, or enterprise;

(ii) is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days; or

(iii) for purposes of eligibility to receive services other than training services described in section 134(c)(3), career services described in section 134(c)(2)(A)(xii), or supportive services, is employed at a facility at which the employer has made a general announcement that such facility will close;

(C) was self-employed (including employment as a farmer, a rancher, or a fisherman) but is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters;

(D)(i) is currently underemployed and engaged in the occasional performance of services for remuneration; and

(ii) is self-employed, is seeking part-time employment, and does not have sufficient work history to qualify, or otherwise would not qualify for regular unemployment or extended benefits under State or Federal law;

[(D)**]** *(E)* is a displaced **[**homemaker**]** *caregiver*; or

[(E)**]** *(F)*(i) is the spouse of a member of the Armed Forces on active duty (as defined in section 101(d)(1) of title 10, United States Code), and who has experienced a loss of employment as a direct result of relocation to ac-

commodate a permanent change in duty station of such member; or

(ii) is the spouse of a member of the Armed Forces on active duty and who meets the criteria described in paragraph (16)(B).

[(16)] *(19)* DISPLACED [HOMEMAKER] *CAREGIVER*.—The term "displaced [homemaker] *caregiver*" means an individual who has been providing unpaid services to [family members] *a family member* in the home and who—

(A)(i) has been dependent on the income of another family member but is no longer supported by that income; [or]

(ii) is the dependent spouse of a member of the Armed Forces on active duty (as defined in section 101(d)(1) of title 10, United States Code) and whose family income is significantly reduced because of a deployment (as defined in section 991(b) of title 10, United States Code, or pursuant to paragraph (4) of such section), a call or order to active duty pursuant to a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code, a permanent change of station, or the service-connected (as defined in section 101(16) of title 38, United States Code) death or disability of the member; [and] *or*

(iii) has involuntarily left the labor market to provide care for a relative or dependent, which may be validated through self-attestation in a manner consistent with section 402A(e) of the Higher Education Act of 1965 (20 U.S.C. 1070a–11(e)); and

(B) is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

[(17)] *(20)* ECONOMIC DEVELOPMENT AGENCY.—The term "economic development agency" includes a local planning or zoning commission or board, a community development agency, or another local agency or institution responsible for regulating, promoting, or assisting in local economic development.

[(18) ELIGIBLE YOUTH.—Except as provided in subtitles C and D of title I, the term "eligible youth" means an in-school youth or out-of-school youth.]

(21) ELIGIBLE YOUTH.—Except as provided in subtitles C and D of title I, the term "eligible youth" means—

(A) an opportunity youth; or

(B) a youth who is not younger than 14 years of age and not older than 24 years of age, who can self-attest, in a manner consistent with section 402A(e) of the Higher Education Act of 1965 (20 U.S.C. 1070a–11(e)), that the youth—

(i) is attending school (as defined by State law);

(ii) is a low-income individual; and

(iii) is one or more of the following:

(I) An English learner.

(II) An individual impacted by the juvenile or adult justice system.

(III) A homeless individual (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e–2(6))), a homeless child or

youth (as defined in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2))), a runaway, a child or youth in foster care or who has aged out of the foster care system, a child or youth eligible for assistance under section 477 of the Social Security Act (42 U.S.C. 677), or a child or youth in an out-of-home placement.

(IV) An individual who is pregnant or parenting.

(V) An individual with a disability.

[(19)**]** *(22)* EMPLOYMENT AND TRAINING ACTIVITY.—The term "employment and training activity" means an activity described in section 134 that is carried out for an adult or dislocated worker.

[(20)**]** *(23)* ENGLISH LANGUAGE ACQUISITION PROGRAM.—The term "English language acquisition program" has the meaning given the term in section 203.

[(21)**]** *(24)* ENGLISH **[**LANGUAGE**]** LEARNER.—The term "English **[**language**]** learner" has the meaning given the term in section 203.

(25) EVIDENCE-BASED.—The term "evidence-based", when used with respect to an activity, strategy, or intervention, means an activity, strategy or intervention that—

(A) demonstrates a statistically significant effect on improving participant outcomes or other relevant outcomes based on—

(i) strong evidence from at least 1 well-designed and well-implemented experimental study;

(ii) moderate evidence from at least 1 well-designed and well-implemented quasi-experimental study; or

(iii) promising evidence from at least 1 well-designed and well-implemented correlational study with statistical controls for selection bias; or

(B)(i) demonstrates a rationale based on high-quality research findings or positive evaluation that such activity, strategy, or intervention is likely to improve student outcomes or other relevant outcomes; and

(ii) includes ongoing efforts to examine the effects of such activity, strategy, or intervention.

(26) FOUNDATIONAL SKILL NEEDS.—The term "foundational skill needs" means, with respect to an individual—

(A) who is a youth or adult, that the individual has English reading, writing, or computing skills at or below the 8th grade level on a generally accepted standardized test; or

(B) who is a youth or adult, that the individual is unable to compute or solve problems, or read, write, or speak English, or does not possess digital literacy, interpersonal communication, time management, critical thinking, or financial literacy skills at a level necessary to function on the job, in the individual's family, or in society.

[(22)**]** *(27)* GOVERNOR.—The term "Governor" means the chief executive of a State or an outlying area.

[(23)**]** *(28)* IN-DEMAND INDUSTRY SECTOR OR OCCUPATION.—

(A) IN GENERAL.—The term "in-demand industry sector or occupation" means—

(i) an industry sector that has a substantial current or potential impact (including through jobs that lead to economic self-sufficiency and opportunities for advancement) on the State, regional, or local economy, as appropriate, and that contributes to the growth or stability of other supporting businesses, or the growth of other industry sectors; or

(ii) an occupation that currently has or is projected to have a number of positions (including positions that lead to economic self-sufficiency and opportunities for advancement) in an industry sector so as to have a significant impact on the State, regional, or local economy, as appropriate.

(B) DETERMINATION.—The determination of whether an industry sector or occupation is in-demand under this paragraph shall be made by the State board or local board, as appropriate, using State and regional business and labor market projections, including the use of labor market information.

[(24) INDIVIDUAL WITH A BARRIER TO EMPLOYMENT.—The term "individual with a barrier to employment" means a member of 1 or more of the following populations:

[(A) Displaced homemakers.

[(B) Low-income individuals.

[(C) Indians, Alaska Natives, and Native Hawaiians, as such terms are defined in section 166.

[(D) Individuals with disabilities, including youth who are individuals with disabilities.

[(E) Older individuals.

[(F) Ex-offenders.

[(G) Homeless individuals (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6))), or homeless children and youths (as defined in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2))).

[(H) Youth who are in or have aged out of the foster care system.

[(I) Individuals who are English language learners, individuals who have low levels of literacy, and individuals facing substantial cultural barriers.

[(J) Eligible migrant and seasonal farmworkers, as defined in section 167(i).

[(K) Individuals within 2 years of exhausting lifetime eligibility under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).

[(L) Single parents (including single pregnant women).

[(M) Long-term unemployed individuals.

[(N) Such other groups as the Governor involved determines to have barriers to employment.]

(29) INDIVIDUAL WITH A BARRIER TO EMPLOYMENT.—The term "individual with a barrier to employment" means a member of 1 or more of the following populations:

(A) Displaced caregivers.

(B) Low-income individuals.

(C) Indians, Alaska Natives, and Native Hawaiians, as such terms are defined in section 166.

(D) Individuals with disabilities, including youth who are individuals with disabilities.

(E) Older individuals.

(F) Justice-involved individuals.

(G) Homeless individuals (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e–2(6))), or homeless children and youths (as defined in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2))).

(H) Youth who are in or have aged out of the foster care system.

(I) Individuals who are English learners, individuals who have low levels of literacy including digital literacy, or individuals facing substantial cultural barriers.

(J) Eligible migrant and seasonal farmworkers, as defined in section 167(i).

(K) Individuals who exhausted lifetime eligibility under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).

(L) Single parents (including single pregnant women).

(M) Long-term unemployed individuals.

(N) The spouse of, or youth with a parent who is—

(i) a member of the armed forces (as such term is defined in section 101(a)(4) of title 10, United States Code);

(ii) on active duty (as such term is defined in section 101(d)(1) of such title); and

(iii) deployed or recently transferred.

(O) Individuals who have been historically underserved and marginalized as a result of race, color, national origin, sexual orientation, or gender identity.

(P) Such other groups as the Governor involved determines to have barriers to employment.

[(25)**]** *(30)* INDIVIDUAL WITH A DISABILITY.—

(A) IN GENERAL.—The term "individual with a disability" means an individual with a disability as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102).

(B) INDIVIDUALS WITH DISABILITIES.—The term "individuals with disabilities" means more than 1 individual with a disability.

[(26)**]** *(31)* INDUSTRY OR SECTOR PARTNERSHIP.—The term "industry or sector partnership" means a workforce collaborative, convened by or acting in partnership with a State board or local board, that—

(A) organizes key stakeholders in an industry cluster into a working group that focuses on the shared goals and human resources needs of the industry cluster and that includes, at the appropriate stage of development of the partnership—

(i) representatives of multiple businesses or other employers in the industry cluster, including small and medium-sized employers when practicable;

(ii) 1 or more representatives of a recognized State labor organization or central labor council, or another labor representative, as appropriate; and

(iii) 1 or more representatives of an institution of higher education with, or another provider of, education or training programs that support the industry cluster; and

(B) may include representatives of—

(i) State or local government;

(ii) State or local economic development agencies;

(iii) State boards or local boards, as appropriate;

(iv) a State workforce agency or other entity providing employment services;

(v) other State or local agencies;

(vi) business or trade associations;

(vii) economic development organizations;

(viii) nonprofit organizations, community-based organizations, or intermediaries;

(ix) philanthropic organizations;

(x) industry associations; and

(xi) other organizations, as determined to be necessary by the members comprising the industry or sector partnership.

[(27) IN-SCHOOL YOUTH.—The term "in-school youth" means a youth described in section 129(a)(1)(C).**]**

[(28)**]** *(32)* INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 101, and subparagraphs (A) and (B) of section 102(a)(1), of the Higher Education Act of 1965 (20 U.S.C. 1001, 1002(a)(1)).

[(29)**]** *(33)* INTEGRATED EDUCATION AND TRAINING.—The term "integrated education and training" has the meaning given the term in section 203.

[(38) OFFENDER.—**]** *(34) JUSTICE-INVOLVED INDIVIDUAL.*— .— The term "**[**offender**]** *justice-involved individual*" means an adult or juvenile—

(A) who is or has been subject to any stage of the criminal justice process, and for whom services under this Act may be beneficial; or

(B) who requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction.

[(30)**]** *(35)* LABOR MARKET AREA.—The term "labor market area" means an economically integrated geographic area within which individuals can reside and find employment within a reasonable distance or can readily change employment without changing their place of residence. Such an area shall be identified in accordance with criteria used by the Bureau of Labor Statistics of the Department of Labor *and the economic development agency* in defining such areas or similar criteria established by a Governor.

(36) LABOR ORGANIZATION.—The term "labor organization" has the meaning given the term in section 2(5) of the National Labor Relations Act (29 U.S.C. 152(5)), except that such term shall also include—

(A) any organization composed of labor organizations, such as a labor union federation or a State or municipal labor body; and

(B) any organization which would be included in the definition for such term under such section 2(5) but for the fact that the organization represents—

(i) individuals employed by the United States, any wholly owned Government corporation, any Federal Reserve Bank, or any State or political subdivision thereof;

(ii) individuals employed by persons subject to the Railway Labor Act (45 25 U.S.C. 151 et seq.); or

(iii) individuals employed as agricultural laborers.

[(31)] *(37)* LITERACY.—The term "literacy" has the meaning given the term in section 203.

[(32)] *(38)* LOCAL AREA.—The term "local area" means a local workforce investment area designated under section 106, subject to sections 106(c)(3)(A), 107(c)(4)(B)(i), and 189(i).

[(33)] *(39)* LOCAL BOARD.—The term "local board" means a local workforce development board established under section 107, subject to section 107(c)(4)(B)(i).

[(34)] *(40)* LOCAL EDUCATIONAL AGENCY.—The term "local educational agency" has the meaning given the term in section 8101 of the Elementaryand Secondary Education Act of 1965.

[(35)] *(41)* LOCAL PLAN.—The term "local plan" means a plan submitted under section 108, subject to section 106(c)(3)(B).

[(36)] *(42)* LOW-INCOME INDIVIDUAL.—

(A) IN GENERAL.—The term "low-income individual" means an individual who—

(i) receives, or in the past 6 months has received, or is a member of a family that is receiving or in the past 6 months has received, assistance through the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), the program of block grants to States for temporary assistance for needy families program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), or the supplemental security income program established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.), or State or local income-based public assistance;

(ii) is in a family with total family income that does not exceed the higher of—

[(I) the poverty line; or]

(I) 150 percent of the poverty line (exclusive of unemployment compensation, child support payments, payments described in this subparagraph, and old-age and survivors insurance benefits received under section 202 of the Social Security Act (42 U.S.C. 402)); or

(II) 70 percent of the lower living standard income level;

(iii) is a homeless individual (as defined in section 41403(6) of the Violence Against Women Act of 1994

(42 U.S.C. 14043e-2(6))), or a homeless child or youth (as defined under section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)));

(iv) receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

(v) is a foster child on behalf of whom State or local government payments are made; [or]

(vi) is an individual with a disability whose own income meets the income requirement of clause (ii), but who is a member of a family whose income does not meet this requirement[.]*; or*

(vii) is an individual who is—

(I) an eligible migrant or seasonal farmworker, as defined in section 167(i); and

(II) in a family with total family income that does not exceed 150 percent of the poverty line.

(B) LOWER LIVING STANDARD INCOME LEVEL.—The term "lower living standard income level" means that income level (adjusted for regional, metropolitan, urban, and rural differences and family size) determined annually by the Secretary of Labor [based on the most recent lower living family budget issued by the Secretary].

[(37) NONTRADITIONAL EMPLOYMENT.—The term "nontraditional employment" refers to occupations or fields of work, for which individuals from the gender involved comprise less than 25 percent of the individuals employed in each such occupation or field of work.]

(43) NONTRADITIONAL EMPLOYMENT.—The term "nontraditional employment" refers to occupations or fields of work, for which a group of individuals (such as individuals from the same gender, race, or ethnicity), the members of which—

(A) comprise less than 25 percent of the individuals employed in each such occupation or field of work; or

(B) comprise a percentage of individuals employed in such occupation that is lower than the percentage of the total population comprised by such members, based on the most recent data from the Bureau of the Census.

[(39)] *(44)* OLDER INDIVIDUAL.—The term "older individual" means an individual age 55 or older.

[(40)] *(45)* ONE-STOP CENTER.—The term "one-stop center" means a site described in section 121(e)(2).

[(41)] *(46)* ONE-STOP OPERATOR.—The term "one-stop operator" means 1 or more entities designated or certified under section 121(d).

[(42)] *(47)* ONE-STOP PARTNER.—The term "one-stop partner" means—

(A) an entity described in section 121(b)(1); and

(B) an entity described in section 121(b)(2) that is participating, with the approval of the local board and chief elected official, in the operation of a one-stop delivery system.

[(43)] *(48)* ONE-STOP PARTNER PROGRAM.—The term "one-stop partner program" means a program or activities described in section 121(b) of a one-stop partner.

[(44)] *(49)* ON-THE-JOB TRAINING.—The term "on-the-job training" means training by an employer that is provided to a paid participant while engaged in productive work in a job that—

(A) provides knowledge or skills essential to the full and adequate performance of the job;

(B) is made available through a program that provides reimbursement to the employer of up to 50 percent of the wage rate of the participant, except as provided in section 134(c)(3)(H), for the extraordinary costs of providing the training and additional supervision related to the training; and

(C) is limited in duration as appropriate to the occupation for which the participant is being trained, taking into account the content of the training, the prior work experience of the participant, and the service strategy of the participant, as appropriate.

(50) OPPORTUNITY YOUTH.—The term "opportunity youth"—

(A) means an individual—

(i) who is not younger than 16 years of age and not older than 24 years of age; and

(ii) who can self-attest to a one-stop operator or one-stop center, in a manner consistent with section 402A(e) of the Higher Education Act of 1965 (20 U.S.C. 1070a–11(e)) that the individual is—

(I) not attending any school (as defined under State law); and

(II) not employed; and

(B) except in the case of an individual who is a low-income individual and has foundational skill needs, does not include any individual who is a recipient of a secondary school diploma or its recognized equivalent.

[(45)] *(51)* OUTLYING AREA.—The term "outlying area" means—

(A) American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands; and

(B) the Republic of Palau, except during any period for which the Secretary of Labor and the Secretary of Education determine that a Compact of Free Association is in effect and contains provisions for training and education assistance prohibiting the assistance provided under this Act.

[(46) OUT-OF-SCHOOL YOUTH.—The term "out-of-school youth" means a youth described in section 129(a)(1)(B).]

[(47)] *(52)* PAY-FOR-PERFORMANCE CONTRACT STRATEGY.—The term "pay-for-performance contract strategy" means a procurement strategy that uses pay-for-performance contracts in the provision of training services described in section 134(c)(3) or activities described in section 129(c)(2), and includes—

(A) contracts, each of which shall specify a fixed amount that will be paid to an eligible service provider (which may include a local or national community-based organization or intermediary, community college, or other training provider, that is eligible under section 122 or 123, as appro-

priate) based on the achievement of specified levels of performance on the primary indicators of performance described in section 116(b)(2)(A) for target populations as identified by the local board (including individuals with barriers to employment), within a defined timetable, and which may provide for bonus payments to such service provider to expand capacity to provide effective training;

(B) a strategy for independently validating the achievement of the performance described in subparagraph (A); and

(C) a description of how the State or local area will reallocate funds not paid to a provider because the achievement of the performance described in subparagraph (A) did not occur, for further activities related to such a procurement strategy, subject to section 189(g)(4).

(53) PERKINS-ELIGIBLE AGENCY.—The term "Perkins-eligible agency" has the meaning given the term "eligible agency" in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302).

[(48)**]** *(54)* PLANNING REGION.—The term "planning region" means a region described in subparagraph (B) or (C) of section 106(a)(2), subject to section 107(c)(4)(B)(i).

[(49)**]** *(55)* POVERTY LINE.—The term "poverty line" means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

(56) PRE-APPRENTICESHIP PROGRAM.—The term "pre-apprenticeship program" means a training model or program that—

(A) is designed to prepare participants to enter an apprenticeship program;

(B) has a written agreement with 1 or more sponsors of apprenticeship programs that would enable participants who successfully complete the pre-apprenticeship program—

(i) to enter into the apprenticeship program if a place in the program is available and if the participant meets the qualifications of the apprenticeship program; and

(ii) to earn credits towards the apprenticeship program;

(C) includes skills development (including a curriculum for the skills development) aligned with industry standards related to an apprenticeship program created in consultation with sponsors of the apprenticeship program that are parties to the written agreement under subparagraph (B), and that will prepare participants by teaching the skills and competencies needed to enter 1 or more apprenticeship programs; and

(D) does not displace a paid employee.

[(50)**]** *(57)* PUBLIC ASSISTANCE.—The term "public assistance" means Federal, State, or local government cash payments for which eligibility is determined by a needs or income test.

[(51)] *(58)* RAPID RESPONSE ACTIVITY.—The term "rapid response activity" means an activity provided by a State, or by an entity designated by a State, with funds provided by the State under section 134(a)(1)(A), in the case of a permanent closure or mass layoff at a plant, facility, or enterprise, or a natural or other disaster, that results in mass job dislocation, in order to assist dislocated workers in obtaining reemployment *in a job position of similar wages and benefits, to the greatest extent possible, or on the job training for a new occupation or industry,* as soon as possible, with services including—

(A) the establishment of onsite contact with employers and employee representatives—

(i) immediately after the State is notified of a current or projected permanent closure or mass layoff; or

(ii) in the case of a disaster, immediately after the State is made aware of mass job dislocation as a result of such disaster;

(B) the provision of information on and access to available employment and training activities;

(C) assistance in establishing a labor-management committee, voluntarily agreed to by labor and management, with the ability to devise and implement a strategy for assessing the employment and training needs of dislocated workers and obtaining services to meet such needs;

(D) the provision of emergency assistance adapted to the particular closure, layoff, or disaster; and

(E) the provision of assistance to the local community in developing a coordinated response and in obtaining access to State economic development assistance.

[(52)] *(59)* RECOGNIZED POSTSECONDARY CREDENTIAL.—The term "recognized postsecondary credential" means a credential consisting of an industry-recognized certificate or certification, a certificate of completion of an apprenticeship, a license recognized by the State involved or Federal Government, or an associate or baccalaureate degree.

[(53)] *(60)* REGION.—The term "region", used without further description, means a region identified under section 106(a), subject to section 107(c)(4)(B)(i) and except as provided in section 106(b)(1)(B)(ii).

[(54) SCHOOL DROPOUT.—The term "school dropout" means an individual who is no longer attending any school and who has not received a secondary school diploma or its recognized equivalent.]

[(55)] *(61)* SECONDARY SCHOOL.—The term "secondary school" has the meaning given the term in section 8101 of the Elementaryand Secondary Education Act of 1965.

[(56)] *(62)* STATE.—The term "State" means each of the several States of the United States, the District of Columbia, and [the Commonwealth of] Puerto Rico.

[(57)] *(63)* STATE BOARD.—The term "State board" means a State workforce development board established under section 101.

[(58)] *(64)* STATE PLAN.—The term "State plan", used without further description, means a unified State plan under section 102 or a combined State plan under section 103.

[(59) SUPPORTIVE SERVICES.—The term "supportive services" means services such as transportation, child care, dependent care, housing, and needs-related payments, that are necessary to enable an individual to participate in activities authorized under this Act.]

(65) SUPPORTIVE SERVICES.—The term "supportive services" means services such as transportation, child care, dependent care, housing, food and nutrition services, mental health care supports, substance use disorder treatment, access to broadband, affordable internet connection, or digital devices with connection to the internet, assistive technology, and needs-related payments, that are necessary to enable an individual to participate in workforce development activities.

[(60)] *(66)* TRAINING SERVICES.—The term "training services" means services described in section 134(c)(3).

[(61)] *(67)* UNEMPLOYED INDIVIDUAL.—The term "unemployed individual" means an individual who is without a job and who wants and is available for work. The determination of whether an individual is without a job, for purposes of this paragraph, shall be made in accordance with the criteria used by the Bureau of Labor Statistics of the Department of Labor in defining individuals as unemployed.

[(62)] *(68)* UNIT OF GENERAL LOCAL GOVERNMENT.—The term "unit of general local government" means any general purpose political subdivision of a State that has the power to levy taxes and spend funds, as well as general corporate and police powers.

[(63)] *(69)* VETERAN; RELATED DEFINITION.—

(A) VETERAN.—The term "veteran" has the meaning given the term in section 101 of title 38, United States Code.

(B) RECENTLY SEPARATED VETERAN.—The term "recently separated veteran" means any veteran who applies for participation under this Act within 48 months after the discharge or release from active military, naval, or air service.

[(64)] *(70)* VOCATIONAL REHABILITATION PROGRAM.—The term "vocational rehabilitation program" means a program authorized under a provision covered under paragraph (13)(D).

(71) WORK-BASED LEARNING.—The term "work-based learning" has the meaning given the term in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302).

(72) WORKFORCE AGENCY.—The term "workforce agency" means the State agency or local agency responsible for administering workforce development activities or the workforce development system.

[(65)] *(73)* WORKFORCE DEVELOPMENT ACTIVITY.—The term "workforce development activity" means an activity carried out through a workforce development program.

[(66)] *(74)* WORKFORCE DEVELOPMENT PROGRAM.—The term "workforce development program" means a program made available through a workforce development system.

[(67)] *(75)* WORKFORCE DEVELOPMENT SYSTEM.—The term "workforce development system" means a system that makes

available the core programs, the other one-stop partner programs, and any other programs providing employment and training services as identified by a State board or local board.

[(68)] *(76)* WORKFORCE INVESTMENT ACTIVITY.—The term "workforce investment activity" means an employment and training activity, and a youth workforce investment activity.

[(69)] *(77)* WORKFORCE PREPARATION ACTIVITIES.—The term "workforce preparation activities" has the meaning given the term in section 203.

[(70)] *(78)* WORKPLACE LEARNING ADVISOR.—The term "workplace learning advisor" means an individual employed by an organization who has the knowledge and skills necessary to advise other employees of that organization about the education, skill development, job training, career counseling services, and credentials, including services provided through the workforce development system, required to progress toward career goals of such employees in order to meet employer requirements related to job openings and career advancements that support economic self-sufficiency.

[(71)] *(79)* YOUTH WORKFORCE INVESTMENT ACTIVITY.—The term "youth workforce investment activity" means an activity described in section 129 that is carried out for eligible youth (or as described in section 129(a)(3)(A)).

TITLE I—WORKFORCE DEVELOPMENT ACTIVITIES

Subtitle A—System Alignment

CHAPTER 1—STATE PROVISIONS

SEC. 101. STATE WORKFORCE DEVELOPMENT BOARDS.

(a) IN GENERAL.—The Governor of a State shall establish a State workforce development board to carry out the functions described in subsection (d).

(b) MEMBERSHIP.—

(1) IN GENERAL.—The State board shall include—

(A) the Governor;

(B) a member of each chamber of the State legislature (to the extent consistent with State law), appointed by the appropriate presiding officers of such chamber; and

(C) members appointed by the Governor, of which—

(i) a majority shall be representatives of businesses in the State, who—

(I) are owners of businesses, chief executives or operating officers of businesses, or other business executives or employers with optimum policy-making or hiring authority, and who, in addition, may be members of a local board described in section 107(b)(2)(A)(i);

(II) represent businesses (including small businesses), or organizations representing businesses described in this subclause, that provide employment opportunities that, at a minimum, include

high-quality, work-relevant training and development in in-demand industry sectors or occupations in the State; and

(III) are appointed from among individuals nominated by State business organizations and business trade associations;

(ii) not less than [20 percent] *30 percent* shall be representatives of the workforce within the State, who—

(I) shall include representatives of labor organizations, who have been nominated by State labor federations;

(II) shall include a representative, who shall be a member of a labor organization or a training director, from a joint labor-management apprenticeship program, or if no such joint program exists in the State, such a representative of an apprenticeship program in the State;

(III) may include representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of individuals with barriers to employment, including organizations that serve veterans*, justice-involved individuals,* or that provide or support competitive, integrated employment for individuals with disabilities; and

(IV) may include representatives of organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of eligible youth, including representatives of organizations that serve [out-of-school] *opportunity* youth; and

(iii) the balance—

(I) shall include representatives of government, who—

(aa) shall include the lead State officials with primary responsibility for the core programs; [and]

(bb) shall include chief elected officials (collectively representing both cities and counties, where appropriate); and

(cc) State agency officials responsible for the daily administration of education programs in the State, including secondary education and adult education programs, and chief executive officers (or their representatives) of community colleges and other institutions of higher education; and

(II) may include such other representatives and officials as the Governor may designate, such as—

(aa) the State agency officials from agencies that are one-stop partners not specified in subclause (I) (including additional one-stop

partners whose programs are covered by the State plan, if any);

[(bb) State agency officials responsible for economic development or juvenile justice programs in the State;]

(bb) State agency officials responsible for adult or juvenile justice programs in the State;

(cc) individuals who represent an Indian tribe or tribal organization, as such terms are defined in section 166(b); [and]

[(dd) State agency officials responsible for education programs in the State, including chief executive officers of community colleges and other institutions of higher education.]

(dd) State agency officials responsible for vocational rehabilitation; and

(ee) State agency officials responsible for economic development.

(2) DIVERSE AND DISTINCT REPRESENTATION.—The members of the State board shall represent diverse geographic areas of the State, including urban, rural, and suburban areas*, and diverse demographic populations of the State*.

(3) NO REPRESENTATION OF MULTIPLE CATEGORIES.—No person shall serve as a member for more than 1 of—

(A) the category described in paragraph (1)(C)(i); or

(B) 1 category described in a subclause of clause (ii) or (iii) of paragraph (1)(C).

(c) CHAIRPERSON.—The Governor shall select a chairperson for the State board from among the representatives described in subsection (b)(1)(C)(i).

(d) FUNCTIONS.—The State board shall assist the Governor in—

(1) the development, implementation, and modification of the State plan;

(2) consistent with paragraph (1), the review of statewide policies, of statewide programs, and of recommendations on actions that should be taken by the State to align workforce development programs in the State in a manner that supports a comprehensive and streamlined workforce development system in the State, including the review and provision of comments on the State plans, if any, for programs and activities of one-stop partners that are not core programs;

(3) the development and continuous improvement of the workforce development system in the State, including—

(A) the identification of barriers and means for removing barriers to better coordinate, align, [and avoid duplication] *avoid duplication, and leverage resources and expertise* among the programs and activities carried out through the system;

(B) the development of strategies to support *and expand* the use of career pathways for the purpose of providing individuals, including low-skilled adults, youth, and individuals with barriers to employment (including individuals with disabilities), with workforce investment activities, education, and supportive services to [enter or retain employment] *enter in, retain, or progress in employment*;

(C) the development of strategies for providing effective *and equitable* outreach to and improved access for individuals and employers who could benefit from services provided through the workforce development system*, including individuals with barriers to employment*;

(D) the development and expansion of strategies for meeting the needs of employers, workers, and jobseekers, particularly through industry or sector partnerships related to in-demand industry sectors and occupations;

(E) the [identification of] *continued identification of and support for* regions, including planning regions, for the purposes of section 106(a), and the designation of local areas under section 106, after consultation with local boards and chief elected officials;

(F) the development and continuous improvement of the one-stop delivery system in local areas, including providing assistance to local boards, one-stop operators, one-stop partners, *affiliated sites,* and providers with planning and delivering services, including training [services and supportive] *services, career services, and supportive* services, to support effective delivery of services to workers, jobseekers, and employers; and

(G) the development of strategies to support *ongoing* staff training and awareness across programs supported under the workforce development system;

(4) the development and updating of comprehensive State performance accountability measures, including State adjusted levels of performance, to assess the effectiveness of the core programs in the State as required under section 116(b);

(5) the identification and dissemination of information on best practices, including best practices for—

(A) the effective operation of one-stop [centers, relating to the use of business outreach, partnerships, and service delivery strategies, including] *centers, including the use of evidence-based strategies for such operations, the latest in digital technology and tools, and the use of partnerships to expand and improve services to jobseekers and workers, including* strategies for serving individuals with barriers to employment;

(B) local boards and one-stop centers on effective outreach and enhanced services to businesses, joint labor-management partnerships, industry associations, and industry or sector partnerships, to provide employment and training activities reflective of regional economic priorities and the skill and competency needs of in-demand industry sectors and occupations;

[(B)] *(C)* the development of effective local boards, which may include information on factors that contribute to enabling local boards to exceed negotiated local levels of performance, sustain fiscal integrity, and achieve other measures of effectiveness; and

[(C)] *(D)* effective training programs that respond to real-time labor market analysis, that effectively use direct assessment and prior learning assessment to measure an individual's prior knowledge, skills, competencies, and ex-

periences, and that evaluate such skills, and competencies for [adaptability, to] *adaptablity to reduce the time required for attainment of a recognized postsecondary credential or reskilling, and* support efficient placement into employment or career pathways;

(6) the development and review of statewide policies affecting the coordinated provision of services through the State's one-stop delivery system described in section 121(e), including the development of—

(A) objective criteria and procedures for use by local boards in assessing the effectiveness and continuous improvement of one-stop centers described in such section;

(B) guidance for the allocation of one-stop center infrastructure funds under section 121(h); and

(C) policies relating to the appropriate roles and contributions of entities carrying out one-stop partner programs within the one-stop delivery system, including approaches to facilitating equitable and efficient cost allocation in such system;

(7) the development of strategies for [technological improvements to facilitate access] *improvements in the use of digital technology to facilitate and expand access* to, and improve the quality of, services and activities provided through the one-stop delivery system, including such improvements to—

(A) enhance digital literacy skills (as defined in section 202 of the Museum and Library Services Act (20 U.S.C. 9101); referred to in this Act as "digital literacy skills");

[(B) accelerate the acquisition of skills and recognized postsecondary credentials by participants;

[(C) strengthen the professional development of providers and workforce professionals; and]

(B) accelerate—

(i) the acquisition of skills, competencies, and recognized postsecondary credentials by participants with respect to an in-demand industry sector or occupation in a State or local area; and

(ii) the matching of participants to career pathways and employment opportunities based on the skills, competencies, and recognized postsecondary credentials attained by such participants;

(C) strengthen the professional development of providers and workforce professionals, ensuring professional development activities include—

(i) trauma-informed practices and human-centered design that serve individuals with barriers to employment;

(ii) preparing providers and workforce professionals to use the latest technology;

(iii) accessing and understanding labor market data; and

(iv) ensuring equitable access and service delivery for individuals who have been historically underserved, marginalized, and adversely affected as a result of race, ethnicity, or gender, including training on customer-centered service delivery, racial bias, cultural

competence, occupational stereotyping, and strategies for increasing participant and worker voices; and

(D) ensure such technology is accessible to individuals [with disabilities and individuals] *with barriers to employment, including individuals with disabilities, and to individuals* residing in remote areas;

(8) the development of strategies for aligning technology and data systems across one-stop partner programs to enhance service delivery and improve efficiencies in reporting on performance accountability measures (including the design and implementation of common intake, data collection, case management information, and performance accountability measurement and reporting processes and the incorporation of local input into such design and implementation, to improve coordination of services across one-stop partner programs);

(9) the development of allocation formulas for the distribution of funds for employment and training activities for adults, and youth workforce investment activities, to local areas as permitted under sections 128(b)(3) and 133(b)(3);

(10) the preparation of the annual reports described in paragraphs (1) and (2) of section 116(d);

(11) the development of the statewide workforce and labor market information system described in section 15(e) of the Wagner-Peyser Act (29 U.S.C. 49l-2(e)); and

(12) the development of such other policies as may promote statewide objectives for, and enhance the performance of, the workforce development system in the State.

(e) ALTERNATIVE ENTITY.—

(1) IN GENERAL.—For the purposes of complying with subsections (a), (b), and (c), a State may use any State entity (including a State council, State workforce development board (within the meaning of the Workforce Investment Act of 1998, as in effect on the day before the date of enactment of this Act), combination of regional workforce development boards, or similar entity) that—

(A) was in existence on the day before the date of enactment of the Workforce Investment Act of 1998;

(B) is substantially similar to the State board described in subsections (a) through (c); and

(C) includes representatives of business in the State and representatives of labor organizations in the State.

(2) REFERENCES.—A reference in this Act, or a core program provision that is not in this Act, to a State board shall be considered to include such an entity.

(f) CONFLICT OF INTEREST.—A member of a State board may not—

(1) vote on a matter under consideration by the State board—

(A) regarding the provision of services by such member (or by an entity that such member represents); or

(B) that would provide direct financial benefit to such member or the immediate family of such member; or

(2) engage in any other activity determined by the Governor to constitute a conflict of interest as specified in the State plan.

(g) SUNSHINE PROVISION.—The State board shall make available to the public, on a regular basis through electronic means and open meetings, information regarding the activities of the State board, including information regarding the State plan, or a modification to the State plan, prior to submission of the plan or modification of the plan, respectively, information regarding membership, and, on request, minutes of formal meetings of the State board.

(h) AUTHORITY TO HIRE STAFF.—

(1) IN GENERAL.—The State board may hire a director and other staff to assist in carrying out the functions described in subsection (d) using funds available as described in section 129(b)(3) or 134(a)(3)(B)(i).

(2) QUALIFICATIONS.—The State board shall establish and apply a set of objective qualifications for the position of director, that ensures that the individual selected has the requisite knowledge, skills, and abilities, to meet identified benchmarks and to assist in effectively carrying out the functions of the State board.

(3) LIMITATION ON RATE.—The director and staff described in paragraph (1) shall be subject to the limitations on the payment of salary and bonuses described in section 194(15).

SEC. 102. UNIFIED STATE PLAN.

(a) PLAN.—For a State to be eligible to receive allotments for the core programs, the Governor shall submit to the Secretary of Labor for the approval process described under subsection (c)(2), a unified State plan. The unified State plan shall outline a 4-year strategy for the core programs of the State and meet the requirements of this section.

(b) CONTENTS.—

[(1) STRATEGIC PLANNING ELEMENTS.—The unified State plan shall include strategic planning elements consisting of a strategic vision and goals for preparing an educated and skilled workforce, that include—

[(A) an analysis of the economic conditions in the State, including—

[(i) existing and emerging in-demand industry sectors and occupations; and

[(ii) the employment needs of employers, including a description of the knowledge, skills, and abilities, needed in those industries and occupations;

[(B) an analysis of the current workforce, employment and unemployment data, labor market trends, and the educational and skill levels of the workforce, including individuals with barriers to employment (including individuals with disabilities), in the State;

[(C) an analysis of the workforce development activities (including education and training) in the State, including an analysis of the strengths and weaknesses of such activities, and the capacity of State entities to provide such activities, in order to address the identified education and skill needs of the workforce and the employment needs of employers in the State;

[(D) a description of the State's strategic vision and goals for preparing an educated and skilled workforce (including preparing youth and individuals with barriers to

employment) and for meeting the skilled workforce needs of employers, including goals relating to performance accountability measures based on primary indicators of performance described in section 116(b)(2)(A), in order to support economic growth and economic self-sufficiency, and of how the State will assess the overall effectiveness of the workforce investment system in the State; and

[(E) taking into account analyses described in subparagraphs (A) through (C), a strategy for aligning the core programs, as well as other resources available to the State, to achieve the strategic vision and goals described in subparagraph (D).]

(1) STRATEGIC PLANNING ELEMENTS.—The unified State plan shall include strategic planning elements consisting of a strategic vision and goals for preparing an educated and skilled workforce, that include—

(A) a summary and conclusions of analysis conducted of the economic conditions in the State using labor market information, including—

(i) existing and emerging in-demand industry sectors and occupations;

(ii) the industry or sector partnerships within the State and the opportunities for expansion of such partnerships to support sector-specific initiatives;

(iii) projected industries or sectors within the State expected to decline or face significant changes in employment opportunities; and

(iv) the employment needs of employers, including a description of the knowledge, skills, competencies, and abilities currently needed and projected to be needed, in those industries and occupations;

(B) a summary and conclusions of analysis conducted of the current workforce using labor market information, employment and unemployment data, labor market trends, and the educational and skill levels of the workforce, including individuals with barriers to employment, in the State;

(C) an analysis of the workforce development activities (including supportive services, career services, education, and training) in the State, in coordination with the Perkins-eligible agency in the State, in order to address the identified education and skill needs of the workforce and the employment needs of employers in the State, including—

(i) an analysis of the strengths and weaknesses of such activities;

(ii) the capacity of State entities to provide such activities that meet the specific needs of youth, including opportunity youth, and individuals with barriers to employment;

(iii) an analysis of educational, skill, and competency levels of individuals served by the workforce system as compared to such levels required to address the employment needs in the State; and

(iv) an analysis of the career pathways offered within the State, including an analysis of how such pathways are aligned to the education and training needs of the current and future workforce within the State, and the development and expansion of career pathways to meet current and future workforce needs;

(D) a description of—

(i) the State's strategic vision and goals for preparing an educated and skilled workforce, including preparing youth (including opportunity youth), and individuals with barriers to employment and for meeting the skilled workforce needs of employers (including in existing and emerging in-demand industry sectors and occupations as identified by the State), and goals of the State relating to performance accountability measures based on primary indicators of performance described in section 116(b)(2)(A), in order to support economic growth and economic self-sufficiency;

(ii) how the State will assess the overall effectiveness of the workforce investment system in the State;

(iii) the career pathways offered within the State, including an analysis of how such pathways are aligned to the education and training needs of the current and future workforce within the State, and the development and expansion of career pathways to meet current and future workforce needs; and

(iv) how the State will work with local areas to achieve equitable service delivery and outcomes for individuals with barriers to employment, including employment and earnings outcomes by applying the information provided in the State equity report, for such State under section 116(f);

(E) a description of strategies the State intends to adopt to achieve the vision and each goal described in subparagraph (D) through—

(i) joint planning, alignment, coordination, and leveraging of funds between—

(I) core programs under this Act; and

(II) other Federal programs, as determined appropriate by the State, such as—

(aa) programs and activities under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.);

(bb) programs under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

(cc) programs under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);

(dd) programs under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.);

(ee) apprenticeship programs; and

(ff) the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.); and

(ii) the provision of information about access to available State assistance or assistance under related Federal programs, including such assistance under—

(I) section 6(d) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(d));

(II) section 3672(c)(1) of title 38, United States Code;

(III) section 231 of the Second Chance Act of 2007 (34 U.S.C. 60541); and

(IV) the State Temporary Assistance for Needy Families programs under part A of title IV of the Social Security Act.

(2) PLAN DEVELOPMENT.—

(A) IN GENERAL.—The Governor and State board shall—

(i) develop the unified State plan in consultation with—

(I) representatives of local boards and chief elected officials;

(II) the community colleges in the State;

(III) eligible providers of training services, including eligible providers of nontraditional training services and eligible providers of apprenticeship programs and pre-apprenticeship programs, and eligible providers of on-the-job training, customized training, incumbent worker training, internships, paid or unpaid work experience opportunities, or transitional jobs, secondary schools and institutions of higher education (including institutions offering career and technical education programs, minority-serving institutions, and historically Black colleges and universities), and providers of supported employment services;

(IV) interested community representatives, including community-based organizations;

(V) individuals with barriers to employment or organizations representing such individuals;

(VI) representatives of business and industry, including representatives of small business and representatives of industry and sector partnerships in the State;

(VII) representatives of labor organizations and joint labor-management organizations in the State;

(VIII) representatives of agencies serving opportunity youth, and homeless children and youth, including the State Coordinator for Education of Homeless Children and Youths established or designated under section 722(d)(3) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(d)(3));

(IX) representatives of Indian tribes and tribal organizations located in, or providing services in, the State;

(X) representatives of the Perkins-eligible agency;

(XI) representatives of the adult education and literacy community; and

(XII) other primary stakeholders; and

(ii) consult the heads of other State agencies with respect to the development of the unified State plan, including the State designated unit under subparagraph (A) of section 101(a)(11) of the Rehabilitation Act of 1973.

(B) PUBLIC COMMENT.—

(i) WRITTEN COMMENTS.—Not less than 60 days prior to submission of the unified State plan, the Governor shall provide stakeholders described in subparagraph (A)(i) with the opportunity to provide written comments on the unified State plan that shall—

(I) be included in the final unified State plan; and

(II) include comments on whether and how the unified State plan—

(aa) meets the requirements of this Act;

(bb) supports the improvement of performance of individuals with barriers to employment;

(cc) supports the employment needs of the State (including the business community, labor organizations, education and training providers, and other relevant parties), including in the design and content of the training, work experience, career exploration, on-the-job training, and other career and training activities (including information related to employment opportunities, wage rates, benefits, career pathways, and in-demand industry sectors and occupations); and

(dd) takes into account collective bargaining agreements that include training or subsidized employment, including how the elements of such training or employment may affect the bargaining agreement (such as wages, benefits, and other factors).

(ii) STATE WORKFORCE AGENCY RESPONSE.—Each unified State plan shall include a written response to the comments provided by stakeholders under clause (i).

[(2)**]** *(3)* OPERATIONAL PLANNING ELEMENTS.—

(A) IN GENERAL.—The unified State plan shall include the operational planning elements contained in this paragraph, which shall support the strategy described in paragraph (1)(E), including a description of how the State board will implement the functions under section 101(d).

(B) IMPLEMENTATION OF STATE STRATEGY.—The unified State plan shall describe how the lead State agency with responsibility for the administration of a core program will implement the strategy described in paragraph (1)(E), including a description of—

(i) the activities that will be funded by the entities carrying out the respective core programs to implement the strategy and how such activities will be

aligned across the programs and among the entities administering the programs, including using co-enrollment and other strategies;

(ii) how the activities described in clause (i) will be aligned with activities provided under employment, training, education, including career and technical education, and human services programs not covered by the plan, as appropriate, assuring coordination of, and avoiding duplication among, the activities referred to in this clause;

(iii) how the entities carrying out the respective core programs will coordinate activities and provide comprehensive, high-quality services including supportive services, to individuals;

(iv) how the State's strategy will engage the State's community [colleges and area career and technical education schools] *colleges, secondary schools and area career and technical education schools, and adult education providers under title II* as partners in the workforce development system and enable the State to leverage other Federal, State, and local investments that have enhanced access to workforce development programs at those institutions;

(v) how the activities described in clause (i) will be coordinated with economic development strategies and activities in the State; [and]

[(vi) how the State's strategy will improve access to activities leading to a recognized postsecondary credential (including a credential that is an industry-recognized certificate or certification, portable, and stackable).]

(vi) how the State's strategy will—

(I) improve access to activities leading to a recognized postsecondary credential (including credentials that are portable, stackable, and aligned to high-skill, high-wage, or in-demand industry sectors and occupations); and

(II) assess and validate the skills and competencies of such credentials and alignment to new or existing career pathways; and

(vii) how the State will work with local areas to achieve equitable service delivery and outcomes for individuals with barriers to employment by applying the information provided in the State equity report for such State under section 116(f).

(C) STATE OPERATING SYSTEMS AND POLICIES.—The unified State plan shall describe the State operating systems and policies that will support the implementation of the strategy described in paragraph (1)(E), including a description of—

(i) the State board, including the activities to assist members of the State board and the staff of such board in carrying out the functions of the State board effectively (but funds for such activities may not be

used for long-distance travel expenses for training or development activities available locally or regionally);

(ii)(I) how the respective core programs will be assessed each year, including an assessment of the quality, effectiveness, and improvement of programs (analyzed by local area, or by provider), based on State performance accountability measures described in section 116(b); and

(II) how other one-stop partner programs will be assessed each year;

(iii) the results of an assessment of the effectiveness of the core programs and other one-stop partner programs during the preceding 2-year period;

(iv) the methods and factors the State will use in distributing funds under the core programs, in accordance with the provisions authorizing such distributions;

(v)(I) how the lead State agencies with responsibility for the administration of the core programs will align and integrate available workforce and education data on core programs, unemployment insurance programs, and education through postsecondary education;

(II) how such agencies will use the workforce development system to assess the progress of participants that are exiting from core programs in entering, persisting in, and completing postsecondary education, or entering or remaining in employment; and

(III) the privacy safeguards incorporated in such system, including safeguards required by section 444 of the General Education Provisions Act (20 U.S.C. 1232g) and other applicable Federal laws;

(vi) how the State will implement the priority of service provisions for veterans in accordance with the requirements of section 4215 of title 38, United States Code;

(vii) how the one-stop delivery system, including one-stop operators and the one-stop partners, will comply with section 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), regarding the physical and programmatic accessibility of facilities, programs, services, technology, and materials, for individuals with disabilities, including complying through providing staff training and support for addressing the needs of individuals with disabilities; and

(viii) such other operational planning elements as the Secretary of Labor or the Secretary of Education, as appropriate, determines to be necessary for effective State operating systems and policies.

(D) PROGRAM-SPECIFIC REQUIREMENTS.—The unified State plan shall include—

(i) with respect to activities carried out under subtitle B, a description of—

(I) State policies or guidance, for the statewide workforce development system and for use of State funds for workforce investment activities;

(II) the local areas designated in the State, including the process used for designating local areas, and the process used for identifying any planning regions under section 106(a), including a description of how the State consulted with the [local boards and chief elected officials in determining the planning regions] *State economic development agency to support alignment to the extent practicable, local boards and chief elected officials in determining the planning regions and work of such regions*;

(III) the appeals process referred to in section 106(b)(6), relating to designation of local areas;

(IV) the appeals process referred to in section 121(h)(2)(E), relating to determinations for infrastructure funding; and

(V) with respect to youth workforce investment activities authorized in section 129, information identifying the criteria to be used by local boards in awarding grants for youth workforce investment activities and describing how the local boards will take into consideration the ability of the providers to meet performance accountability measures based on primary indicators of performance for the youth program as described in section 116(b)(2)(A)(ii) in awarding such grants;

(ii) with respect to activities carried out under title II, a description of—

(I) how the eligible agency will, if applicable, align content standards for adult education with challenging State academic standards, as adopted under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1));

(II) how the State will fund local activities using considerations specified in section 231(e) for—

(aa) activities under section 231(b);

(bb) programs for corrections education under section 225;

(cc) programs for integrated English literacy and civics education under section 243; and

(dd) integrated education and training;

(III) how the State will use the funds to carry out activities under section 223;

(IV) how the State will use the funds to carry out activities under section 243;

(V) how the eligible agency will assess the quality of providers of adult education and literacy activities under title II and take actions to improve such quality, including providing the activities described in section 223(a)(1)(B); *and*

(VI) how the eligible agency will promote the professionalization of adult education through the adoption of full-time staffing models, including, at the eligible agency's discretion, how the eligible agency will give funding priority to local providers that have adopted such models;

(iii) with respect to programs carried out under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.), other than section 112 or part C of that title (29 U.S.C. 732, 741), the information described in section 101(a) of that Act (29 U.S.C. 721(a)); and

(iv) information on such additional specific requirements for a program referenced in any of clauses (i) through (iii) or the Wagner-Peyser Act (29 U.S.C. 49 et seq.) as the Secretary of Labor determines to be necessary to administer that program but cannot reasonably be applied across all such programs.

(E) ASSURANCES.—The unified State plan shall include assurances—

(i) that the State has established a policy identifying circumstances that may present a conflict of interest for a State board or local board member, or the entity or class of officials that the member represents, and procedures to resolve such conflicts;

(ii) that the State has established a policy to provide to the public (including individuals with disabilities) access to meetings of State boards and local boards, and information regarding activities of State boards and local boards, such as data on board membership and minutes;

(iii)(I) that the lead State agencies with responsibility for the administration of core programs reviewed and commented on the appropriate operational planning elements of the unified State plan, and approved the elements as serving the needs of the populations served by such programs*, ensuring that services and resources are accessible throughout the State and local areas, including in urban, rural and suburban areas*; and

[(II) that the State obtained input into the development of the unified State plan and provided an opportunity for comment on the plan by representatives of local boards and chief elected officials, businesses, labor organizations, institutions of higher education, other primary stakeholders, and the general public and that the unified State plan is available and accessible to the general public;**]**

(II) that the State obtained input into the development of the unified State plan and provided an opportunity for comment on the plan by the individuals listed in subsection (b)(2)(A)(i), and that the unified State plan is published on a publicly accessible website;

(iv) that the State has established, in accordance with section 116(i), fiscal control and fund accounting procedures that may be necessary to ensure the proper

disbursement of, and accounting for, funds paid to the State through allotments made for adult, dislocated worker, and youth programs to carry out workforce investment activities under chapters 2 and 3 of subtitle B;

(v) that the State has taken appropriate action to secure compliance with uniform administrative requirements in this Act, including that the State will annually monitor local areas to ensure compliance and otherwise take appropriate action to secure compliance with the uniform administrative requirements under section 184(a)(3);

(vi) that the State has taken the appropriate action to be in compliance with section 188, if applicable;

(vii) that the Federal funds received to carry out a core program will not be expended for any purpose other than for activities authorized with respect to such funds under that core program;

(viii) that the eligible agency under title II will—

(I) expend the funds appropriated to carry out that title only in a manner consistent with fiscal requirements under section 241(a) (regarding supplement and not supplant provisions); and

(II) ensure that there is at least 1 eligible provider serving each local area;

(ix) that the State will pay an appropriate share (as defined by the State board) of the costs of carrying out section 116, from funds made available through each of the core programs; [and]

(x) regarding such other matters as the Secretary of Labor or the Secretary of Education, as appropriate, determines to be necessary for the administration of the core programs[.]*;*

(xi) that the employment services authorized under sections 1 through 13 of the Wagner-Peyser Act (29 U.S.C. 49 et seq.) are performed by public employees under a merit system; and

(xii) that the State will not prohibit self-attestation in a manner consistent with section 402A(e) of the Higher Education Act of 1965 (20 U.S.C. 1070a–11(e)) as a means for determining eligibility for a program or service under this Act of any individual who is so self-attesting.

[(3)] *(4)* EXISTING ANALYSIS.—As appropriate, a State may use an existing analysis in order to carry out the requirements of paragraph (1) concerning an analysis.

(c) PLAN SUBMISSION AND APPROVAL.—

(1) SUBMISSION.—

(A) INITIAL PLAN.—The initial unified State plan under this section (after the date of enactment of [the Workforce Innovation and Opportunity Act] *the Workforce Innovation and Opportunity Act of 2022*) shall be submitted to the Secretary of Labor not later than 120 days prior to the commencement of the second full program year after the date of enactment of this Act.

(B) SUBSEQUENT PLANS.—Except as provided in subparagraph (A), a unified State plan shall be submitted to the Secretary of Labor not later than 120 days prior to the end of the 4-year period covered by the preceding unified State plan.

(2) SUBMISSION AND APPROVAL.—

(A) SUBMISSION.—In approving a unified State plan under this section, the Secretary shall submit the portion of the unified State plan covering a program or activity to the head of the Federal agency that administers the program or activity for the approval of such portion by such head.

(B) APPROVAL.—A unified State plan shall be subject to the approval of both the Secretary of Labor and the Secretary of Education, after approval of the Commissioner of the Rehabilitation Services Administration for the portion of the plan described in subsection (b)(2)(D)(iii). The plan shall be considered to be approved at the end of the 90-day period beginning on the day the plan is submitted, unless the Secretary of Labor or the Secretary of Education makes a written determination, during the 90-day period, that the plan is inconsistent with the provisions of this section or the provisions authorizing the core programs, as appropriate.

(3) MODIFICATIONS.—

(A) MODIFICATIONS.—At the end of the first 2-year period of any 4-year unified State plan, the State board shall review the unified State plan, and the Governor shall submit modifications to the plan to reflect changes in labor market and economic conditions or in other factors affecting the implementation of the unified State plan.

(B) APPROVAL.—A modified unified State plan submitted for the review required under subparagraph (A) shall be subject to the approval requirements described in paragraph (2). A Governor may submit a modified unified State plan at such other times as the Governor determines to be appropriate, and such modified unified State plan shall also be subject to the approval requirements described in paragraph (2).

[(4) EARLY IMPLEMENTERS.—The Secretary of Labor, in conjunction with the Secretary of Education, shall establish a process for approving and may approve unified State plans that meet the requirements of this section and are submitted to cover periods commencing prior to the second full program year described in paragraph (1)(A).]

SEC. 103. COMBINED STATE PLAN.

(a) IN GENERAL.—

(1) AUTHORITY TO SUBMIT PLAN.—A State may develop and submit to the appropriate Secretaries a combined State plan for the core programs and 1 or more of the programs and activities described in paragraph (2) in lieu of submitting 2 or more plans, for the programs and activities and the core programs.

(2) PROGRAMS.—The programs and activities referred to in paragraph (1) are as follows:

(A) Career and technical education programs authorized under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.).

(B) Programs authorized under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).

(C) Programs authorized under section 6(d)(4) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(d)(4)).

(D) Work programs authorized under section 6(o) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(o)).

(E) Activities authorized under chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.).

(F) Activities authorized under chapter 41 of title 38, United States Code.

(G) Programs authorized under State unemployment compensation laws (in accordance with applicable Federal law).

(H) Programs authorized under title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.).

(I) Employment and training activities carried out by the Department of Housing and Urban Development.

(J) Employment and training activities carried out under the Community Services Block Grant Act (42 U.S.C. 9901 et seq.).

(K) Programs authorized under section 212 of the Second Chance Act of 2007 (42 U.S.C. 17532).

(L) State Apprenticeship Agencies, as applicable.

(b) REQUIREMENTS.—

(1) IN GENERAL.—The portion of a combined plan covering the core programs shall be subject to the requirements of section 102 (including section 102(c)(3)). The portion of such plan covering a program or activity described in subsection (a)(2) shall be subject to the requirements, if any, applicable to a plan or application for assistance for that program or activity, under the Federal law authorizing the program or activity. At the election of the State, section 102(c)(3) may apply to that portion.

(2) ADDITIONAL SUBMISSION NOT REQUIRED.—A State that submits a combined plan that is approved under subsection (c) shall not be required to submit any other plan or application in order to receive Federal funds to carry out the core programs or the program or activities described in subsection (a)(2) that are covered by the combined plan.

(3) COORDINATION.—A combined plan shall include—

(A) a description of the methods used for joint planning and coordination of the core programs and the other programs and activities covered by the combined plan; and

(B) an assurance that the methods included an opportunity for the entities responsible for planning or administering the core programs and the other programs and activities to review and comment on all portions of the combined plan.

(c) APPROVAL BY THE APPROPRIATE SECRETARIES.—

(1) JURISDICTION.—The appropriate Secretary shall have the authority to approve the corresponding portion of a combined plan as described in subsection (d). On the approval of the ap-

propriate Secretary, that portion of the combined plan, covering a program or activity, shall be implemented by the State pursuant to that portion of the combined plan, and the Federal law authorizing the program or activity.

(2) APPROVAL OF CORE PROGRAMS.—No portion of the plan relating to a core program shall be implemented until the appropriate Secretary approves the corresponding portions of the plan for all core programs.

(3) TIMING OF APPROVAL.—

(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), a portion of the combined State plan covering the core programs or a program or activity described in subsection (a)(2) shall be considered to be approved by the appropriate Secretary at the end of the 90-day period beginning on the day the plan is submitted.

(B) PLAN APPROVED BY 3 OR MORE APPROPRIATE SECRETARIES.—If an appropriate Secretary other than the Secretary of Labor or the Secretary of Education has authority to approve a portion of a combined plan, that portion of the combined plan shall be considered to be approved by the appropriate Secretary at the end of the 120-day period beginning on the day the plan is submitted.

(C) DISAPPROVAL.—The portion shall not be considered to be approved if the appropriate Secretary makes a written determination, during the 90-day period (or the 120-day period, for an appropriate Secretary covered by subparagraph (B)), that the portion is not consistent with the requirements of the Federal law authorizing or applicable to the program or activity involved, including the criteria for approval of a plan or application, if any, under such law, or the plan is not consistent with the requirements of this section.

(4) SPECIAL RULE.—In paragraph (3), the term "criteria for approval of a plan or application", with respect to a State and a core program or a program under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.), includes a requirement for agreement between the State and the appropriate Secretaries regarding State performance measures or State performance accountability measures, as the case may be, including levels of performance.

(d) APPROPRIATE SECRETARY.—In this section, the term "appropriate Secretary" means—

(1) with respect to the portion of a combined plan relating to any of the core programs (including a description, and an assurance concerning that program, specified in subsection (b)(3)), the Secretary of Labor and the Secretary of Education; and

(2) with respect to the portion of a combined plan relating to a program or activity described in subsection (a)(2) (including a description, and an assurance concerning that program or activity, specified in subsection (b)(3)), the head of the Federal agency who exercises plan or application approval authority for the program or activity under the Federal law authorizing the program or activity, or, if there are no planning or application requirements for such program or activity, exercises adminis-

trative authority over the program or activity under that Federal law.

CHAPTER 2—LOCAL PROVISIONS

SEC. 106. WORKFORCE DEVELOPMENT AREAS.

(a) REGIONS.—

(1) IDENTIFICATION.—Before the second full program year after the date of enactment of [this Act] *the Workforce Innovation and Opportunity Act of 2022*, in order for a State to receive an allotment under section 127(b) or 132(b) and as part of the process for developing the State plan, a State shall identify regions in the State after consultation with the local boards*, the State economic development agency, the State apprenticeship agency, as applicable,* and chief elected officials in the local areas and consistent with the considerations described in subsection (b)(1)(B).

(2) TYPES OF REGIONS.—For purposes of this Act, the State shall identify—

(A) which regions are comprised of 1 local area that is aligned with the region;

(B) which regions are comprised of 2 or more local areas that are (collectively) aligned with the region (referred to as planning regions, consistent with section 3); and

(C) which, of the regions described in subparagraph (B), are interstate areas contained within 2 or more States, and consist of labor market areas, economic development areas, or other appropriate contiguous subareas of those States.

(b) LOCAL AREAS.—

(1) IN GENERAL.—

(A) PROCESS.—Except as provided in subsection (d), and consistent with paragraphs (2) and (3), in order for a State to receive an allotment under section 127(b) or 132(b), the Governor of the State shall designate local workforce development areas within the State—

(i) through consultation with the State board; and

[(ii) after consultation with chief elected officials and local boards, and after consideration of comments received through the public comment process as described in section 102(b)(2)(E)(iii)(II).]

(ii) after consultation with the State economic development agency, chief elected officials, and local boards, and consideration of comments received through the public comment process as described in section 102(b)(2)(E)(iii)(II).

(B) CONSIDERATIONS.—The Governor shall designate local areas (except for those local areas described in paragraphs (2) and (3)) based on considerations consisting of the extent to which the areas—

(i) are consistent with labor market areas in the State;

(ii) are consistent with regional economic development areas in the State; [and]

(iii) have available the Federal and non-Federal resources necessary to effectively administer activities

under subtitle B and other applicable provisions of this Act, including whether the areas have the appropriate education and training providers, such as institutions of [higher education and] *higher education,* area career and technical education schools[.]*, and apprenticeship and pre-apprenticeship programs; and*

(iv) improve service delivery and efficiency under the workforce development system, and provide for sufficient access to comprehensive one-stop centers and affiliated sites.

(C) CONSULTATIONS.—The State economic development agency, chief elected officials, and local boards shall provide such consultations as requested by the Governor in a timely manner.

[(2) INITIAL DESIGNATION.—During the first 2 full program years following the date of enactment of this Act, the Governor shall approve a request for initial designation as a local area from any area that was designated as a local area for purposes of the Workforce Investment Act of 1998 for the 2-year period preceding the date of enactment of this Act, performed successfully, and sustained fiscal integrity.]

(2) INITIAL DESIGNATION.—During the first 2 full program years following the date of enactment of the Workforce Innovation and Opportunity Act of 2022, the Governor shall approve a request for initial designation as a local area from any area that—

(A) was designated as a local area for purposes of this Act for the 2-year period preceding the date of enactment of the Workforce Innovation and Opportunity Act of 2022;

(B) performed successfully; and

(C) sustained fiscal integrity.

(3) SUBSEQUENT DESIGNATION.—After the period for which a local area is initially designated under paragraph (2), the Governor shall approve a request for subsequent designation as a local area from such local area, if such area—

(A) performed successfully;

(B) sustained fiscal integrity; and

(C) in the case of a local area in a planning region, met the requirements described in subsection (c)(1).

(4) DESIGNATION ON RECOMMENDATION OF STATE BOARD.—The Governor may approve a request from any unit of general local government (including a combination of such units) for designation of an area as a local area if the State board determines, based on the considerations described in paragraph (1)(B), and recommends to the Governor, that such area should be so designated. *Such designation may include the combining of areas that were designated as local areas under this subsection before the date of enactment of the Workforce Innovation and Opportunity Act of 2022 within a region described in subsection (a), to form a new, redesignated local area under this subsection, if all chief elected officials and local boards in the affected areas agree to such a redesignation.*

(5) AREAS SERVED BY RURAL CONCENTRATED EMPLOYMENT PROGRAMS.—The Governor may approve, under paragraph (2)

or (3), a request for designation as a local area from an area described in section 107(c)(1)(C).

(6) APPEALS.—A unit of general local government (including a combination of such units) or grant recipient that requests but is not granted designation of an area as a local area under paragraph (2) or (3) may submit an appeal to the State board under an appeal process established in the State plan. If the appeal does not result in such a designation, the Secretary of Labor, after receiving a request for review from the unit or grant recipient and on determining that the unit or grant recipient was not accorded procedural rights under the appeals process described in the State plan, as specified in section 102(b)(2)(D)(i)(III), or that the area meets the requirements of paragraph (2) or (3), may require that the area be designated as a local area under such paragraph.

(7) REDESIGNATION ASSISTANCE.—On the request of all of the local areas in a planning region, the State shall provide funding from funds made available under sections 128(a) and 133(a)(1) to assist the local areas in carrying out activities to facilitate the redesignation of the local areas to a single local area.

(c) REGIONAL COORDINATION.—

(1) REGIONAL PLANNING.—The local boards and chief elected officials in each planning region described in subparagraph (B) or (C) of subsection (a)(2) shall engage in a regional planning process that results in—

(A) the preparation of a regional plan, as described in paragraph (2);

(B) the establishment of regional service strategies, including use of cooperative service delivery agreements;

(C) the development and implementation of sector initiatives for in-demand industry sectors or occupations for the region;

(D) the collection and analysis of regional labor market data (in conjunction with the State);

(E) the establishment of administrative cost arrangements, including the pooling of funds for administrative costs, as appropriate, for the region;

(F) the coordination of transportation and other supportive services, *and prioritizing such services for individuals with barriers to employment,* as appropriate, for the region;

(G) the coordination of services with regional economic development services and providers; **[**and**]**

(H) the establishment of an agreement concerning how the planning region will collectively negotiate and reach agreement with Governor on local levels of performance for, and report on, the performance accountability measures described in section 116(c), for local areas or the planning region**[**.**]***; and*

(I) the analysis of in-demand skills and competencies within the region, and corresponding wages offered for jobs requiring such skills and competencies.

(2) REGIONAL PLANS.—The State, after consultation with local boards and chief elected officials for the planning regions,

shall require the local boards and chief elected officials within a planning region to prepare, submit, and obtain approval of a single regional plan that includes a description of the activities described in paragraph (1) and that incorporates local plans for each of the local areas in the planning region. The State shall provide technical assistance and labor market data, as requested by local areas, to assist with such regional planning and subsequent service delivery efforts.

(3) REFERENCES.—In this Act, and the core program provisions that are not in this Act:

(A) LOCAL AREA.—Except as provided in section 101(d)(9), this section, paragraph (1)(B) or (4) of section 107(c), or section 107(d)(12)(B), or in any text that provides an accompanying provision specifically for a planning region, the term "local area" in a provision includes a reference to a planning region for purposes of implementation of that provision by the corresponding local areas in the region.

(B) LOCAL PLAN.—Except as provided in this subsection, the term "local plan" includes a reference to the portion of a regional plan developed with respect to the corresponding local area within the region, and any region-wide provision of that plan that impacts or relates to the local area.

(d) SINGLE STATE LOCAL AREAS.—

(1) CONTINUATION OF PREVIOUS DESIGNATION.—The Governor of any State that was a single State local area for purposes of title I of the Workforce Investment Act of 1998, as in effect on July 1, 2013, may designate the State as a single State local area for purposes of this title. In the case of such designation, the Governor shall identify the State as a local area in the State plan.

(2) EFFECT ON LOCAL PLAN AND LOCAL FUNCTIONS.—In any case in which a State is designated as a local area pursuant to this subsection, the local plan prepared under section 108 for the area shall be submitted for approval as part of the State plan. In such a State, the State board shall carry out the functions of a local board, as specified in this Act or the provisions authorizing a core program, but the State shall not be required to meet and report on a set of local performance accountability measures.

(e) DEFINITIONS.—For purposes of this section:

(1) PERFORMED SUCCESSFULLY.—The term "performed successfully", used with respect to a local area, means the local area met or exceeded the adjusted levels of performance for primary indicators of performance described in section 116(b)(2)(A) [(or, if applicable, core indicators of performance described in section 136(b)(2)(A) of the Workforce Investment Act of 1998, as in effect the day before the date of enactment of this Act)] for each of the last 2 consecutive years for which data are available preceding the determination of performance under this paragraph.

(2) SUSTAINED FISCAL INTEGRITY.—The term "sustained fiscal integrity", used with respect to a local area, means that the Secretary has not made a formal determination, during either

of the last 2 consecutive years preceding the determination regarding such integrity, that either the grant recipient or the administrative entity of the area misexpended funds provided under subtitle B [(or, if applicable, title I of the Workforce Investment Act of 1998 as in effect prior to the effective date of such subtitle B)] due to willful disregard of the requirements of the provision involved, gross negligence, or failure to comply with accepted standards of administration.

SEC. 107. LOCAL WORKFORCE DEVELOPMENT BOARDS.

(a) ESTABLISHMENT.—Except as provided in subsection (c)(2)(A), there shall be established, and certified by the Governor of the State, a local workforce development board in each local area of a State to carry out the functions described in subsection (d) (and any functions specified for the local board under this Act or the provisions establishing a core program) for such area.

(b) MEMBERSHIP.—

(1) STATE CRITERIA.—The Governor, in partnership with the State board, shall establish criteria for use by chief elected officials in the local areas for appointment of members of the local boards in such local areas in accordance with the requirements of paragraph (2).

(2) COMPOSITION.—Such criteria shall require that, at a minimum—

(A) a majority of the members of each local board shall be representatives of business in the local area, who—

(i) are owners of businesses, chief executives or operating officers of businesses, or other business executives or employers with optimum policymaking or hiring authority;

(ii) represent businesses, including small businesses, or organizations representing businesses described in this clause, that provide employment opportunities that, at a minimum, include high-quality, work-relevant training and development in in-demand industry sectors or occupations in the local area; and

(iii) are appointed from among individuals nominated by local business organizations and business trade associations;

(B) not less than [20] *30* percent of the members of each local board shall be representatives of the workforce within the local area, who—

(i) shall include representatives of labor organizations (for a local area in which employees are represented by labor organizations), who have been nominated by local labor federations, or (for a local area in which no employees are represented by such organizations) other representatives of employees;

(ii) shall include a representative, who shall be a member of a labor organization or a training director, from a joint labor-management apprenticeship program, or if no such joint program exists in the area, such a representative of an apprenticeship program in the area, if such a program exists;

(iii) may include representatives of community-based organizations that have demonstrated experience and

expertise in addressing the employment needs of individuals with barriers to employment, including organizations that serve veterans or that provide or support competitive integrated employment for individuals with disabilities; and

(iv) may include *eligible youth and* representatives of organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of eligible youth, including representatives of organizations that serve **[**out-of-school**]** *opportunity* youth;

(C) each local board shall include representatives of entities administering education and training activities in the local area, who—

(i) shall include a representative of eligible providers administering adult education and literacy activities under title II;

(ii) shall include a representative of institutions of higher education providing workforce investment activities (including community colleges)**[**;**]***; and*

(iii) may include representatives of local educational agencies, and of community-based organizations with demonstrated experience and expertise in addressing the education or training needs of individuals with barriers to employment;

(D) each local board shall include representatives of governmental and economic and community development entities serving the local area, who—

(i) shall include a representative of economic and community development entities;

(ii) shall include an appropriate representative from the State employment service office under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) serving the local area;

(iii) shall include an appropriate representative of the programs carried out under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.), other than section 112 or part C of that title (29 U.S.C. 732, 741), serving the local area;

(iv) may include representatives of agencies or entities administering programs serving the local area relating to transportation, housing, and public assistance; and

(v) may include representatives of philanthropic organizations serving the local area; **[**and**]**

(E) each local board may include such other individuals or representatives of entities as the chief elected official in the local area may determine to be appropriate**[**.**]***; and*

(F) the members of each local board shall represent diverse demographic populations of the local area.

(3) CHAIRPERSON.—The members of the local board shall elect a chairperson for the local board from among the representatives described in paragraph (2)(A). *Each chairperson shall ensure that each new board member is provided with information on the local area, employment opportunities (includ-*

ing youth employment opportunities), industry or sector partnerships, eligible providers or training services, and demographic information of participants served including individuals with barriers to employment.

(4) STANDING COMMITTEES.—

(A) IN GENERAL.—The local board may designate and direct the activities of standing committees to provide information and to assist the local board in carrying out activities under this section. Such standing committees shall be chaired by a member of the local board, may include other members of the local board, and shall include other individuals appointed by the local board who are not members of the local board and who the local board determines have appropriate experience and expertise. At a minimum, the local board may designate each of the following:

(i) A standing committee to provide information and assist with operational and other issues relating to the one-stop delivery system, which may include as members representatives of the one-stop partners.

(ii) A standing committee to provide information and to assist with planning, operational, and other issues relating to the provision of services to youth, which shall include*, if applicable, YouthBuild operators, and* community-based organizations with a demonstrated record of success in serving eligible youth.

(iii) A standing committee to provide information and to assist with operational and other issues relating to the provision of services to individuals with disabilities, including issues relating to compliance with section 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) regarding providing programmatic and physical access to the services, programs, and activities of the one-stop delivery system, as well as appropriate training for staff on providing supports for or accommodations to, and finding employment opportunities for, individuals with disabilities*, which include individuals with disabilities or representatives of organizations serving individuals with disabilities*.

(iv) A standing committee to provide information to assist with planning, operational, and other issues relating to the provision of adult education services, which shall include providers of adult education carried out under title II of this Act.

(v) A standing committee to provide information related to work-based learning opportunities, which shall include a representative from a provider of work-based learning, including a provider of related instruction under an apprenticeship.

(vi) A standing committee, which shall include representatives of workers and their communities (including labor and community-based organizations), to provide information to assist with responding to rapid changes in the economy such as—

(I) mass layoffs;

(II) unexpected increases in unemployment; and

(III) introduction of new employment opportunities, including the assessment of the in-demand skills and competencies of the local area.

(B) ADDITIONAL COMMITTEES.—The local board may designate standing committees in addition to the standing committees specified in subparagraph (A).

(C) DESIGNATION OF ENTITY.—Nothing in this paragraph shall be construed to prohibit the designation of an existing (as of the date of enactment of this Act) entity, such as an effective youth council, to fulfill the requirements of this paragraph as long as the entity meets the requirements of this paragraph.

(5) AUTHORITY OF BOARD MEMBERS.—Members of the board that represent organizations, agencies, or other entities shall be individuals with optimum policymaking authority within the organizations, agencies, or entities. The members of the board shall represent diverse geographic areas within the local area.

(6) SPECIAL RULE.—If there are multiple eligible providers serving the local area by administering adult education and literacy activities under title II, or multiple institutions of higher education serving the local area by providing workforce investment activities, each representative on the local board described in clause (i) or (ii) of paragraph (2)(C), respectively, shall be appointed from among individuals nominated by local providers representing such providers or institutions, respectively.

(c) APPOINTMENT AND CERTIFICATION OF BOARD.—

(1) APPOINTMENT OF BOARD MEMBERS AND ASSIGNMENT OF RESPONSIBILITIES.—

(A) IN GENERAL.—The chief elected official in a local area is authorized to appoint the members of the local board for such area, in accordance with the State criteria established under subsection (b).

(B) MULTIPLE UNITS OF LOCAL GOVERNMENT IN AREA.—

(i) IN GENERAL.—In a case in which a local area includes more than 1 unit of general local government, the chief elected officials of such units may execute an agreement that specifies the respective roles of the individual chief elected officials—

(I) in the appointment of the members of the local board from the individuals nominated or recommended to be such members in accordance with the criteria established under subsection (b); and

(II) in carrying out any other responsibilities assigned to such officials under this title.

(ii) LACK OF AGREEMENT.—If, after a reasonable effort, the chief elected officials are unable to reach agreement as provided under clause (i), the Governor may appoint the members of the local board from individuals so nominated or recommended.

(C) CONCENTRATED EMPLOYMENT PROGRAMS.—In the case of an area that was designated as a local area in accordance with section 116(a)(2)(B) of the Workforce Invest-

ment Act of 1998 (as in effect on the day before the date of enactment of this Act), and that remains a local area on that date, the governing body of the concentrated employment program involved shall act in consultation with the chief elected official in the local area to appoint members of the local board, in accordance with the State criteria established under subsection (b), and to carry out any other responsibility relating to workforce investment activities assigned to such official under this Act.

(D) PUBLICATION.—The chief elected official or officials appointing the board for a local area shall make publicly available the membership of the board (including information identifying how the membership composition requirements of subsection (b) have been met (other than the requirements of paragraph (2)(F) of such subsection)), including by posting that information on the website of the appropriate unit of local government included in the local area.

(2) CERTIFICATION.—

(A) IN GENERAL.—The Governor shall, once every 2 years, certify 1 local board for each local area in the State.

(B) CRITERIA.—Such certification shall be based on criteria established under subsection (b), and for a second or subsequent certification, the extent to which the local board has ensured that workforce investment activities carried out in the local area have enabled the local area to meet the corresponding performance accountability measures and achieve sustained fiscal integrity, as defined in section 106(e)(2).

(C) FAILURE TO ACHIEVE CERTIFICATION.—Failure of a local board to achieve certification shall result in appointment and certification of a new local board for the local area pursuant to the process described in paragraph (1) and this paragraph.

(3) DECERTIFICATION.—

(A) FRAUD, ABUSE, FAILURE TO CARRY OUT FUNCTIONS.—Notwithstanding paragraph (2), the Governor shall have the authority to decertify a local board at any time after providing notice and an opportunity for comment, for—

(i) fraud or abuse; or

(ii) failure to carry out the functions specified for the local board in subsection (d).

(B) NONPERFORMANCE.—Notwithstanding paragraph (2), the Governor may decertify a local board if a local area fails to meet the local performance accountability measures for such local area in accordance with section 116(c) for 2 consecutive program years.

(C) REORGANIZATION PLAN.—If the Governor decertifies a local board for a local area under subparagraph (A) or (B), the Governor may require that a new local board be appointed and certified for the local area pursuant to a reorganization plan developed by the Governor, in consultation with the chief elected official in the local area and in accordance with the criteria established under subsection (b).

(4) SINGLE STATE LOCAL AREA.—

(A) STATE BOARD.—Notwithstanding subsection (b) and paragraphs (1) [and (2)]*, (2), and (3)*, if a State described in section 106(d) indicates in the State plan that the State will be treated as a single State local area, for purposes of the application of this Act or the provisions authorizing a core program, the State board shall carry out any of the functions of a local board under this Act or the provisions authorizing a core program, including the functions described in subsection (d).

(B) REFERENCES.—

(i) IN GENERAL.—Except as provided in clauses (ii) and (iii), with respect to such a State, a reference in this Act or a core program provision to a local board shall be considered to be a reference to the State board, and a reference in the Act or provision to a local area or region shall be considered to be a reference to the State.

(ii) PLANS.—The State board shall prepare a local plan under section 108 for the State, and submit the plan for approval as part of the State plan.

(iii) PERFORMANCE ACCOUNTABILITY MEASURES.—The State shall not be required to meet and report on a set of local performance accountability measures.

(d) FUNCTIONS OF LOCAL BOARD.—Consistent with section 108, the functions of the local board shall include the following:

(1) LOCAL PLAN.—The local board, in partnership with the chief elected official for the local area involved, shall develop and submit a local plan to the Governor that meets the requirements in section 108. If the local area is part of a planning region that includes other local areas, the local board shall collaborate with the other local boards and chief elected officials from such other local areas in the preparation and submission of a regional plan as described in section 106(c)(2).

(2) WORKFORCE RESEARCH AND REGIONAL LABOR MARKET ANALYSIS.—In order to assist in the development and implementation of the local plan, the local board shall—

(A) carry out analyses of the economic conditions in the region, the needed knowledge and [skills]*, skills, and competencies* for the region, the workforce in the region, and workforce development activities (including education and training) in the region described in section 108(b)(1)(D), and regularly update such information;

(B) assist the Governor in developing the statewide workforce and labor market information system described in section 15(e) of the Wagner-Peyser Act (29 U.S.C. 49l-2(e)), specifically in the collection, analysis, and utilization of workforce and labor market information for the region; and

(C) conduct such other research, data collection, and analysis related to the workforce needs of the regional economy as the board, after receiving input from a wide array of stakeholders, determines to be necessary to carry out its functions.

(3) CONVENING, BROKERING, LEVERAGING.—The local board shall convene local workforce development system stakeholders

to assist in the development of the local plan under section 108 and in identifying non-Federal expertise and resources*, including supportive services offered by community-based organizations,* to leverage support for workforce development activities. The local board, including standing committees, may engage such stakeholders in carrying out the functions described in this subsection.

(4) EMPLOYER ENGAGEMENT.—The local board shall lead efforts to engage with a diverse range of employers and with entities in the region involved—

(A) to promote business representation (particularly representatives with optimal policymaking or hiring authority from employers whose employment opportunities reflect existing and emerging employment opportunities in the region) on the local board;

(B) to develop effective linkages (including the use of intermediaries) with employers in the region to support employer utilization of the local workforce development system and to support local workforce investment activities; *and*

[(C) to ensure that workforce investment activities meet the needs of employers and support economic growth in the region, by enhancing communication, coordination, and collaboration among employers, economic development entities, and service providers; and

[(D) to develop and implement proven or promising strategies for meeting the employment and skill needs of workers and employers (such as the establishment of industry and sector partnerships), that provide the skilled workforce needed by employers in the region, and that expand employment and career advancement opportunities for workforce development system participants in in-demand industry sectors or occupations.**]**

(C) to ensure that workforce investment activities meet the skilled workforce needs of employers and support economic growth in the region by enhancing communication, coordination, and collaboration among employers, economic development entities, and service providers, including by developing and implementing proven or promising strategies for—

(i) meeting the employment, skill, and competency needs of workers and employers (including the establishment of industry and sector partnerships) and supporting skill and competency-based hiring;

(ii) improving access to jobs in high-skill, high-wage, or in-demand industry sectors and occupations, to expand employment and career advancement opportunities for workforce development system participants in in-demand industry sectors or occupations; and

(iii) recruiting a more diverse workforce.

(5) CAREER PATHWAYS DEVELOPMENT.—The local board, with representatives of secondary **[**and postsecondary**]**, *postsecondary, and adult* education programs, shall lead efforts in the local area to develop and implement career pathways*, systems, and programs* within the local area by aligning the employ-

ment, training, education, and supportive services that are needed by adults and youth, particularly individuals with barriers to employment *and opportunity youth*.

(6) PROVEN AND PROMISING PRACTICES.—The local board shall lead efforts in the local area to—

[(A) identify and promote proven and promising strategies and initiatives for meeting the needs of employers, and workers and jobseekers (including individuals with barriers to employment) in the local workforce development system, including providing physical and programmatic accessibility, in accordance with section 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), to the one-stop delivery system; and]

(A) identify and promote strategies and initiatives to the one-stop delivery system for meeting the needs of employers, workers, and jobseekers (including individuals with barriers to employment) in the local workforce development system, including—

(i) providing physical and programmatic accessibility, in accordance with section 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.); and

(ii) identifying and implementing strategies to assure service delivery is accessible to all eligible individuals, including individuals with barriers to employment; and

(B) identify and disseminate information on proven and promising practices carried out in other local areas for meeting such needs.

[(7) TECHNOLOGY.—The local board shall develop strategies for using technology to maximize the accessibility and effectiveness of the local workforce development system for employers, and workers and jobseekers, by—

[(A) facilitating connections among the intake and case management information systems of the one-stop partner programs to support a comprehensive workforce development system in the local area;

[(B) facilitating access to services provided through the one-stop delivery system involved, including facilitating the access in remote areas;

[(C) identifying strategies for better meeting the needs of individuals with barriers to employment, including strategies that augment traditional service delivery, and increase access to services and programs of the one-stop delivery system, such as improving digital literacy skills; and

[(D) leveraging resources and capacity within the local workforce development system, including resources and capacity for services for individuals with barriers to employment.]

(7) TECHNOLOGY.—The local board shall develop strategies for using technology to maximize the accessibility and effectiveness of the local workforce development system, including in remote areas, for employers, workers, and jobseekers, by—

(A) identifying and integrating new digital technologies into business services, career navigation, and employment and training activities, and working with the State to offer services virtually or through in-person service delivery strategies that are augmented through the use of technology;

(B) facilitating connections among the intake and case management information systems of the one-stop partner programs to support a comprehensive workforce development system in the local area, including through coordination and collaboration with one-stop partner programs to support coenrollment of programs, as applicable;

(C) identifying strategies for better meeting the needs of individuals with barriers to employment, including strategies that augment traditional service delivery, and increase access to services and programs of the one-stop delivery system, such as improving digital literacy skills, assessments of skills and competencies, and prior learning assessments assisted through the use of technology; and

(D) leveraging resources and capacity within the local workforce development system, including resources and capacity for services for individuals with barriers to employment.

(8) PROGRAM OVERSIGHT.—The local board, in partnership with the chief elected official for the local area, shall—

(A)(i) conduct oversight for local youth workforce investment activities authorized under section 129(c), local employment and training activities authorized under subsections (c) and (d) of section 134, and the one-stop delivery system in the local area; and

(ii) ensure the appropriate use and management of the funds provided under subtitle B for the activities and system described in clause (i); and

(B) for workforce development activities, ensure the appropriate use, management, and investment of funds to maximize performance outcomes under section 116.

(9) NEGOTIATION OF LOCAL PERFORMANCE ACCOUNTABILITY MEASURES.—The local board, the chief elected official, and the Governor shall negotiate and reach agreement on local performance accountability measures as described in section 116(c).

(10) SELECTION OF OPERATORS AND PROVIDERS.—

(A) SELECTION OF ONE-STOP OPERATORS.—Consistent with section 121(d), the local board, with the agreement of the chief elected official for the local area—

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

(ii) may terminate for cause the eligibility of such operators.

(B) SELECTION OF YOUTH PROVIDERS.—Consistent with section 123, the local board—

(i) shall identify eligible providers of youth workforce investment activities in the local area by awarding grants or contracts on a competitive basis (except as provided in section 123(b)), based on the rec-

ommendations of the youth standing committee, if such a committee is established for the local area under subsection (b)(4); and

(ii) may terminate for cause the eligibility of such providers *as described in section 122*.

(C) IDENTIFICATION OF ELIGIBLE PROVIDERS OF TRAINING SERVICES.—Consistent with section 122, the local board shall identify eligible providers of training services in the local area *and make information about such providers publicly available, including to community-based organizations*.

(D) IDENTIFICATION OF ELIGIBLE PROVIDERS OF CAREER SERVICES.—If the one-stop operator does not provide career services described in section 134(c)(2) in a local area, the local board shall identify eligible providers of those career services in the local area by awarding contracts *and make information about such providers publicly available, including to community-based organizations*.

(E) CONSUMER CHOICE REQUIREMENTS.—Consistent with section 122 and paragraphs (2) and (3) of section 134(c), the local board shall work with the State to ensure there are sufficient numbers and types of providers of career services and training services (including eligible providers with expertise in assisting individuals with disabilities and eligible providers with expertise in assisting adults in need of adult education and literacy activities) serving the local area and providing the services involved in a manner that maximizes consumer choice, as well as providing opportunities that lead to competitive integrated employment for individuals with disabilities.

(11) COORDINATION WITH EDUCATION PROVIDERS.—

(A) IN GENERAL.—The local board shall coordinate activities with education and training providers in the local area, including providers of workforce investment activities, providers of adult education and literacy activities under title II, providers of career and technical education (as defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302)*, local educational agencies, institutions of higher education located in the local area, including minority-serving institutions, historically Black colleges and universities, and Tribally controlled colleges or universities, as appropriate,* and local agencies administering plans under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.), other than section 112 or part C of that title (29 U.S.C. 732, 741).

(B) APPLICATIONS AND AGREEMENTS.—The coordination described in subparagraph (A) shall include—

(i) consistent with section 232—

(I) reviewing the applications to provide adult education and literacy activities under title II for the local area, submitted under such section to the eligible agency by eligible providers, to determine whether such applications are consistent with the local plan; and

(II) making recommendations to the eligible agency to promote alignment with such plan; and

(ii) replicating cooperative agreements in accordance with subparagraph (B) of section 101(a)(11) of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)(11)), and implementing cooperative agreements in accordance with that section with the local agencies administering plans under title I of that Act (29 U.S.C. 720 et seq.) (other than section 112 or part C of that title (29 U.S.C. 732, 741) and subject to section 121(f)), with respect to efforts that will enhance the provision of services to individuals with disabilities and other individuals, such as cross training of staff, technical assistance, use and sharing of information, cooperative efforts with employers, and other efforts at cooperation, collaboration, and coordination.

(C) COOPERATIVE AGREEMENT.—In this paragraph, the term "cooperative agreement" means an agreement entered into by a State designated agency or State designated unit under subparagraph (A) of section 101(a)(11) of the Rehabilitation Act of 1973.

(12) BUDGET AND ADMINISTRATION.—

(A) BUDGET.—The local board shall develop a budget [for the] *for all funds not otherwise reserved by the State allocated to local areas under section 128(b) and section 133(b), for local youth workforce activities authorized under section 129(c), and for local employment and training activities authorized under subsection (b) of section 134, and* activities of the local board in the local area, consistent with the local plan and the duties of the local board under this section, subject to the approval of the chief elected official.

(B) ADMINISTRATION.—

(i) GRANT RECIPIENT.—

(I) IN GENERAL.—The chief elected official in a local area shall serve as the local grant recipient for, and shall be liable for any misuse of, the grant funds allocated to the local area under sections 128 and 133, unless the chief elected official reaches an agreement with the Governor for the Governor to act as the local grant recipient and bear such liability.

(II) DESIGNATION.—In order to assist in administration of the grant funds, the chief elected official or the Governor, where the Governor serves as the local grant recipient for a local area, may designate an entity to serve as a local grant subrecipient for such funds or as a local fiscal agent. Such designation shall not relieve the chief elected official or the Governor of the liability for any misuse of grant funds as described in subclause (I).

(III) DISBURSAL.—The local grant recipient or an entity designated under subclause (II) shall disburse the grant funds for workforce investment activities at the direction of the local board, pur-

suant to the requirements of this title. The local grant recipient or entity designated under subclause (II) shall disburse the funds immediately on receiving such direction from the local board.

(ii) GRANTS AND DONATIONS.—The local board may solicit and accept grants and donations from sources other than Federal funds made available under this Act.

(iii) TAX-EXEMPT STATUS.—For purposes of carrying out duties under this Act, local boards may incorporate, and may operate as entities described in section 501(c)(3) of the Internal Revenue Code of 1986 that are exempt from taxation under section 501(a) of such Code.

(13) ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES.—The local board shall annually assess the physical and programmatic accessibility, in accordance with section 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), of all one-stop centers in the local area.

(e) SUNSHINE PROVISION.—The local board shall make available to the public, on a regular basis through electronic means *that conforms at a minimum, to Level AA of the Web Content Accessibility Guidelines 2.0 of the Web Accessibility Initiative (or any successor guidelines)* and open meetings, information regarding the activities of the local board, including information regarding the local plan prior to submission of the plan, and regarding membership, the designation and certification of one-stop operators, and the award of grants or contracts to eligible providers of youth workforce investment activities, and on request, minutes of formal meetings of the local board.

(f) STAFF.—

(1) IN GENERAL.—The local board may hire a director and other staff to assist in carrying out the functions described in subsection (d) using funds available under sections 128(b) and 133(b) as described in section 128(b)(4).

[(2) QUALIFICATIONS.—The local board shall establish and apply a set of objective qualifications for the position of director, that ensures that the individual selected has the requisite knowledge, skills, and abilities, to meet identified benchmarks and to assist in effectively carrying out the functions of the local board.]

(2) QUALIFICATIONS.—The local board shall establish and apply a set of qualifications for the position of director that ensures that the individual selected has the requisite knowledge, skills, and abilities, to meet identified benchmarks and effectively carry out the functions of the local board.

(3) LIMITATION ON RATE.—The director and staff described in paragraph (1) shall be subject to the limitations on the payment of salaries and bonuses described in section 194(15).

(4) PROFESSIONAL DEVELOPMENT.—The local board shall ensure the provision of training to local board and one-stop delivery system staff on—

(A) the expanded use of digital technology and tools for augmenting and improving the delivery of services to participants and employers;

(B) the implementation of evidence-based strategies, such as career pathways and sector initiatives, and trauma-informed and gender-responsive counseling for meeting the needs of individuals with barriers to employment; and

(C) how to improve and ensure equitable service delivery and outcomes for individuals who have been historically underserved, marginalized, and adversely affected as a result of race, ethnicity, or gender, including training on customer-centered service delivery, gender and racial bias, cultural competence, occupational stereotyping, and strategies for increasing participant and worker voice.

(g) LIMITATIONS.—

(1) TRAINING SERVICES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), no local board may provide training services.

(B) WAIVERS OF TRAINING PROHIBITION.—The Governor of the State in which a local board is located may, pursuant to a request from the local board, grant a written waiver of the prohibition set forth in subparagraph (A) (relating to the provision of training services) for a program of training services, if the local board—

(i) submits to the Governor a proposed request for the waiver that includes—

(I) satisfactory evidence that there is an insufficient number of eligible providers of such a program of training services to meet local demand in the local area;

(II) information demonstrating that the board meets the requirements for an eligible provider of training services under section 122; and

(III) information demonstrating that the program of training services prepares participants for an in-demand industry sector or occupation in the local area;

(ii) makes the proposed request available to eligible providers of training services and other interested members of the public for a public comment period of not less than 30 days; and

(iii) includes, in the final request for the waiver, the evidence and information described in clause (i) and the comments received pursuant to clause (ii).

(C) DURATION.—A waiver granted to a local board under subparagraph (B) shall apply for a period that shall not exceed the duration of the local plan. The waiver may be renewed for additional periods under subsequent local plans, not to exceed the durations of such subsequent plans, pursuant to requests from the local board, if the board meets the requirements of subparagraph (B) in making the requests.

(D) REVOCATION.—The Governor shall have the authority to revoke the waiver during the appropriate period described in subparagraph (C) if the Governor determines

the waiver is no longer needed or that the local board involved has engaged in a pattern of inappropriate referrals to training services operated by the local board.

(2) CAREER SERVICES; DESIGNATION OR CERTIFICATION AS ONE-STOP OPERATORS.—A local board may provide career services described in section 134(c)(2) through a one-stop delivery system or be designated or certified as a one-stop operator only with the agreement of the chief elected official in the local area and the Governor.

(3) LIMITATION ON AUTHORITY.—Nothing in this Act shall be construed to provide a local board with the authority to mandate curricula for schools.

(h) CONFLICT OF INTEREST.—A member of a local board, or a member of a standing committee, may not—

(1) vote on a matter under consideration by the local board—

(A) regarding the provision of services by such member (or by an entity that such member represents); or

(B) that would provide direct financial benefit to such member or the immediate family of such member; or

(2) engage in any other activity determined by the Governor to constitute a conflict of interest as specified in the State plan.

(i) ALTERNATIVE ENTITY.—

(1) IN GENERAL.—For purposes of complying with subsections (a), (b), and (c), a State may use any local entity (including a local council, regional workforce development board, or similar entity) that—

(A) is established to serve the local area (or the service delivery area that most closely corresponds to the local area);

(B) was in existence on the day before the date of enactment of the Workforce Investment Act of 1998, pursuant to State law; and

(C) includes—

(i) representatives of business in the local area; and

(ii)(I) representatives of labor organizations (for a local area in which employees are represented by labor organizations), nominated by local labor federations; or

(II) other representatives of employees in the local area (for a local area in which no employees are represented by such organizations).

(2) REFERENCES.—A reference in this Act or a core program provision to a local board, shall include a reference to such an entity.

SEC. 108. LOCAL PLAN.

(a) IN GENERAL.—Each local board shall develop and submit to the Governor a comprehensive 4-year local plan, in partnership with the chief elected official. The local plan shall support the strategy described in the State plan in accordance with section 102(b)(1)(E), and otherwise be consistent with the State plan. If the local area is part of a planning region, the local board shall comply with section 106(c) in the preparation and submission of a regional plan. At the end of the first 2-year period of the 4-year local plan, each local board shall review the local plan and the local board, in partnership with the chief elected official, shall prepare and submit

modifications to the local plan to reflect changes in labor market and economic conditions or in other factors affecting the implementation of the local plan.

(b) CONTENTS.—The local plan shall include—

(1) a description of the strategic planning elements consisting of—

(A) an analysis of the regional economic conditions including—

(i) existing and emerging in-demand industry sectors and occupations; [and]

(ii) the employment needs of employers in those industry sectors and occupations; *and*

(iii) projected industries or sectors within the local area expected to decline or face significant changes in employment opportunities;

(B) an analysis of the knowledge [and skills]*, skills, and competencies* needed to meet the employment needs of the employers in the region, including employment needs in in-demand industry sectors and occupations;

(C) an analysis of the workforce in the region, including current labor force employment [(and unemployment)] *(unemployment, and underemployment)* data, and information on labor market trends, and the educational and skill levels of the workforce in the region, including individuals with barriers to employment;

(D) an analysis of the workforce development activities (including education and training) in the region, including an analysis of the strengths and weaknesses of such services, and the capacity to provide such services, to address the identified education and skill needs of the workforce and the employment needs of employers in the region;

(E) a description of the local board's strategic vision and goals for preparing an educated and skilled workforce (including youth and individuals with barriers to employment), including goals relating to the performance accountability measures based on primary indicators of performance described in section 116(b)(2)(A) in order to support regional economic growth and economic self-sufficiency; and

(F) taking into account analyses described in subparagraphs (A) through (D), a strategy to work with the entities that carry out the core programs to align resources available to the local area, to achieve the strategic vision and goals described in subparagraph (E);

[(2) a description of the workforce development system in the local area that identifies the programs that are included in that system and how the local board will work with the entities carrying out core programs and other workforce development programs to support alignment to provide services, including programs of study authorized under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.), that support the strategy identified in the State plan under section 102(b)(1)(E);]

(2) a description and assessment of the workforce development system in the local area that identifies the programs that

are included in that system and how the local board will work with the entities carrying out core programs and other workforce development programs to support alignment of services, including—

(A) services provided under programs that support the strategies identified in the State plan under section 102(b)(1)(E), including—

(i) programs of study authorized under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.);

(ii) title II (relating to adult education and family literacy activities), including a description of how the local board will carry out, consistent with subparagraphs (A) and (B)(i) of section 107(d)(11) and section 232, the review of local applications submitted under title II;

(iii) title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.); and

(iv) apprenticeship programs; and

(B) the statewide rapid response activities under section 134(a)(2)(A);

(3) a description of how the local board, working with the entities carrying out core programs, will expand access to employment, training, education, and supportive services for eligible individuals, particularly eligible individuals with barriers to employment, including how the local board will facilitate the development *and expansion* of career pathways and co-enrollment, as appropriate, in core programs, and improve access to activities leading to a recognized postsecondary credential (including a credential that is an industry-recognized certificate or certification, portable, and stackable);

(4) a description of the strategies and services that will be used in the local area—

(A) in order to—

(i) facilitate engagement of employers**[**, including small employers and employers in in-demand industry sectors and occupations, in workforce development programs**]** *in workforce development programs, including small employers, employers in high-skill, high-wage, or in-demand industry sectors and occupations, and employers in industry or sector partnerships*;

(ii) support a local workforce development system that meets the needs of businesses in the local area;

(iii) better coordinate workforce development programs and economic development; **[**and**]**

(iv) strengthen linkages between the one-stop delivery system and unemployment insurance programs*, and benefits, such as food and housing security*; and

(v) improve the ability of individuals to make informed decisions about career pathways and training services, employment opportunities and job quality, and workplace rights and responsibilities; and

(B) that may include the implementation of initiatives such as incumbent worker training programs, on-the-job training programs, customized training programs, industry

and sector strategies, career pathways initiatives, utilization of effective business intermediaries, and other business services and strategies, designed to meet the needs of employers *and individuals* in the corresponding region in support of the strategy described in paragraph (1)(F);

(5) a description of how the local board will coordinate workforce investment activities carried out in the local area with economic development activities carried out in the region in which the local area is located (or planning region), and promote entrepreneurial skills training and microenterprise services;

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

(A) a description of how the local board will ensure the continuous improvement of eligible providers of services through the system and ensure that such providers meet the employment needs of local employers, and workers and jobseekers;

(B) a description of how the local board will facilitate access to services provided through the one-stop delivery system, including in remote areas, through the use of technology*, including digital technology,* and through other means;

(C) a description of how entities within the one-stop delivery system, including one-stop operators and the one-stop partners, will comply with section 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) regarding the physical and programmatic accessibility of facilities, programs and services, technology, and materials for individuals with disabilities, including providing staff training and support for addressing the needs of individuals with disabilities; [and]

(D) a description of the roles and resource contributions of the one-stop partners;

(E) a description of how the one-stop delivery system, including one-stop operators and one-stop partners, will work with employers to support the hiring of individuals with barriers to employment to ensure equitable service delivery and participant outcomes; and

(F) a description of how one-stop centers are implementing and transitioning to an integrated, technology-enabled intake and case management information system for programs carried out under this Act and programs carried out by one-stop partners;

[(7) a description and assessment of the type and availability of adult and dislocated worker employment and training activities in the local area;

[(8) a description of how the local board will coordinate workforce investment activities carried out in the local area with statewide rapid response activities, as described in section 134(a)(2)(A);]

[(9)] *(7)* a description and [assessment of] *comprehensive local needs assessment, as described in section 129(a)(2) of* the type and availability of youth workforce investment activities

in the local area, including activities for youth who are individuals with disabilities, which description and assessment shall include an identification of successful models of such youth workforce investment activities;

[(10)] *(8)* a description of how the local board will coordinate education and workforce investment activities carried out in the local area with relevant secondary and postsecondary education programs and activities to coordinate strategies, enhance services, and avoid duplication of services;

[(11)] *(9)* a description of how the local board will coordinate workforce investment activities carried out under this title in the local area with the provision of transportation, including public transportation, and other appropriate supportive services in the local area;

[(12)] *(10)* a description of plans and strategies for, and assurances concerning, maximizing coordination of services provided by the State employment service under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) and services provided in the local area through the one-stop delivery system, to improve service delivery and avoid duplication of services;

[(13) a description of how the local board will coordinate workforce investment activities carried out under this title in the local area with the provision of adult education and literacy activities under title II in the local area, including a description of how the local board will carry out, consistent with subparagraphs (A) and (B)(i) of section 107(d)(11) and section 232, the review of local applications submitted under title II;]

[(14)] *(11)* a description of the replicated cooperative agreements (as defined in section 107(d)(11)) between the local board or other local entities described in section 101(a)(11)(B) of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)(11)(B)) and the local office of a designated State agency or designated State unit administering programs carried out under title I of such Act (29 U.S.C. 720 et seq.) (other than section 112 or part C of that title (29 U.S.C. 732, 741) and subject to section 121(f)) in accordance with section 101(a)(11) of such Act (29 U.S.C. 721(a)(11)) with respect to efforts that will enhance the provision of services to individuals with disabilities and to other individuals, such as cross training of staff, technical assistance, use and sharing of information, cooperative efforts with employers, and other efforts at cooperation, collaboration, and coordination;

[(15)] *(12)* an identification of the entity responsible for the disbursal of grant funds described in section 107(d)(12)(B)(i)(III), as determined by the chief elected official or the Governor under section 107(d)(12)(B)(i);

[(16)] *(13)* a description of the competitive process to be used to award the subgrants and contracts in the local area for activities carried out under this title;

[(17)] *(14)* a description of the local levels of performance negotiated with the Governor and chief elected official pursuant to section 116(c), to be used to measure the performance of the local area and to be used by the local board for measuring the performance of the local fiscal agent (where appro-

priate), eligible providers under subtitle B, and the one-stop delivery system, in the local area;

[(18)] *(15)* a description of the actions the local board will take toward becoming or remaining a high-performing board, consistent with the factors developed by the State board pursuant to section 101(d)(6);

[(19)] *(16)* a description of how training services under chapter 3 of subtitle B will be provided in accordance with section 134(c)(3)(G), including, if contracts for the training services will be used, how the use of such contracts will be coordinated with the use of individual training accounts under that chapter and how the local board will ensure informed customer choice in the selection of training programs regardless of how the training services are to be provided;

[(20)] *(17)* a description of the process used by the local board, consistent with subsection (d), to provide an opportunity for public comment, including comment by representatives of businesses and comment by representatives of labor organizations, and input into the development of the local plan, prior to submission of the plan;

[(21) a description of how one-stop centers are implementing and transitioning to an integrated, technology-enabled intake and case management information system for programs carried out under this Act and programs carried out by one-stop partners; and]

(18) that the local area will not prohibit self-attestation in a manner consistent with section 402A(e) of the Higher Education Act of 1965 (20 U.S.C. 1070a–11(e)) as a means for determining eligibility for a program or service under this Act of any individual who is so self-attesting; and

[(22)] *(19)* such other information as the Governor may require.

(c) EXISTING ANALYSIS.—As appropriate, a local area may use an existing analysis in order to carry out the requirements of subsection (b)(1) concerning an analysis.

(d) PROCESS.—Prior to the date on which the local board submits a local plan under this section, the local board shall—

(1) make available copies of a proposed local plan to the public through electronic and other means, such as public hearings and local news media;

(2) allow members of the public, including representatives of business, representatives of labor organizations, and representatives of education to submit to the local board comments on the proposed local plan, not later than the end of the 30-day period beginning on the date on which the proposed local plan is made available; and

(3) include with the local plan submitted to the Governor under this section any such comments that represent disagreement with the plan.

(e) PLAN SUBMISSION AND APPROVAL.—A local plan submitted to the Governor under this section (including a modification to such a local plan) shall be considered to be approved by the Governor at the end of the 90-day period beginning on the day the Governor receives the plan (including such a modification), unless the Gov-

ernor makes a written determination during the 90-day period that—

(1) deficiencies in activities carried out under this subtitle or subtitle B have been identified, through audits conducted under section 184 or otherwise, and the local area has not made acceptable progress in implementing corrective measures to address the deficiencies;

(2) the plan does not comply with the applicable provisions of this Act; or

(3) the plan does not align with the State plan, including failing to provide for alignment of the core programs to support the strategy identified in the State plan in accordance with section 102(b)(1)(E).

* * * * * * *

CHAPTER 4—PERFORMANCE ACCOUNTABILITY

SEC. 116. PERFORMANCE ACCOUNTABILITY SYSTEM.

(a) PURPOSE.—The purpose of this section is to establish performance accountability measures that apply across the core programs to assess the effectiveness of States and local areas (for core programs described in subtitle B) in achieving positive outcomes for individuals served by those programs.

(b) STATE PERFORMANCE ACCOUNTABILITY MEASURES.—

(1) IN GENERAL.—For each State, the performance accountability measures for the core programs shall consist of—

(A)(i) the primary indicators of performance described in paragraph (2)(A); and

(ii) the additional indicators of performance (if any) identified by the State under paragraph (2)(B); and

(B) a State adjusted level of performance for each indicator described in subparagraph (A).

(2) INDICATORS OF PERFORMANCE.—

(A) PRIMARY INDICATORS OF PERFORMANCE.—

[(i) IN GENERAL.—The State primary indicators of performance for activities provided under the adult and dislocated worker programs authorized under chapter 3 of subtitle B, the program of adult education and literacy activities authorized under title II, the employment services program authorized under sections 1 through 13 of the Wagner-Peyser Act (29 U.S.C. 49 et seq.) (except that subclauses (IV) and (V) shall not apply to such program), and the program authorized under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.), other than section 112 or part C of that title (29 U.S.C. 732, 741), shall consist of—

[(I) the percentage of program participants who are in unsubsidized employment during the second quarter after exit from the program;

[(II) the percentage of program participants who are in unsubsidized employment during the fourth quarter after exit from the program;

[(III) the median earnings of program participants who are in unsubsidized employment during the second quarter after exit from the program;

[(IV) the percentage of program participants who obtain a recognized postsecondary credential, or a secondary school diploma or its recognized equivalent (subject to clause (iii)), during participation in or within 1 year after exit from the program;

[(V) the percentage of program participants who, during a program year, are in an education or training program that leads to a recognized postsecondary credential or employment and who are achieving measurable skill gains toward such a credential or employment; and

[(VI) the indicators of effectiveness in serving employers established pursuant to clause (iv).]

(i) IN GENERAL.—The State primary indicators of performance for activities provided under the adult and dislocated worker programs authorized under chapter 3 of subtitle B, the program of adult education and family literacy activities authorized under title II, the employment services program authorized under sections 1 through 13 of the Wagner-Peyser Act (29 U.S.C. 49 et seq.) (except that subclauses (V) and (VI) shall not apply to such program), and the program authorized under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.) (other than section 112 or part C of that title (29 U.S.C. 732, 741)), shall consist of—

(I) the percentage of program participants who are in unsubsidized employment during the second quarter after exit from the program;

(II) the percentage of program participants who are in unsubsidized employment during the fourth quarter after exit from the program;

(III) the median earnings of program participants who are in unsubsidized employment during the second quarter after exit from the program;

(IV) the median earnings of program participants who are in unsubsidized employment during the fourth quarter after exit from the program;

(V) the percentage of program participants who obtain a recognized postsecondary credential, or a secondary school diploma or its recognized equivalent (subject to clause (iii)), during participation in or within 1 year after exit from the program; and

(VI) the percentage of program participants who are in an education or training program that leads to a recognized postsecondary credential or employment, and who are achieving measurable skill gains toward such a credential or employment.

(ii) PRIMARY INDICATORS FOR ELIGIBLE YOUTH.—The primary indicators of performance for the youth program authorized under chapter 2 of subtitle B shall consist of—

(I) the percentage of program participants who are in education or training activities, or in un-

subsidized employment, during the second quarter after exit from the program;

(II) the percentage of program participants who are in education or training activities, or in unsubsidized employment, during the fourth quarter after exit from the program; and

(III) the primary indicators of performance described in subclauses (III) through (VI) of subparagraph (A)(i).

(iii) INDICATOR RELATING TO CREDENTIAL.—For purposes of clause (i)(IV), or clause (ii)(III) with respect to clause (i)(IV), program participants who obtain a secondary school diploma or its recognized equivalent shall be included in the percentage counted as meeting the criterion under such clause only if such participants, in addition to obtaining such diploma or its recognized equivalent, have obtained or retained employment or are in an education or training program leading to a recognized postsecondary credential within 1 year after exit from the program*, unless such participants are enrolled in services under title II*.

[(iv) INDICATOR FOR SERVICES TO EMPLOYERS.—Prior to the commencement of the second full program year after the date of enactment of this Act, for purposes of clauses (i)(VI), or clause (ii)(III) with respect to clause (i)(VI), the Secretary of Labor and the Secretary of Education, after consultation with the representatives described in paragraph (4)(B), shall jointly develop and establish, for purposes of this subparagraph, 1 or more primary indicators of performance that indicate the effectiveness of the core programs in serving employers.**]**

[(B) ADDITIONAL INDICATORS.—A State may identify in the State plan additional performance accountability indicators.**]**

(B) ADDITIONAL INDICATORS.—

(i) STATE IDENTIFIED.—A State may identify in the State plan additional performance accountability indicators.

(ii) SECRETARY IDENTIFIED.—The Secretary may identify additional indicators related to the quality of participants' unsubsidized employment after exit from a program, including factors such as availability of paid time off, health, and retirement benefits, workplace safety and non-discrimination standards, predictable and stable work schedule, stackable credentials, and advancement opportunities.

(3) LEVELS OF PERFORMANCE.—

(A) STATE ADJUSTED LEVELS OF PERFORMANCE FOR PRIMARY INDICATORS.—

(i) IN GENERAL.—For each State submitting a State plan, there shall be established, in accordance with this subparagraph, levels of performance for each of the corresponding primary indicators of performance

described in paragraph (2) for each of the programs described in clause (ii).

(ii) INCLUDED PROGRAMS.—The programs included under clause (i) are—

(I) the youth program authorized under chapter 2 of subtitle B;

(II) the adult program authorized under chapter 3 of subtitle B;

(III) the dislocated worker program authorized under chapter 3 of subtitle B;

(IV) the program of adult education and literacy activities authorized under title II;

(V) the employment services program authorized under sections 1 through 13 of the Wagner-Peyser Act (29 U.S.C. 49 et seq.); and

(VI) the program authorized under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.), other than section 112 or part C of that title (29 U.S.C. 732, 741).

[(iii) IDENTIFICATION IN STATE PLAN.—Each State shall identify, in the State plan, expected levels of performance for each of the corresponding primary indicators of performance for each of the programs described in clause (ii) for the first 2 program years covered by the State plan.]

(iii) IDENTIFICATION IN STATE PLAN.—The Secretary of Labor in conjunction with the Secretary of Education shall—

(I) propose expected levels of performance for each of the corresponding primary indicators of performance for each of the programs described in clause (ii) for each State for the first 2 program years covered by the State plan, and for the third and fourth program years covered by the State plan, which shall be consistent with the factors listed under clause (v); and

(II) publish on a publicly accessible website—

(aa) the statistical model developed under clause (viii), and the methodology used to develop each such proposed expected level of performance; and

(bb) each such proposal.

(iv) AGREEMENT ON STATE ADJUSTED LEVELS OF PERFORMANCE.—

(I) FIRST 2 YEARS.—The State shall reach agreement with the Secretary of Labor, in conjunction with the Secretary of Education on levels of performance for each indicator described in clause (iii) for each of the programs described in clause (ii) for each of the first 2 program years covered by the State plan. In reaching the agreement, the State and the Secretary of Labor in conjunction with the Secretary of Education shall take into account the levels identified in the State plan under clause (iii) and the factors described in clause (v).

The levels agreed to shall be considered to be the State adjusted levels of performance for the State for such program years and shall be incorporated into the State plan prior to the approval of such plan.

(II) THIRD AND FOURTH YEAR.—The State and the Secretary of Labor, in conjunction with the Secretary of Education, shall reach agreement, prior to the third program year covered by the State plan, on levels of performance for each indicator described in clause (iii) for each of the programs described in clause (ii) for each of the third and fourth program years covered by the State plan. In reaching the agreement, the State and Secretary of Labor, in conjunction with the Secretary of Education, shall take into account the factors described in clause (v). The levels agreed to shall be considered to be the State adjusted levels of performance for the State for such program years and shall be incorporated into the State plan as a modification to the plan.

(v) FACTORS.—In reaching the agreements described in clause (iv), the State and Secretaries shall—

(I) take into account how the levels involved compare with the State adjusted levels of performance established for other States;

(II) ensure that the levels involved are adjusted, using the objective statistical model established by the Secretaries pursuant to clause (viii), based on—

(aa) the differences among States in actual economic conditions (including differences in unemployment rates and job losses or gains in particular industries); and

(bb) the characteristics of participants when the participants entered the program involved, including indicators of poor work history, lack of work experience, lack of educational or occupational skills attainment, dislocation from high-wage and high-benefit employment, low levels of literacy or English proficiency, disability status, homelessness, [ex-offender status, and welfare dependency] *justice involvement, and receipt of public assistance, and other factors the Secretary determines relevant*;

[(III) take into account the extent to which the levels involved promote continuous improvement in performance accountability on the performance accountability measures by such State and ensure optimal return on the investment of Federal funds; and]

(III) take into account the extent to which the levels involved promote continuous improvement, which may reflect an increase in the level of per-

formance accountability measures, a change in service strategy and delivery, or a change in the participants served by such State and ensure optimal return on the investment of Federal funds; and

(IV) take into account the extent to which the levels involved will assist the State in meeting the goals described in clause (vi).

(vi) GOALS.—In order to promote enhanced performance outcomes and to facilitate the process of reaching agreements with the States under clause (iv), the Secretary of Labor, in conjunction with the Secretary of Education, shall establish performance goals for the core programs, in accordance with the Government Performance and Results Act of 1993 (Public Law 103-62; 107 Stat. 285) and the amendments made by that Act, and in consultation with States and other appropriate parties. Such goals shall be long-term goals for the adjusted levels of performance to be achieved by each of the programs described in clause (ii) regarding the corresponding primary indicators of performance described in paragraph (2)(A).

(vii) REVISIONS BASED ON ECONOMIC CONDITIONS AND INDIVIDUALS SERVED DURING THE PROGRAM YEAR.—The Secretary of Labor, in conjunction with the Secretary of Education, shall, in accordance with the objective statistical model developed pursuant to clause (viii), revise the State adjusted levels of performance applicable for each of the programs described in clause (ii), for a program year and a State, to reflect the actual economic conditions and characteristics of participants (as described in clause (v)(II)) in that program during such program year in such State.

[(viii) STATISTICAL ADJUSTMENT MODEL.—The Secretary of Labor and the Secretary of Education, after consultation with the representatives described in paragraph (4)(B), shall develop and disseminate an objective statistical model that will be used to make the adjustments in the State adjusted levels of performance for actual economic conditions and characteristics of participants under clauses (v) and (vii).**]**

(viii) STATISTICAL ADJUSTMENT MODEL.—The Secretary of Labor and the Secretary of Education, after consultation with the representatives described in paragraph (4)(B), shall—

(I) develop and disseminate an objective statistical model that will be used to make the adjustments in the State adjusted levels of performance for actual economic conditions and characteristics of participants under clauses (v) and (vii); and

(II) publicly disclose the factors included in the statistical adjustment model in a report describing the model used to determine the adjusted levels of performance.

(B) LEVELS OF PERFORMANCE FOR ADDITIONAL INDICATORS.—The State may identify, in the State plan, State levels of performance for each of the additional indicators identified under paragraph (2)(B). Such levels shall be considered to be State adjusted levels of performance for purposes of this section.

(4) DEFINITIONS OF INDICATORS OF PERFORMANCE.—

(A) IN GENERAL.—In order to ensure nationwide comparability of performance data, the Secretary of Labor and the Secretary of Education, after consultation with representatives described in subparagraph (B), shall issue definitions for the indicators described in paragraph (2).

(B) REPRESENTATIVES.—The representatives referred to in subparagraph (A) are representatives of States and political subdivisions, business and industry, employees, eligible providers of activities carried out through the core programs, educators, researchers, participants, the lead State agency officials with responsibility for the programs carried out through the core programs, individuals with expertise in serving individuals with barriers to employment, and other interested parties.

(c) LOCAL PERFORMANCE ACCOUNTABILITY MEASURES FOR SUBTITLE B.—

(1) IN GENERAL.—For each local area in a State designated under section 106, the local performance accountability measures for each of the programs described in subclauses (I) through (III) of subsection (b)(3)(A)(ii) shall consist of—

(A)(i) the primary indicators of performance described in subsection (b)(2)(A) that are applicable to such programs; and

(ii) additional indicators of performance, if any, identified by the State for such programs under subsection (b)(2)(B); and

(B) the local level of performance for each indicator described in subparagraph (A).

(2) LOCAL LEVEL OF PERFORMANCE.—The local board, the chief elected official, and the Governor shall negotiate and reach agreement on local levels of performance based on the State adjusted levels of performance established under subsection (b)(3)(A).

(3) ADJUSTMENT FACTORS.—In negotiating the local levels of performance, the local board, the chief elected official, and the Governor shall make adjustments for the expected economic conditions and the expected characteristics of participants to be served in the local area, using the statistical adjustment model developed pursuant to subsection (b)(3)(A)(viii). In addition, the negotiated local levels of performance applicable to a program year shall be revised to reflect the actual economic conditions experienced and the characteristics of the populations served in the local area during such program year using the statistical adjustment model.

(d) PERFORMANCE REPORTS.—

(1) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Secretary of Labor, in conjunction with the Secretary of Education, shall develop a template for

performance reports that shall be used by States, local boards, and eligible providers of training services under section 122 to report on outcomes achieved by the core programs. In developing such templates, the Secretary of Labor, in conjunction with the Secretary of Education, will take into account the need to maximize the value of the templates for workers, jobseekers, employers, local elected officials, State officials, Federal policymakers, and other key stakeholders.

(2) CONTENTS OF STATE PERFORMANCE REPORTS.—The performance report for a State shall include, subject to paragraph (5)(C)—

(A) information specifying the levels of performance achieved with respect to the primary indicators of performance described in subsection (b)(2)(A) for each of the programs described in subsection (b)(3)(A)(ii) and the State adjusted levels of performance with respect to such indicators for each program;

(B) information specifying the levels of performance achieved with respect to the primary indicators of performance described in subsection (b)(2)(A) for each of the programs described in subsection (b)(3)(A)(ii) with respect to individuals with barriers to employment, disaggregated by each subpopulation of such individuals, and by race, ethnicity, sex, and age;

(C) the total number of participants served by each of the programs described in subsection (b)(3)(A)(ii);

(D) the number of participants who received career and training services, respectively, during the most recent program year and the 3 preceding program years, and the amount of funds spent on each type of service;

(E) the number of participants who exited from career and training services, respectively, during the most recent program year and the 3 preceding program years;

(F) the average cost per participant of those participants who received career*, supportive,* and training services, respectively, during the most recent program year and the 3 preceding program years;

(G) the percentage of participants in a program authorized under this subtitle who received training services and obtained unsubsidized employment in a field related to the training received;

(H) the number *and percentage* of individuals with barriers to employment served by each of the programs described in subsection (b)(3)(A)(ii), disaggregated by each subpopulation of such individuals;

(I) the number of participants who are enrolled in more than 1 of the programs described in subsection (b)(3)(A)(ii);

(J) the percentage of the State's annual allotment under section 132(b) that the State spent on administrative costs;

(K) in the case of a State in which local areas are implementing pay-for-performance contract strategies for programs—

(i) the performance of service providers entering into contracts for such strategies, measured against the

levels of performance specified in the contracts for such strategies; and

(ii) an evaluation of the design of the programs and performance of the strategies, and, where possible, the level of satisfaction with the strategies among employers and participants benefitting from the strategies; and

(L) information on earnings of participants 4 quarters prior to receiving career and training services and, to the extent data is available, in years 2 and 3 after exit from career and training services;

[(L)] *(M)* other information that facilitates comparisons of programs with programs in other States.

(3) CONTENTS OF LOCAL AREA PERFORMANCE REPORTS.—The performance reports for a local area shall include, subject to paragraph (6)(C)—

(A) the information specified in subparagraphs (A) through (L) of paragraph (2), for each of the programs described in subclauses (I) through (III) of subsection (b)(3)(A)(ii);

(B) the percentage of the local area's allocation under sections 128(b) and 133(b) that the local area spent on administrative costs; and

(C) other information that facilitates comparisons of programs with programs in other local areas (or planning regions, as appropriate).

(4) CONTENTS OF ELIGIBLE TRAINING PROVIDERS PERFORMANCE REPORTS.—The performance report for an eligible provider of training services under section 122 shall include, subject to paragraph (6)(C), with respect to each program of study (or the equivalent) of such provider—

(A) information specifying the levels of performance achieved with respect to the primary indicators of performance described in subclauses (I) through (IV) of subsection (b)(2)(A)(i) with respect to all individuals engaging in the program of study (or the equivalent);

(B) the total number of individuals exiting from the program of study (or the equivalent);

(C) the total number of participants who received training services through each of the adult program and the dislocated worker program authorized under chapter 3 of subtitle B, disaggregated by the type of entity that provided the training, during the most recent program year and the 3 preceding program years;

(D) the total number of participants who exited from training services, disaggregated by the type of entity that provided the training, during the most recent program year and the 3 preceding program years;

(E) the average cost per participant for the participants who received training services, disaggregated by the type of entity that provided the training, during the most recent program year and the 3 preceding program years; and

(F) the number of individuals with barriers to employment served by each of the adult program and the dislocated worker program authorized under chapter 3 of sub-

title B, disaggregated by each subpopulation of such individuals, and by race, ethnicity, sex, and age.

(5) DATA VALIDATION.—In preparing the State reports described in this subsection, each State shall establish procedures, consistent with guidelines issued by the Secretary, in conjunction with the Secretary of Education, to ensure the information contained in the reports is valid and reliable.

(6) PUBLICATION.—

[(A) STATE PERFORMANCE REPORTS.—The Secretary of Labor and the Secretary of Education shall annually make available (including by electronic means), in an easily understandable format, the performance reports for States containing the information described in paragraph (2).

[(B) LOCAL AREA AND ELIGIBLE TRAINING PROVIDER PERFORMANCE REPORTS.—The State shall make available (including by electronic means), in an easily understandable format, the performance reports for the local areas containing the information described in paragraph (3) and the performance reports for eligible providers of training services containing the information described in paragraph (4).]

(A) STATE PERFORMANCE REPORTS.—The Secretary of Labor and the Secretary of Education shall annually make available the performance reports for States containing the information described in paragraph (2), which shall include making such reports available—

(i) digitally using transparent, linked, open, and interoperable data formats that are human readable and machine actionable such that the data from these reports can be easily included in web-based tools and services supporting search, discovery, comparison, analysis, navigation, and guidance;

(ii) electronically in easily understandable formats; and

(iii) in paper-based formats, as necessary.

(B) LOCAL AREA AND ELIGIBLE TRAINING PROVIDER PERFORMANCE REPORTS.—The State shall, on an annual basis, make available the performance reports for the local areas containing the information described in paragraph (3) and the performance reports for eligible providers of training services containing the information described in paragraph (4), which shall include making such reports available in each of the formats described in clauses (i) through (iii) of subparagraph (A).

(C) RULES FOR REPORTING OF DATA.—The disaggregation of data under this subsection shall not be required when the number of participants in a category is insufficient to yield statistically reliable information or when the results would reveal personally identifiable information about an individual participant.

(D) DISSEMINATION TO CONGRESS.—The Secretary of Labor and the Secretary of Education shall make available (including by electronic means) a summary of the reports, and the reports, required under this subsection to the Committee on Education and [the Workforce] *Labor* of the

House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate. The Secretaries shall prepare and make available with the reports a set of recommendations for improvements in and adjustments to pay-for-performance contract strategies used under subtitle B.

(e) EVALUATION OF STATE PROGRAMS.—

(1) IN GENERAL.—Using funds authorized under a core program and made available to carry out this section, the State, in coordination with local boards in the State and the State agencies responsible for the administration of the core programs, shall conduct ongoing evaluations of activities carried out in the State under such programs. The State, local boards, and State agencies shall conduct the evaluations in order to promote, establish, implement, and utilize methods for continuously improving core program activities in order to achieve high-level performance within, and high-level outcomes from, the workforce development system. The State shall coordinate the evaluations with the evaluations provided for by the Secretary of Labor and the Secretary of Education under section 169, section 242(c)(2)(D), and sections 12(a)(5), 14, and 107 of the Rehabilitation Act of 1973 (29 U.S.C. 709(a)(5), 711, 727) (applied with respect to programs carried out under title I of that Act (29 U.S.C. 720 et seq.)) and the investigations provided for by the Secretary of Labor under section 10(b) of the Wagner-Peyser Act (29 U.S.C. 49i(b)).

(2) DESIGN.—The evaluations conducted under this subsection shall be designed in conjunction with the State board, State agencies responsible for the administration of the core programs, and local boards and shall include analysis of customer feedback and outcome and process measures in the statewide workforce development system. The evaluations shall use designs that employ the most rigorous analytical and statistical methods that are reasonably feasible, such as the use of control groups.

(3) RESULTS.—The State shall annually prepare, submit to the State board and local boards in the State, and make available to the public (including by electronic means), reports containing the results of evaluations conducted under this subsection, to promote the efficiency and effectiveness of the workforce development system.

(4) COOPERATION WITH FEDERAL EVALUATIONS.—The State shall, to the extent practicable, cooperate in the conduct of evaluations (including related research projects) provided for by the Secretary of Labor or the Secretary of Education under the provisions of Federal law identified in paragraph (1). Such cooperation shall include the provision of data (in accordance with appropriate privacy protections established by the Secretary of Labor), the provision of responses to surveys, and allowing site visits in a timely manner, for the Secretaries or their agents.

(f) STATE EQUITY REPORTS.—

(1) IN GENERAL.—Using funds authorized under a core program and made available to carry out this section, the State, in coordination with local boards in the State and the State

agencies responsible for the administration of the core programs, shall annually prepare and submit to the Secretary a report on the progress of the State in achieving equitable outcomes in the State levels of performance relating to indicators described in subsection (b)(2)(A) for a program for any program year, which shall—

(A) identify and quantify any disparities or gaps in performance on such levels of performance for each such indicator between—

(i) individuals with barriers to employment; and

(ii) individuals without such barriers to employment; and

(B) include a quantifiable description of the progress that individuals with barriers to employment have made in meeting such levels of performance.

(2) INFORMATION DISAGGREGATION.—The information provided in subparagraphs (A) and (B) of paragraph (1) shall be disaggregated—

(A) by industry sector; and

(B) by each subpopulation of individuals with barriers to employment (as defined in section 3).

(3) INFORMATION DISSEMINATION.—The Secretary shall make the information contained in such reports available to the general public in a manner consistent with the requirements described in subsection (d)(6)(A).

[(f)**]** *(g)* SANCTIONS FOR STATE FAILURE TO MEET STATE PERFORMANCE ACCOUNTABILITY MEASURES.—

(1) STATES.—

(A) TECHNICAL ASSISTANCE.—If a State fails to meet the State adjusted levels of performance relating to indicators described in subsection (b)(2)(A) for a program for any program year, the Secretary of Labor and the Secretary of Education shall provide technical assistance, including assistance in the development of a performance improvement plan.

(B) REDUCTION IN AMOUNT OF GRANT.—If such failure continues for a second consecutive year, or (except in the case of exceptional circumstances as determined by the Secretary of Labor or the Secretary of Education, as appropriate) a State fails to submit a report under subsection (d) for any program year, the percentage of each amount that would (in the absence of this paragraph) be reserved by the Governor under section 128(a) for the immediately succeeding program year shall be reduced by 5 percentage points until such date as the Secretary of Labor or the Secretary of Education, as appropriate, determines that the State meets such State adjusted levels of performance and has submitted such reports for the appropriate program years.

[(g)**]** *(h)* SANCTIONS FOR LOCAL AREA FAILURE TO MEET LOCAL PERFORMANCE ACCOUNTABILITY MEASURES.—

(1) TECHNICAL ASSISTANCE.—If a local area fails to meet local performance accountability measures established under subsection (c) for the youth, adult, or dislocated worker program authorized under chapter 2 or 3 of subtitle B for any program

year, the Governor, or upon request by the Governor, the Secretary of Labor, shall provide technical assistance, which may include assistance in the development of a performance improvement plan or the development of a modified local plan (or regional plan).

(2) CORRECTIVE ACTIONS.—

(A) IN GENERAL.—If such failure continues for a third consecutive year, the Governor shall take corrective actions, which shall include development of a reorganization plan through which the Governor shall—

(i) require the appointment and certification of a new local board, consistent with the criteria established under section 107(b);

(ii) prohibit the use of eligible providers and one-stop partners identified as achieving a poor level of performance; or

(iii) take such other significant actions as the Governor determines are appropriate.

(B) APPEAL BY LOCAL AREA.—

(i) APPEAL TO GOVERNOR.—The local board and chief elected official for a local area that is subject to a reorganization plan under subparagraph (A) may, not later than 30 days after receiving notice of the reorganization plan, appeal to the Governor to rescind or revise such plan. In such case, the Governor shall make a final decision not later than 30 days after the receipt of the appeal.

(ii) SUBSEQUENT ACTION.—The local board and chief elected official for a local area may, not later than 30 days after receiving a decision from the Governor pursuant to clause (i), appeal such decision to the Secretary of Labor. In such case, the Secretary shall make a final decision not later than 30 days after the receipt of the appeal.

(C) EFFECTIVE DATE.—The decision made by the Governor under subparagraph (B)(i) shall become effective at the time the Governor issues the decision pursuant to such clause. Such decision shall remain effective unless the Secretary of Labor rescinds or revises such plan pursuant to subparagraph (B)(ii).

[(h)**]** *(i)* ESTABLISHING PAY-FOR-PERFORMANCE CONTRACT STRATEGY INCENTIVES.—Using non-Federal funds, the Governor may establish incentives for local boards to implement pay-for-performance contract strategies for the delivery of training services described in section 134(c)(3) or activities described in section 129(c)(2) in the local areas served by the local boards.

[(i)**]** *(j)* FISCAL AND MANAGEMENT ACCOUNTABILITY INFORMATION SYSTEMS.—

(1) IN GENERAL.—Using funds authorized under a core program and made available to carry out this chapter, the Governor, in coordination with the State board, the State agencies administering the core programs, local boards, and chief elected officials in the State, shall establish and operate a fiscal and management accountability information system based on guidelines established by the Secretary of Labor and the Sec-

retary of Education after consultation with the Governors of States, chief elected officials, and one-stop partners. Such guidelines shall promote efficient collection and use of fiscal and management information for reporting and monitoring the use of funds authorized under the core programs and for preparing the annual report described in subsection (d).

(2) WAGE RECORDS.—In measuring the progress of the State on State and local performance accountability measures, a State shall utilize quarterly wage records, consistent with State law. The Secretary of Labor shall make arrangements, consistent with State law, to ensure that the wage records of any State are available to any other State to the extent that such wage records are required by the State in carrying out the State plan of the State or completing the annual report described in subsection (d).

(3) CONFIDENTIALITY.—In carrying out the requirements of this Act, the State shall comply with section 444 of the General Education Provisions Act (20 U.S.C. 1232g).

Subtitle B—Workforce Investment Activities and Providers

CHAPTER 1—WORKFORCE INVESTMENT ACTIVITIES AND PROVIDERS

SEC. 121. ESTABLISHMENT OF ONE-STOP DELIVERY SYSTEMS.

(a) IN GENERAL.—Consistent with an approved State plan, the local board for a local area, with the agreement of the chief elected official for the local area, shall—

(1) develop and enter into the memorandum of understanding described in subsection (c) with one-stop partners;

(2) designate or certify one-stop operators under subsection (d); and

(3) conduct oversight with respect to the one-stop delivery system in the local area.

(b) ONE-STOP PARTNERS.—

(1) REQUIRED PARTNERS.—

(A) ROLES AND RESPONSIBILITIES OF ONE-STOP PARTNERS.—Each entity that carries out a program or activities described in subparagraph (B) in a local area shall—

(i) provide access through the one-stop delivery system to such program or activities carried out by the entity, including making the career services described in section 134(c)(2) that are applicable to the program or activities available at the one-stop centers (in addition to any other appropriate locations);

(ii) use a portion of the funds available for the program and activities to maintain the one-stop delivery system[, including payment of the infrastructure costs of one-stop centers in accordance with subsection (h)] *(other than payment of the physical and virtual infrastructure costs of one-stop centers in accordance with subsection (h), except as provided under subsection (c)(2)(A)(ii)(II) in the memorandum of understanding)*;

(iii) enter into a local memorandum of understanding with the local board, relating to the operation of the one-stop system, that meets the requirements of subsection (c);

(iv) participate in the operation of the one-stop system consistent with the terms of the memorandum of understanding, the requirements of this title, and the requirements of the Federal laws authorizing the program or activities; and

(v) provide representation on the State board to the extent provided under section 101.

(B) PROGRAMS AND ACTIVITIES.—The programs and activities referred to in subparagraph (A) consist of—

(i) programs authorized under this title;

(ii) programs authorized under the Wagner-Peyser Act (29 U.S.C. 49 et seq.);

(iii) adult education and literacy activities authorized under title II;

(iv) programs authorized under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.) (other than section 112 or part C of title I of such Act (29 U.S.C. 732, 741);

(v) activities authorized under title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.);

(vi) career and technical education programs at the postsecondary level authorized under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.);

(vii) activities authorized under chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.);

(viii) activities authorized under chapter 41 of title 38, United States Code;

(ix) employment and training activities carried out under the Community Services Block Grant Act (42 U.S.C. 9901 et seq.);

(x) employment and training activities carried out by the Department of Housing and Urban Development;

(xi) programs authorized under State unemployment compensation laws (in accordance with applicable Federal law); *and*

[(xii) programs authorized under section 212 of the Second Chance Act of 2007 (42 U.S.C. 17532); and**]**

[(xiii)**]** *(xii)* programs authorized under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), subject to subparagraph (C).

(C) DETERMINATION BY THE GOVERNOR.—

(i) IN GENERAL.—An entity that carries out a program referred to in subparagraph (B)(xiii) shall be included in the one-stop partners for the local area, as a required partner, for purposes of this Act and the other core program provisions that are not part of this Act, unless the Governor provides the notification described in clause (ii).

(ii) NOTIFICATION.—The notification referred to in clause (i) is a notification that—

(I) is made in writing of a determination by the Governor not to include such entity in the one-stop partners described in clause (i); and

(II) is provided to the Secretary of Labor (referred to in this subtitle, and subtitles C through E, as the "Secretary") [and the Secretary of Health and Human Services], *the Secretary of Education, and the Secretary of Health and Human Services*.

(2) ADDITIONAL PARTNERS.—

(A) IN GENERAL.—With the approval of the local board and chief elected official, in addition to the entities described in paragraph (1), other entities that carry out workforce development programs described in subparagraph (B) may be one-stop partners for the local area and carry out the responsibilities described in paragraph (1)(A).

(B) PROGRAMS.—The programs referred to in subparagraph (A) may include—

(i) employment and training programs administered by the Social Security Administration, including the Ticket to Work and Self-Sufficiency Program established under section 1148 of the Social Security Act (42 U.S.C. 1320b-19);

(ii) employment and training programs carried out by the Small Business Administration;

(iii) programs authorized under section 6(d)(4) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(d)(4));

(iv) work programs authorized under section 6(o) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(o));

(v) programs carried out under section 112 of the Rehabilitation Act of 1973 (29 U.S.C. 732);

(vi) programs authorized under the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.); [and]

(vii) employment and training programs carried out by the Economic Development Administration; and

[(vii)] *(viii)* other appropriate Federal, State, or local programs, including employment, education, and training programs provided by public libraries or in the private sector.

(c) MEMORANDUM OF UNDERSTANDING.—

(1) DEVELOPMENT.—The local board, with the agreement of the chief elected official, shall develop and enter into a memorandum of understanding (between the local board and the one-stop partners), consistent with paragraph (2), concerning the operation of the one-stop delivery system in the local area.

(2) CONTENTS.—Each memorandum of understanding shall contain—

(A) provisions describing—

(i) the services to be provided through the one-stop delivery system consistent with the requirements of this section, including the manner in which the serv-

ices will be coordinated and delivered through such system;

(ii) how the costs of such services and the operating costs of such system will be funded, including—

(I) funding through cash and in-kind contributions (fairly evaluated), which contributions may include funding from philanthropic organizations or other private entities, or through other alternative financing options, to provide a stable and equitable funding stream for ongoing one-stop delivery system operations; [and]

[(II) funding of the infrastructure costs of one-stop centers in accordance with subsection (h);]

(II) funding of physical and virtual infrastructure costs of one-stop centers in accordance with subsection (h)(3), if funding received by the local area under subsection (h)(2) is insufficient to cover such costs;

(iii) methods of referral of individuals between the one-stop operator and the one-stop partners for appropriate services and activities;

[(iv) methods to ensure the needs of workers and youth, and individuals with barriers to employment, including individuals with disabilities, are addressed in the provision of necessary and appropriate access to services, including access to technology and materials, made available through the one-stop delivery system; and]

(iv) methods to provide appropriate access of services (including access to technology and materials) to workers, youth, and individuals with barriers to employment through the one-stop delivery system to address the needs of such workers and youth, and to increase access, particularly in underserved and rural communities; and

(v) the duration of the memorandum of understanding and the procedures for amending the memorandum during the duration of the memorandum, and assurances that such memorandum shall be reviewed not less than once every 3-year period to ensure appropriate funding and delivery of services; and

(B) such other provisions, consistent with the requirements of this title, as the parties to the agreement determine to be appropriate.

(d) ONE-STOP OPERATORS.—

(1) LOCAL DESIGNATION AND CERTIFICATION.—Consistent with paragraphs (2) and (3), the local board, with the agreement of the chief elected official, is authorized to designate or certify one-stop operators and to terminate for cause the eligibility of such operators.

(2) ELIGIBILITY.—To be eligible to receive funds made available under this subtitle to operate a one-stop center referred to in subsection (e), an entity (which may be a consortium of entities)—

(A) shall be designated or certified as a one-stop operator through a competitive [process; and] *process, except as authorized by paragraph (4); and*

(B) shall be an entity (public, private, or nonprofit), or consortium of entities (including a consortium of entities that, at a minimum, includes 3 or more of the one-stop partners described in subsection (b)(1)), of demonstrated effectiveness, located in the local area, which may include—

[(i) an institution of higher education;]

(i) a secondary school, an area career and technical education school, or an institution of higher education;

(ii) an employment service State agency established under the Wagner-Peyser Act (29 U.S.C. 49 et seq.), on behalf of the local office of the agency;

(iii) a community-based organization, nonprofit organization, or intermediary;

(iv) a private for-profit entity;

(v) a government agency; [and]

(vi) a public library; and

[(vi)] *(vii)* another interested organization or entity, which may include a local chamber of commerce or other business organization, or a labor *or joint labor-management* organization.

(3) RESPONSIBILITIES.—The responsibilities of the one-stop operator—

(A) shall include managing the physical and virtual infrastructure and operations of the one-stop system in the local area, and facilitating coordination among the partners in the one-stop system; and

(B) may include the provision of direct services to job seekers and employers.

(4) LOCAL BOARD AS ONE-STOP OPERATOR.—Subject to approval from the Governor and in accordance with any other eligibility criteria established by the State, a local board may serve as a one-stop operator consistent with the requirements of this subsection.

[(3)] *(5)* EXCEPTION.—Elementary schools [and secondary schools] shall not be eligible for designation or certification as one-stop operators, except that nontraditional public secondary schools and area career and technical education schools may be eligible for such designation or certification.

[(4)] *(6)* ADDITIONAL REQUIREMENTS.—The State and local boards shall ensure that in carrying out activities under this title, one-stop operators—

(A) disclose any potential conflicts of interest arising from the relationships of the operators with particular training service providers or other service providers;

(B) do not establish practices that create disincentives to providing services to individuals with barriers to employment who may require longer-term services, such as intensive employment, training, and education services; and

(C) comply with Federal regulations, and procurement policies, relating to the calculation and use of profits.

(e) ESTABLISHMENT OF ONE-STOP DELIVERY SYSTEM.—

(1) IN GENERAL.—There shall be established in each local area in a State that receives an allotment under section 132(b) a one-stop delivery system, which shall—

(A) provide the career services described in section 134(c)(2);

(B) provide access to training services as described in section 134(c)(3), including serving as the point of access to training services for participants in accordance with section 134(c)(3)(G);

(C) provide access to the employment and training activities carried out under section 134(d), if any;

(D) provide access to programs and activities carried out by one-stop partners described in subsection (b); and

(E) provide access to the data, information, and analysis described in section 15(a) of the Wagner-Peyser Act (29 U.S.C. 49l-2(a)) and all job search, placement, recruitment, and other labor exchange services authorized under the Wagner-Peyser Act (29 U.S.C. 49 et seq.).

(2) ONE-STOP DELIVERY.—The one-stop delivery system—

(A) at a minimum, shall make each of the programs, services, and activities described in paragraph (1) accessible *in person or virtually* at not less than 1 physical center in each local area of the State *and virtually in a manner that improves efficiency, coordination, and quality in the delivery of one-stop partner services*; and

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

(i) through a network of affiliated sites *(such as a community college campus, a secondary school, an area career and technical education school, or a public library) and through community-based organizations* that can provide 1 or more of the programs, services, and activities to individuals; and

(ii) through a network of eligible one-stop partners—

(I) in which each partner provides 1 or more of the programs, services, and activities to such individuals and is accessible at an affiliated site that consists of a physical location or an electronically or technologically linked access point; and

(II) that assures individuals that information on the availability of the career services will be available regardless of where the individuals initially enter the statewide workforce development system, including information made available through an access point described in subclause (I); *and*

(C) may have *virtual or physical* specialized centers to address special needs, such as the needs of dislocated workers, youth, or key industry sectors or clusters**[**; and**]**.

[(D) as applicable and practicable, shall make programs, services, and activities accessible to individuals through electronic means in a manner that improves efficiency, coordination, and quality in the delivery of one-stop partner services.**]**

(3) COLOCATION OF WAGNER-PEYSER SERVICES.—Consistent with section 3(d) of the Wagner-Peyser Act (29 U.S.C. 49b(d)), and in order to improve service delivery, avoid duplication of services, and enhance coordination of services, including location of staff to ensure access to services in underserved areas, the employment service offices in each State shall be colocated with one-stop centers established under this title.

(4) USE OF COMMON ONE-STOP DELIVERY SYSTEM IDENTIFIER.—In addition to using any State or locally developed identifier, each one-stop delivery system shall include in the identification of products, programs, activities, services, facilities, and related property and materials, a common one-stop delivery system identifier. The identifier shall be developed by the Secretary, in consultation with heads of other appropriate departments and agencies, and representatives of State boards and local boards and of other stakeholders in the one-stop delivery system, not later than the beginning of the second full program year after the date of enactment of this Act. Such common identifier may consist of a logo, phrase, or other identifier that informs users of the one-stop delivery system that such products, programs, activities, services, facilities, property, or materials are being provided through such system. Nothing in this paragraph shall be construed to prohibit one-stop partners, States, or local areas from having additional identifiers.

(f) APPLICATION TO CERTAIN VOCATIONAL REHABILITATION PROGRAMS.—

(1) LIMITATION.—Nothing in this section shall be construed to apply to part C of title I of the Rehabilitation Act of 1973 (29 U.S.C. 741).

(2) CLIENT ASSISTANCE.—Nothing in this Act shall be construed to require that any entity carrying out a client assistance program authorized under section 112 of the Rehabilitation Act of 1973 (29 U.S.C. 732)—

(A) be included as a mandatory one-stop partner under subsection (b)(1); or

(B) if the entity is included as an additional one-stop partner under subsection (b)(2)—

(i) violate the requirement of section 112(c)(1)(A) of that Act (29 U.S.C. 732(c)(1)(A)) that the entity be independent of any agency that provides treatment, services, or rehabilitation to individuals under that Act; or

(ii) carry out any activity not authorized under section 112 of that Act (including appropriate Federal regulations).

(g) CERTIFICATION AND CONTINUOUS IMPROVEMENT OF ONE-STOP CENTERS.—

(1) IN GENERAL.—In order to be eligible to receive infrastructure funding described in subsection (h), the State board, in consultation with chief elected officials and local boards, shall establish objective criteria and procedures for use by local boards in assessing at least once every 3 years the effectiveness, physical and programmatic accessibility in accordance with section 188, if applicable, and the Americans with Disabil-

ities Act of 1990 (42 U.S.C. 12101 et seq.), and continuous improvement of one-stop centers and the one-stop delivery system, consistent with the requirements of section 101(d)(6).

(2) CRITERIA.—The criteria and procedures developed under this subsection shall include standards relating to service coordination achieved by the one-stop delivery system with respect to the programs administered by the one-stop partners at the one-stop centers. Such criteria and procedures shall—

(A) be developed in a manner that is consistent with the guidelines, guidance, and policies provided by the Governor and by the State board, in consultation with the chief elected officials and local boards, for such partners' participation under [subsections (h)(1)] *subsections (h)(3)* and (i); and

(B) include such factors relating to the effectiveness, accessibility, and improvement of the one-stop delivery system as the State board determines to be appropriate, including at a minimum how well the one-stop center—

(i) supports the achievement of the negotiated local levels of performance for the indicators of performance described in section 116(b)(2) for the local area;

(ii) integrates available services; and

(iii) meets the workforce development and employment needs of local employers and participants.

(3) LOCAL CRITERIA.—Consistent with the criteria developed under paragraph (1) by the State, a local board in the State may develop additional criteria (or higher levels of service coordination than required for the State-developed criteria) relating to service coordination achieved by the one-stop delivery system, for purposes of assessments described in paragraph (1), in order to respond to labor market, economic, and demographic, conditions and trends in the local area.

(4) EFFECT OF CERTIFICATION.—One-stop centers certified under this subsection shall be eligible to receive the infrastructure funding described in subsection (h).

(5) REVIEW AND UPDATE.—The criteria and procedures established under this subsection shall be reviewed and updated by the State board or the local board, as the case may be, as part of the biennial process for review and modification of State and local plans described in sections 102(c)(2) and 108(a).

[(h) FUNDING OF ONE-STOP INFRASTRUCTURE.—

[(1) IN GENERAL.—

[(A) OPTIONS FOR INFRASTRUCTURE FUNDING.—

[(i) LOCAL OPTIONS.—The local board, chief elected officials, and one-stop partners described in subsection (b)(1) in a local area may fund the costs of infrastructure of one-stop centers in the local area through—

[(I) methods agreed on by the local board, chief elected officials, and one-stop partners (and described in the memorandum of understanding described in subsection (c)); or

[(II) if no consensus agreement on methods is reached under subclause (I), the State infrastructure funding mechanism described in paragraph (2).

[(ii) FAILURE TO REACH CONSENSUS AGREEMENT ON FUNDING METHODS.—Beginning July 1, 2016, if the local board, chief elected officials, and one-stop partners described in subsection (b)(1) in a local area fail to reach consensus agreement on methods of sufficiently funding the costs of infrastructure of one-stop centers for a program year, the State infrastructure funding mechanism described in paragraph (2) shall be applicable to such local area for that program year and for each subsequent program year for which those entities and individuals fail to reach such agreement.

[(B) GUIDANCE FOR INFRASTRUCTURE FUNDING.—In addition to carrying out the requirements relating to the State infrastructure funding mechanism described in paragraph (2), the Governor, after consultation with chief elected officials, local boards, and the State board, and consistent with the guidance and policies provided by the State board under subparagraphs (B) and (C)(i) of section 101(d)(7), shall provide, for the use of local areas under subparagraph (A)(i)(I)—

[(i) guidelines for State-administered one-stop partner programs, for determining such programs' contributions to a one-stop delivery system, based on such programs' proportionate use of such system consistent with chapter II of title 2, Code of Federal Regulations (or any corresponding similar regulation or ruling), including determining funding for the costs of infrastructure, which contributions shall be negotiated pursuant to the memorandum of understanding under subsection (c); and

[(ii) guidance to assist local boards, chief elected officials, and one-stop partners in local areas in determining equitable and stable methods of funding the costs of infrastructure of one-stop centers in such areas.

[(2) STATE ONE-STOP INFRASTRUCTURE FUNDING.—

[(A) DEFINITION.—In this paragraph, the term "covered portion", used with respect to funding for a fiscal year for a program described in subsection (b)(1), means a portion determined under subparagraph (C) of the Federal funds provided to a State (including local areas within the State) under the Federal law authorizing that program described in subsection (b)(1) for the fiscal year (taking into account the availability of funding for purposes related to infrastructure from philanthropic organizations, private entities, or other alternative financing options).

[(B) PARTNER CONTRIBUTIONS.—Subject to subparagraph (D), for local areas in a State that are not covered by paragraph (1)(A)(i)(I), the covered portions of funding for a fiscal year shall be provided to the Governor from the programs described in subsection (b)(1), to assist in paying the costs of infrastructure of one-stop centers in those local areas of the State not adequately funded under the option described in paragraph (1)(A)(i)(I).

[(C) DETERMINATION OF GOVERNOR.—

[(i) IN GENERAL.—Subject to clause (ii) and subparagraph (D), the Governor, after consultation with chief elected officials, local boards, and the State board, shall determine the portion of funds to be provided under subparagraph (B) by each one-stop partner from each program described in subparagraph (B). In making such determination for the purpose of determining funding contributions, for funding pursuant to clause (i)(II) or (ii) of paragraph (1)(A) by each partner, the Governor shall calculate amounts for the proportionate use of the one-stop centers in the State, consistent with chapter II of title 2, Code of Federal Regulations (or any corresponding similar regulation or ruling), taking into account the costs of administration of the one-stop delivery system for purposes not related to one-stop centers, for each partner. The Governor shall exclude from such determination of funds the amounts for proportionate use of one-stop centers attributable to the programs of one-stop partners for those local areas of the State where the costs of infrastructure of one-stop centers are funded under the option described in paragraph (1)(A)(i)(I). The Governor shall also take into account the statutory requirements for each partner program and the partner program's ability to fulfill such requirements.

[(ii) SPECIAL RULE.—In a State in which the State constitution or a State statute places policymaking authority that is independent of the authority of the Governor in an entity or official with respect to the funds provided for adult education and literacy activities authorized under title II, postsecondary career and technical education activities authorized under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.), or vocational rehabilitation services offered under a provision covered by section 3(13)(D), the determination described in clause (i) with respect to the programs authorized under that title, Act, or provision shall be made by the chief officer of the entity, or the official, with such authority in consultation with the Governor.

[(D) LIMITATIONS.—

[(i) PROVISION FROM ADMINISTRATIVE FUNDS.—

[(I) IN GENERAL.—Subject to subclause (II), the funds provided under this paragraph by each one-stop partner shall be provided only from funds available for the costs of administration under the program administered by such partner, and shall be subject to the program's limitations with respect to the portion of funds under such program that may be used for administration.

[(II) EXCEPTIONS.—Nothing in this clause shall be construed to apply to the programs carried out under this title, or under title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.).

[(ii) CAP ON REQUIRED CONTRIBUTIONS.—For local areas in a State that are not covered by paragraph (1)(A)(i)(I), the following rules shall apply:

[(I) WIA FORMULA PROGRAMS AND EMPLOYMENT SERVICE.—The portion of funds required to be contributed under this paragraph from a program authorized under chapter 2 or 3, or the Wagner-Peyser Act (29 U.S.C. 49 et seq.) shall not exceed 3 percent of the amount of Federal funds provided to carry out that program in the State for a fiscal year.

[(II) OTHER ONE-STOP PARTNERS.—The portion of funds required to be contributed under this paragraph from a program described in subsection (b)(1) other than the programs described in subclause (I) shall not exceed 1.5 percent of the amount of Federal funds provided to carry out that program in the State for a fiscal year.

[(III) VOCATIONAL REHABILITATION.—Notwithstanding subclauses (I) and (II), an entity administering a program described in subsection (b)(1)(B)(iv) shall not be required to provide from that program, under this paragraph, a portion that exceeds—

[(aa) 0.75 percent of the amount of Federal funds provided to carry out such program in the State for the second full program year that begins after the date of enactment of this Act;

[(bb) 1.0 percent of the amount provided to carry out such program in the State for the third full program year that begins after such date;

[(cc) 1.25 percent of the amount provided to carry out such program in the State for the fourth full program year that begins after such date; and

[(dd) 1.5 percent of the amount provided to carry out such program in the State for the fifth and each succeeding full program year that begins after such date.

[(iii) FEDERAL DIRECT SPENDING PROGRAMS.—For local areas in a State that are not covered by paragraph (1)(A)(i)(I), an entity administering a program funded with direct spending as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, as in effect on February 15, 2014 (2 U.S.C. 900(c)(8)) shall not be required to provide, for purposes of this paragraph, an amount in excess of the amount determined under subparagraph (C)(i) to be equivalent to the cost of the proportionate use of the one-stop centers for the one-stop partner for such program in the State.

[(iv) NATIVE AMERICAN PROGRAMS.—One-stop partners for Native American programs established under

section 166 shall not be subject to the provisions of this subsection (other than this clause) or subsection (i). For purposes of subsection (c)(2)(A)(ii)(II), the method for determining the appropriate portion of funds to be provided by such partners to pay for the costs of infrastructure of a one-stop center shall be determined as part of the development of the memorandum of understanding under subsection (c) for the one-stop center and shall be stated in the memorandum.

[(E) APPEAL BY ONE-STOP PARTNERS.—The Governor shall establish a process, described under section 102(b)(2)(D)(i)(IV), for a one-stop partner administering a program described in subsection (b)(1) to appeal a determination regarding the portion of funds to be provided under this paragraph. Such a determination may be appealed under the process on the basis that such determination is inconsistent with the requirements of this paragraph. Such process shall ensure prompt resolution of the appeal in order to ensure the funds are distributed in a timely manner, consistent with the requirements of section 182(e).

[(3) ALLOCATION BY GOVERNOR.—

[(A) IN GENERAL.—From the funds provided under paragraph (1), the Governor shall allocate the funds to local areas described in subparagraph (B) in accordance with the formula established under subparagraph (B) for the purposes of assisting in paying the costs of infrastructure of one-stop centers.

[(B) ALLOCATION FORMULA.—The State board shall develop a formula to be used by the Governor to allocate the funds provided under paragraph (1) to local areas not funding costs of infrastructure under the option described in paragraph (1)(A)(i)(I). The formula shall be based on factors including the number of one-stop centers in a local area, the population served by such centers, the services provided by such centers, and other factors relating to the performance of such centers that the State board determines are appropriate.

[(4) COSTS OF INFRASTRUCTURE.—In this subsection, the term "costs of infrastructure", used with respect to a one-stop center, means the nonpersonnel costs that are necessary for the general operation of the one-stop center, including the rental costs of the facilities, the costs of utilities and maintenance, equipment (including assessment-related products and assistive technology for individuals with disabilities), and technology to facilitate access to the one-stop center, including the center's planning and outreach activities.]

(h) FUNDING OF ONE-STOP INFRASTRUCTURE.—

(1) IN GENERAL.—For any program year, not more than 10 percent of the funds allotted under sections 127, 132, and 211, and section 6 of the Wagner-Peyser Act (29 U.S.C. 49e) shall be used to fund the costs of infrastructure of one-stop centers in local areas.

(2) ALLOCATION BY GOVERNOR.—

(A) IN GENERAL.—From the funds provided under paragraph (1), the Governor shall allocate the funds to local areas in accordance with the formula established under subparagraph (B) for the purposes of paying the costs of infrastructure of one-stop centers.

(B) ALLOCATION FORMULA.—The State board shall develop a formula to be used by the Governor to allocate the funds provided under paragraph (1) to local areas. The formula shall be based on factors including the number of one-stop centers in a local area, the intensity of services provided by such centers, the population served by such centers, the services provided by such centers, and other factors relating to the performance of such centers that the State board determines are appropriate.

(C) COSTS OF INFRASTRUCTURE.—In this subsection, the term "costs of infrastructure", used with respect to a one-stop center, means the nonpersonnel costs that are necessary for the general operation of the one-stop center (whether for in-person or virtual service delivery), including the rental costs of the facilities, the costs of utilities and maintenance, equipment (including assessment-related products and assistive technology for individuals with disabilities), and technology to facilitate access to the one-stop center, including the center's planning and outreach activities.

(3) ADDITIONAL FUNDING.—

(A) IN GENERAL.—In the case of a local area for which funds allocated under paragraph (2) are insufficient to cover the total costs of infrastructure of one-stop centers in such local area, the local board, chief elected officials, and one-stop partners described in subsection (b)(1) in such local area may fund such costs through methods agreed on by the local board, chief elected officials, and one-stop partners (and described in the memorandum of understanding described in subsection (c)).

(B) GUIDANCE FOR INFRASTRUCTURE FUNDING.—The Governor, after consultation with chief elected officials, local boards, and the State board, and consistent with the guidance and policies provided by the State board under subparagraphs (B) and (C)(i) of section 101(d)(7), shall provide, for the use of local areas under subparagraph (A)—

(i) guidelines for State-administered one-stop partner programs, for determining such programs' contributions to a one-stop delivery system, based on such programs' proportionate use of such system consistent with chapter II of title 2, Code of Federal Regulations (or any corresponding similar regulation or ruling), including determining funding for the costs of infrastructure, which contributions shall be negotiated pursuant to the memorandum of understanding under subsection (c); and

(ii) guidance to assist local boards, chief elected officials, and one-stop partners in local areas in determining equitable and stable methods of funding the costs of infrastructure of one-stop centers in such areas.

(i) OTHER FUNDS.—

(1) IN GENERAL.—Subject to the memorandum of understanding described in subsection (c) for the one-stop delivery system involved, in addition to the funds provided to carry out subsection (h), a portion of funds made available under Federal law authorizing the programs described in subsection (b) and administered by one-stop partners, or the noncash resources available under such programs, shall be used to pay the additional costs relating to the operation of the one-stop delivery system that are not paid from the funds provided under subsection (h), as determined in accordance with paragraph (3), to the extent not inconsistent with the Federal law involved. Such costs shall include the costs of the provision of career services described in section 134(c)(2) applicable to each program and may include common costs that are not paid from the funds provided under subsection (h).

(2) SHARED SERVICES.—The costs described under paragraph (1) may include costs of services that are authorized for and may be commonly provided through the one-stop partner programs to any individual, such as initial intake, assessment of needs, appraisal of [basic skills] *foundational skill needs*, identification of appropriate services to meet such needs, referrals to other one-stop partners, and other similar services.

(3) DETERMINATION AND GUIDANCE.—The method for determining the appropriate portion of funds and noncash resources to be provided by the one-stop partner for each program under paragraph (1) for a one-stop center shall be determined as part of the development of the memorandum of understanding under subsection (c) for the one-stop center and shall be stated in the memorandum. The State board shall provide guidance to facilitate the determination, for purposes of the memorandum of understanding, of an appropriate allocation of the funds and noncash resources in local areas, consistent with the requirements of section 101(d)(6)(C).

SEC. 122. IDENTIFICATION OF ELIGIBLE PROVIDERS OF TRAINING SERVICES.

(a) ELIGIBILITY.—

(1) IN GENERAL.—Except as provided in subsection (h), the Governor, after consultation with the State board, shall establish criteria, information requirements, and procedures regarding the eligibility of providers of training services to receive funds provided under section 133(b) for the provision of training services in local areas in the State.

(2) PROVIDERS.—Subject to the provisions of this section, to be eligible to receive those funds for the provision of training services, the provider shall be—

(A) an institution of higher education that provides a program that leads to a recognized postsecondary credential;

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

(C) another public or private provider of a program of training services, which may include joint labor-manage-

ment organizations, and eligible providers of adult education and literacy activities under title II if such activities are provided in combination with occupational skills training.

(3) INCLUSION IN LIST OF ELIGIBLE PROVIDERS.—A provider described in subparagraph (A) or (C) of paragraph (2) shall comply with the criteria, information requirements, and procedures established under this section to be included on the list of eligible providers of training services described in subsection (d). A provider described in paragraph (2)(B) shall be included and maintained on the list of eligible providers of training services described in subsection (d) for so long as the corresponding program of the provider remains registered as described in paragraph (2)(B).

(4) CONSUMER CHOICE.—In establishing criteria, information requirements, and procedures under this subsection, the Governor shall not limit the provision of consumer choice under section 134(c)(3)(F).

(b) CRITERIA AND INFORMATION REQUIREMENTS.—

(1) STATE CRITERIA.—**[**In establishing criteria pursuant to subsection (a), the Governor shall take into account each of the following:**]** *The criteria established pursuant to subsection (a) shall include criteria on each of the following:*

(A) The performance of providers of training services with respect to—

(i) the **[**performance accountability measures**]** *levels of performance achieved on the indicators described in section 116* and other matters for which information is required under paragraph (2); and

(ii) other appropriate measures of performance outcomes determined by the Governor for those participants receiving training services under this subtitle (taking into consideration the characteristics of the population served and relevant economic conditions), and the outcomes of the program through which those training services were provided for students in general with respect to employment and earnings as defined under section 116(b)(2).

(B) **[**The need to ensure**]** *Ensuring* access to training services throughout the State, including in rural areas, and through the use of technology *and online learning platforms*.

(C) Information reported to State agencies with respect to Federal and State programs involving training services (other than the program carried out under this subtitle), including one-stop partner programs.

[(D) The degree to which the training programs of such providers relate to in-demand industry sectors and occupations in the State.

[(E) The requirements for State licensing of providers of training services, and the licensing status of providers of training services if applicable.

[(F) Ways in which the criteria can encourage, to the extent practicable, the providers to use industry-recognized certificates or certifications.

[(G) The ability of the providers to offer programs that lead to recognized postsecondary credentials.

[(H) The quality of a program of training services, including a program of training services that leads to a recognized postsecondary credential.]

(D)(i) With respect to each training program of each such provider—

(I) the degree to which the training program—

(aa) relates to in-demand industry sectors and occupations in the State or local areas within the State, based on analysis of labor market data and direct engagement with local employers; and

(bb) satisfies any applicable educational requirements for professional licensure or certification, including licensure or certification examinations needed to practice or find employment in the sectors or occupations for which the program prepares the individual in the State; and

(II) the expected—

(aa) recognized postsecondary credentials earned as part of such program;

(bb) employment opportunities upon program completion;

(cc) median earnings of individuals during the fourth quarter after exit from the program, as compared to median earnings of occupations for which the program prepares the individual in the State and local area;

(dd) program cost of such program;

(ee) competencies taught as part of such program that align to expected job opportunities;

(ff) time to completion of such program; and

(gg) alignment of such program to career pathways; and

(ii)(I) Subject to subclauses (II) and (III), the information described in clause (i) shall be validated in accordance with guidance issued by the Secretary with respect to each training program of each such provider, which may include validation, by at least one of the following entities:

(aa) 3 or more employers.

(bb) An industry association.

(cc) A labor organization or joint labor-management organization, or an industry or sector partnership.

(II) The requirements of subclause (I) shall not apply to any program that is—

(aa) offered by a public institution of higher education; or

(bb) accredited by a programmatic accrediting agency (as defined in section 602.3 of title 34, Code of Federal Regulations (or successor regulations)).

(III) An entity listed in item (aa), (bb), or (cc) of subclause (I) that is providing validation under this clause with respect to a training program may not be the provider of such training program.

[(I)] *(E)* The ability of the providers to provide training services to individuals who are employed and individuals with barriers to employment.

[(J)] *(F)* Such other factors as the Governor determines are appropriate to ensure—

[(i) the accountability of the providers;]

(i) the accountability of the providers, including in the case of a training program that is offered by an institution of higher education, that such institution has not been subject, during the 5 years preceding the date of the determination of whether such a provider meets such criteria, to—

(I) any suspension, emergency action, or termination of programs under title IV of the Higher Education Act of 1965;

(II) any adverse action by the accrediting agency or association of the institution of higher education; or

(III) any action by the State to revoke a license or other authority to operate;

(ii) that the [one-stop centers] *local boards* in the State will ensure that such providers meet the needs of local employers and participants;

(iii) the informed choice of participants among training services providers; and

(iv) that the collection of information required to demonstrate compliance with the criteria is not unduly burdensome or costly to providers.

(2) STATE INFORMATION REQUIREMENTS.—[The information] *(A) PROVIDERS OF TRAINING SERVICES.—The information* requirements established by the Governor shall require that a provider of training services submit appropriate, accurate, and timely information to the State, to enable the State to carry out subsection (d), with respect to participants receiving training services under this subtitle in the applicable program, including—

[(A)] *(i)* information on the performance of the provider with respect to the performance accountability measures described in section 116 for such participants (taking into consideration the characteristics of the population served and relevant economic conditions), and information specifying the percentage of such participants who entered unsubsidized employment in an occupation related to the program, to the extent practicable;

[(B)] *(ii)* information on recognized postsecondary credentials received by such participants;

[(C)] *(iii)* information on cost of attendance, including costs of tuition and fees, for participants in the program;

[(D)] *(iv)* information on the program completion rate for such participants; and

[(E)] *(v)* information on the criteria described in paragraph (1).

(B) STATES.—The State shall make available on a publicly accessible website and in a manner that does not reveal personally identifiable information—

(i) the criteria, information requirements, and procedures regarding the eligibility of providers of training services established pursuant to subsection (a); and

(ii) the appropriate, accurate, and timely information each provider of training services submits to the State in accordance with subparagraph (A) of this paragraph.

(3) LOCAL CRITERIA AND INFORMATION REQUIREMENTS.—A local board in the State may establish criteria and information requirements in addition to the criteria and information requirements established by the Governor, or may require higher levels of performance than required for the criteria established by the Governor, for purposes of determining the eligibility of providers of training services to receive funds described in subsection (a) for the provision of training services in the local area involved.

(4) CRITERIA AND INFORMATION REQUIREMENTS TO ESTABLISH INITIAL ELIGIBILITY.—

(A) PURPOSE.—The purpose of this paragraph is to enable the providers of programs carried out under chapter 3 to offer the highest quality training services and be responsive to in-demand and emerging industries by providing training services for those industries.

(B) INITIAL ELIGIBILITY.—Providers may seek initial eligibility under this paragraph as providers of training services and may receive that initial eligibility for only 1 fiscal year for a particular program. The criteria and information requirements established by the Governor under this paragraph shall require that a provider who has not previously been an eligible provider of training services under this section (or ⟦section 122 of the Workforce Investment Act of 1998, as in effect on the day before the date of enactment of this Act⟧ *section 122, as in effect on the date before the date of enactment of the Workforce Innovation and Opportunity Act of 2022*) provide the information described in subparagraph (C). *A Governor shall make an eligibility determination under this paragraph with respect to a provider not later than 60 days after receipt of an application for such a determination from such provider.*

(C) INFORMATION.—The provider shall provide verifiable program-specific performance information based on criteria established by the State as described in subparagraph (D) that supports the provider's ability to serve participants under this subtitle*, including to the extent practicable for the 2-year period preceding the date of the provider's application under this paragraph*.

(D) CRITERIA.—The criteria described in subparagraph (C) shall include at least—

(i) ⟦a factor⟧ *the levels of performance achieved* related to indicators described in section 116;

(ii) a factor concerning whether the provider is in a partnership with business;

(iii) other factors that indicate high-quality training services, including the factor described in paragraph (1)(H); [and]

(iv) a factor concerning alignment of the training services with in-demand industry sectors and occupations, to the extent practicable[.]*; and*

(v) a factor related to serving individuals with barriers to employment.

(E) PROVISION.—The provider shall provide the information described in subparagraph (C) to the Governor and the local board in a manner that will permit the Governor and the local board to make a decision on inclusion of the provider on the list of eligible providers described in subsection (d).

(F) LIMITATION.—A provider that receives initial eligibility under this paragraph for a program shall be subject to the requirements under subsection (c) for that program after such initial eligibility expires.

(c) PROCEDURES.—

(1) APPLICATION PROCEDURES.—The procedures established under subsection (a) shall identify the application process for a provider of training services to become eligible to receive funds provided under section 133(b) for the provision of training services. The procedures shall identify the respective roles of the State and local areas in receiving and reviewing the applications and in making determinations of such eligibility based on the criteria, information, and procedures established under this section. The procedures shall also establish a process for a provider of training services to appeal a denial or termination of eligibility under this section that includes an opportunity for a hearing and prescribes appropriate time limits to ensure prompt resolution of the appeal.

(2) RENEWAL PROCEDURES.—The procedures established by the Governor shall also provide for [biennial] *annual* review and renewal of eligibility under this section for providers of training services.

(d) LIST AND INFORMATION TO ASSIST PARTICIPANTS IN CHOOSING PROVIDERS.—

(1) IN GENERAL.—In order to facilitate and assist participants in choosing employment and training activities and in choosing providers of training services, the Governor shall ensure that an appropriate list of providers determined to be eligible under this section to offer a program in the State (and, as appropriate, in a local area), accompanied by information identifying the recognized postsecondary credential offered by the provider and other appropriate information, is prepared. The list shall be provided to the local boards in the State, and made available to such participants and to members of the public through the one-stop delivery system in the State.

(2) ACCOMPANYING INFORMATION.—The accompanying information shall—

(A) with respect to providers described in subparagraphs (A) and (C) of subsection (a)(2), consist of information provided by such providers, disaggregated by local areas served, as applicable, in accordance with subsection (b);

(B) with respect to providers described in subsection (b)(4), consist of information provided by such providers in accordance with subsection (b)(4); and

(C) such other information as the Governor determines to be appropriate.

(3) AVAILABILITY.—The list and the accompanying information shall be made available to such participants and to members of the public through the one-stop delivery system in the State, in a manner that does not reveal personally identifiable information about an individual participant *on a publicly accessible website that is consumer-tested and is searchable and comparable, through the use of common, linked, open-data description language*.

(4) LIMITATION.—In carrying out the requirements of this subsection, no personally identifiable information regarding a student, including a Social Security number, student identification number, or other identifier, may be disclosed without the prior written consent of the parent or student in compliance with section 444 of the General Education Provisions Act (20 U.S.C. 1232g).

(e) OPPORTUNITY TO SUBMIT COMMENTS.—In establishing, under this section, criteria, information requirements, procedures, and the list of eligible providers described in subsection (d), the Governor shall provide an opportunity for interested members of the public to make recommendations and submit comments regarding such criteria, information requirements, procedures, and list.

(f) ENFORCEMENT.—

[(1) IN GENERAL.—The procedures established under this section shall provide the following:

[(A) INTENTIONALLY SUPPLYING INACCURATE INFORMATION.—Upon a determination, by an individual or entity specified in the procedures, that a provider of training services, or individual providing information on behalf of the provider, violated this section (or section 122 of the Workforce Investment Act of 1998, as in effect on the day before the date of enactment of this Act) by intentionally supplying inaccurate information under this section, the eligibility of such provider to receive funds under chapter 3 shall be terminated for a period of time that is not less than 2 years.

[(B) SUBSTANTIAL VIOLATIONS.—Upon a determination, by an individual or entity specified in the procedures, that a provider of training services substantially violated any requirement under this title (or title I of the Workforce Investment Act of 1998, as in effect on the day before such date of enactment), the eligibility of such provider to receive funds under chapter 3 for the program involved shall be terminated for a period of not less than 2 years.

[(C) REPAYMENT.—A provider of training services whose eligibility is terminated under subparagraph (A) or (B) shall be liable for the repayment of funds received under chapter 5 of subtitle B of title I of the Workforce Investment Act of 1998, as in effect on the day before such date of enactment, or chapter 3 of this subtitle during a period of violation described in such subparagraph.]

(1) IN GENERAL.—The procedures established under this section shall provide the following:

(A) FAILURE TO MEET PROGRAM REQUIREMENTS.—In addition to the violations described in subparagraph (B), any provider of training services eligible to receive funds under chapter 3—

(i) shall have such eligibility terminated for a period of 1 year upon a determination by an individual or entity specified in the procedures, that such provider—

(I) in a case in which the provider receives initial eligibility under subsection (b)(4), failed to report information as required under subsection (b)(4)(C);

(II) failed to inform the State board or local board that the training program of such provider has changed, and as a result of such change the information with respect to such training program under subsection (b)(1) used by the Governor to determine the provider's eligibility to receive such funds no longer accurately describes such training program; or

(III) failed to meet the expected performance as described in subsection (b)(4)(D); or

(ii) may have such eligibility terminated as a result of offering a program for a period of less than 2 years—

(I) that is no longer aligned to in-demand industry sectors or occupations; or

(II) that results in employment with wages below the median earnings for the occupation in the State or local area due to the insufficient quality of training provided under the program.

(B) SUBSTANTIAL VIOLATIONS.—Upon a determination, by an individual or entity specified in the procedures, that a provider of training services substantially violated any requirement under this title, or that an individual providing information on behalf of the provider intentionally supplied inaccurate information under this section, the eligibility of such provider to receive funds under chapter 3 for the program involved shall be terminated for a period of not less than 2 years.

(C) REPAYMENT.—A provider of training services whose eligibility is terminated under subparagraph (A) or (B) of this paragraph shall be liable for the repayment of funds received under chapter 3 during a period of violation described in such subparagraph.

(2) CONSTRUCTION.—Paragraph (1) shall be construed to provide remedies and penalties that supplement, but shall not supplant, civil and criminal remedies and penalties specified in other provisions of law.

(g) AGREEMENTS WITH OTHER STATES.—States may enter into agreements, on a reciprocal basis, to permit eligible providers of training services to accept individual training accounts provided in another State.

(h) ON-THE-JOB TRAINING, CUSTOMIZED TRAINING, INCUMBENT WORKER TRAINING, AND OTHER TRAINING EXCEPTIONS.—

(1) IN GENERAL.—Providers of on-the-job training, customized training, incumbent worker training, internships, and paid or unpaid work experience opportunities, or transitional employment shall not be subject to the requirements of subsections (a) through (f).

(2) COLLECTION AND DISSEMINATION OF INFORMATION.—A one-stop operator in a local area shall collect such performance information from providers of on-the-job training, customized training, incumbent worker training, internships, paid or unpaid work experience opportunities, and transitional employment as the Governor may require, and use the information to determine whether the providers meet such performance criteria as the Governor may require. The one-stop operator shall disseminate information identifying such providers that meet the criteria as eligible providers, and the performance information, through the one-stop delivery system. Providers determined to meet the criteria shall be considered to be identified as eligible providers of training services.

[(i) TRANSITION PERIOD FOR IMPLEMENTATION.—The Governor and local boards shall implement the requirements of this section not later than 12 months after the date of enactment of this Act. In order to facilitate early implementation of this section, the Governor may establish transition procedures under which providers eligible to provide training services under chapter 5 of subtitle B of title I of the Workforce Investment Act of 1998, as such chapter was in effect on the day before the date of enactment of this Act, may continue to be eligible to provide such services until December 31, 2015, or until such earlier date as the Governor determines to be appropriate.**]**

(i) TRANSITION PERIOD FOR IMPLEMENTATION.—The Governor and local boards shall implement the requirements of this section, as amended by the Workforce Innovation and Opportunity Act of 2022, not later than 12 months after the date of enactment of such Act, except that the criteria established under items (ff) and (gg) of subsection (b)(1)(D)(i)(II) may not be used until the date that is 3 years after the date of enactment of such Act.

* * * * * * *

CHAPTER 2—YOUTH WORKFORCE INVESTMENT ACTIVITIES

* * * * * * *

SEC. 127. STATE ALLOTMENTS.

(a) IN GENERAL.—The Secretary shall—

[(1) for each fiscal year for which the amount appropriated under section 136(a) exceeds $925,000,000, reserve 4 percent of the excess amount to provide youth workforce investment activities under section 167 (relating to migrant and seasonal farmworkers); and**]**

(1) reserve 1½ percent of funds appropriated under section 136(a), for each fiscal year for which funds are appropriated under such section, to provide youth workforce investment ac-

tivities under section 167 (relating to migrant and seasonal farmworkers); and

(2) use the remainder of the amount appropriated under section 136(a) for a fiscal year to make allotments and grants in accordance with subsection (b).

(b) ALLOTMENT AMONG STATES.—

(1) YOUTH WORKFORCE INVESTMENT ACTIVITIES.—

(A) NATIVE AMERICANS.—From the amount appropriated under section 136(a) for a fiscal year that is not reserved under subsection (a)(1), the Secretary shall reserve [not more than 1½] *2* percent of such amount to provide youth workforce investment activities under section 166 (relating to Native Americans).

(B) OUTLYING AREAS.—

(i) IN GENERAL.—From the amount appropriated under section 136(a) for each fiscal year that is not reserved under subsection (a)(1) and subparagraph (A), the Secretary shall reserve not more than [¼ of] 1 percent of such amount to provide assistance to the outlying areas to carry out youth workforce investment activities and statewide workforce investment activities.

(ii) LIMITATION FOR OUTLYING AREAS.—

(I) COMPETITIVE GRANTS.—The Secretary shall use funds reserved under clause (i) to award grants to outlying areas to carry out youth workforce investment activities and statewide workforce investment activities.

(II) AWARD BASIS.—The Secretary shall award grants pursuant to subclause (I) on a competitive basis and pursuant to the recommendations of experts in the field of employment and training, working through the Pacific Region Educational Laboratory in Honolulu, Hawaii.

(III) ADMINISTRATIVE COSTS.—The Secretary may provide not more than 5 percent of the funds made available for grants under subclause (I) to pay the administrative costs of the Pacific Region Educational Laboratory in Honolulu, Hawaii, regarding activities assisted under this clause.

(iii) ADDITIONAL REQUIREMENT.—The provisions of section 501 of Public Law 95-134 (48 U.S.C. 1469a), permitting the consolidation of grants by the outlying areas, shall not apply to assistance provided to those areas, including Palau, under this subparagraph.

(C) STATES.—

(i) IN GENERAL.—From the remainder of the amount appropriated under section 136(a) for a fiscal year that exists after the Secretary determines the amounts to be reserved under subsection (a)(1) and subparagraphs (A) and (B), the Secretary shall make allotments to the States in accordance with clause (ii) for youth workforce investment activities and statewide workforce investment activities.

(ii) FORMULA.—Subject to clauses (iii) and (iv), of the remainder—

(I) 33⅓ percent shall be allotted on the basis of the relative number of unemployed individuals in areas of substantial unemployment in each State, compared to the total number of unemployed individuals in areas of substantial unemployment in all States;

(II) 33⅓ percent shall be allotted on the basis of the relative excess number of unemployed individuals in each State, compared to the total excess number of unemployed individuals in all States; and

(III) 33⅓ percent shall be allotted on the basis of the relative number of disadvantaged youth in each State, compared to the total number of disadvantaged youth in all States, except as described in clause (iii).

(iii) CALCULATION.—In determining an allotment under clause (ii)(III) for any State in which there is an area that was designated as a local area as described in section 107(c)(1)(C), the allotment shall be based on the higher of—

(I) the number of individuals who are age 16 through 21 in families with an income below the low-income level in such area; or

(II) the number of disadvantaged youth in such area.

(iv) MINIMUM AND MAXIMUM PERCENTAGES AND MINIMUM ALLOTMENTS.—In making allotments under this subparagraph, the Secretary shall ensure the following:

(I) MINIMUM PERCENTAGE AND ALLOTMENT.—Subject to subclause (IV), the Secretary shall ensure that no State shall receive an allotment for a fiscal year that is less than the greater of—

(aa) an amount based on 90 percent of the allotment percentage of the State for the preceding fiscal year; or

(bb) 100 percent of the allotments of the State under section 127(b)(1)(C) of the Workforce Investment Act of 1998 (as in effect on the day before the date of enactment of this Act) for fiscal year 2014.

(II) SMALL STATE MINIMUM ALLOTMENT.—Subject to subclauses (I), (III), and (IV), the Secretary shall ensure that no State shall receive an allotment under this subparagraph that is less than the total of—

(aa) ³⁄₁₀ of 1 percent of $1,000,000,000 of the remainder described in clause (i) for the fiscal year; and

(bb) if the remainder described in clause (i) for the fiscal year exceeds $1,000,000,000, ⅖ of 1 percent of the excess.

(III) MAXIMUM PERCENTAGE.—Subject to subclause (I), the Secretary shall ensure that no State shall receive an allotment percentage for a fiscal year that is more than 130 percent of the allotment percentage of the State for the preceding fiscal year.

(IV) MINIMUM FUNDING.—In any fiscal year in which the remainder described in clause (i) does not exceed $1,000,000,000, the minimum allotments under subclauses (I) and (II) shall be calculated by the methodology specified in section 127(b)(1)(C)(iv)(IV) of the Workforce Investment Act of 1998 (as in effect on the day before the date of enactment of this Act).

(2) DEFINITIONS.—For the purpose of the formula specified in paragraph (1)(C):

(A) ALLOTMENT PERCENTAGE.—The term "allotment percentage", used with respect to fiscal year 2015 or a subsequent fiscal year, means a percentage of the remainder described in paragraph (1)(C)(i) that is received through an allotment made under paragraph (1)(C) for the fiscal year. The term, used with respect to fiscal year 2014, means the percentage of the amount allotted to States under section 127(b)(1)(C) of the Workforce Investment Act of 1998 (as in effect on the day before the date of enactment of this Act) that is received under such section by the State involved for fiscal year 2014.

(B) AREA OF SUBSTANTIAL UNEMPLOYMENT.—The term "area of substantial unemployment" means any area that is of sufficient size and scope to sustain a program of workforce investment activities carried out under this subtitle and that has an average rate of unemployment of at least 6.5 percent for the most recent 12 months, as determined by the Secretary. For purposes of this subparagraph, determinations of areas of substantial unemployment shall be made once each fiscal year.

(C) DISADVANTAGED YOUTH.—Subject to paragraph (3), the term "disadvantaged youth" means an individual who is age 16 through 21 who received an income, or is a member of a family that received a total family income, that, in relation to family size, does not exceed the higher of—

(i) the poverty line; or

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

(D) EXCESS NUMBER.—The term "excess number" means, used with respect to the excess number of unemployed individuals within 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.

(E) LOW-INCOME LEVEL.—The term "low-income level" means $7,000 with respect to income in 1969, and for any later year means that amount that bears the same relationship to $7,000 as the Consumer Price Index for that year bears to the Consumer Price Index for 1969, rounded to the nearest $1,000.

(3) SPECIAL RULE.—For the purpose of the formula specified in paragraph (1)(C), the Secretary shall, as appropriate and to the extent practicable, exclude college students and members of the Armed Forces from the determination of the number of disadvantaged youth.

(c) REALLOTMENT.—

(1) IN GENERAL.—The Secretary shall, in accordance with this subsection, reallot to eligible States amounts that are made available to States from allotments made under this section or a corresponding provision of the Workforce Investment Act of 1998 for youth workforce investment activities and statewide workforce investment activities (referred to individually in this subsection as a "State allotment") and that are available for reallotment.

(2) AMOUNT.—The amount available for reallotment for a program year is equal to the amount by which the unobligated balance of the State allotment, 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 allotment for the prior program year.

(3) REALLOTMENT.—In making reallotments to eligible States of amounts available pursuant to paragraph (2) for a program year, the Secretary shall allot to each eligible State an amount based on the relative amount of the State allotment for the program year for which the determination is made, as compared to the total amount of the State allotments for all eligible States for such program year.

(4) ELIGIBILITY.—For purposes of this subsection, an eligible State means a State that does not have an amount available for reallotment under paragraph (2) for the program year for which the determination under paragraph (2) is made.

(5) PROCEDURES.—The Governor shall prescribe uniform procedures for the obligation of funds by local areas within the State in order to avoid the requirement that funds be made available for reallotment under this subsection. The Governor shall further prescribe equitable procedures for making funds available from the State and local areas in the event that a State is required to make funds available for reallotment under this subsection.

SEC. 128. WITHIN STATE ALLOCATIONS.

(a) RESERVATIONS FOR STATEWIDE ACTIVITIES.—

(1) IN GENERAL.—The Governor shall reserve not more than 15 percent of each of the amounts allotted to the State under section 127(b)(1)(C) and paragraphs (1)(B) and (2)(B) of section 132(b) for a fiscal year for statewide workforce investment activities.

(2) USE OF FUNDS.—Regardless of whether the reserved amounts were allotted under section 127(b)(1)(C), or under paragraph (1)(B) or (2)(B) of section 132(b), the Governor may

use the reserved amounts to carry out statewide activities under section 129(b) or statewide employment and training activities, for adults or dislocated workers, under section 134(a).

(b) WITHIN STATE ALLOCATIONS.—

(1) METHODS.—The Governor, acting in accordance with the State plan, and after consulting with chief elected officials and local boards in the local areas, shall allocate the funds that are allotted to the State for youth activities and statewide workforce investment activities under section 127(b)(1)(C) and are not reserved under subsection (a), in accordance with paragraph (2) or (3).

(2) FORMULA ALLOCATION.—

(A) YOUTH ACTIVITIES.—

(i) ALLOCATION.—In allocating the funds described in paragraph (1) to local areas, a State may allocate—

(I) 33⅓ percent of the funds on the basis described in section 127(b)(1)(C)(ii)(I);

(II) 33⅓ percent of the funds on the basis described in section 127(b)(1)(C)(ii)(II); and

(III) 33⅓ percent of the funds on the basis described in clauses (ii)(III) and (iii) of section 127(b)(1)(C).

(ii) MINIMUM PERCENTAGE.—The local area shall not receive an allocation percentage for a fiscal year that is less than 90 percent of the average allocation percentage of the local area for the 2 preceding fiscal years. Amounts necessary for increasing such allocations to local areas to comply with the preceding sentence shall be obtained by ratably reducing the allocations to be made to other local areas under this subparagraph.

(iii) DEFINITION.—In this subparagraph, the term "allocation percentage", used with respect to fiscal year 2015 or a subsequent fiscal year, means a percentage of the funds referred to in clause (i), received through an allocation made under this subparagraph, for the fiscal year. The term, used with respect to fiscal year 2013 or 2014, means a percentage of the funds referred to in section 128(b)(1) of the Workforce Investment Act of 1998 (as in effect on the day before the date of enactment of this Act), received through an allocation made under paragraph (2) or (3) of section 128(b) of the Workforce Investment Act of 1998 (as so in effect), for the fiscal year 2013 or 2014, respectively.

(B) APPLICATION.—For purposes of carrying out subparagraph (A)—

(i) references in section 127(b) to a State shall be deemed to be references to a local area;

(ii) references in section 127(b) to all States shall be deemed to be references to all local areas in the State involved; and

(iii) except as described in clause (i), references in section 127(b)(1) to the term "excess number" shall be considered to be references to the term as defined in section 127(b)(2).

(3) YOUTH DISCRETIONARY ALLOCATION.—In lieu of making the allocation described in paragraph (2), in allocating the funds described in paragraph (1) to local areas, a State may distribute—

(A) a portion equal to not less than 70 percent of the funds in accordance with paragraph (2)(A); and

(B) the remaining portion of the funds on the basis of a formula that—

(i) incorporates additional factors (other than the factors described in paragraph (2)(A)) relating to—

(I) excess youth poverty in urban, rural, and suburban local areas; and

(II) excess unemployment above the State average in urban, rural, and suburban local areas; and

(ii) was developed by the State board and approved by the Secretary as part of the State plan.

(4) LOCAL ADMINISTRATIVE COST LIMIT.—

(A) IN GENERAL.—Of the amount allocated to a local area under this subsection and section 133(b) 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 chapter or chapter 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 chapter or chapter 3, regardless of whether the funds were allocated under this subsection or section 133(b).

(5) TRANSFER AUTHORITY.—A local board may transfer, if such a transfer is approved by the Governor, up to and including 100 percent of the funds allocated to the local area under section 130(a)(2), and up to and including 100 percent of the funds allocated to the local area under this subsection for a fiscal year between—

(A) activities under section 129(c); and

(B) activities under section 130.

(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.

SEC. 129. 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 chapter 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 title, 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 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6))), a homeless child or youth (as defined in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2))), a runaway, in foster care or has aged out of the foster care system, a child eligible for assistance under section 477 of the Social Security Act (42 U.S.C. 677), 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 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6))), a homeless child or youth (as defined in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2))), a runaway, in foster care or has aged out of the foster care system, a child eligible for assistance under section 477 of the Social Security Act (42 U.S.C. 677), 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 individual, 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 127(b)(1)(C), reserved under section 128(a), 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 127(b)(1) in accordance with section

127(b)(1)(C)(iv) or under section 132(b)(1) in accordance with section 132(b)(1)(B)(iv) 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 assistance shall be for the individual to attend school regularly.]

(a) COMPREHENSIVE LOCAL NEEDS ASSESSMENT.—

(1) IN GENERAL.—In order to determine which subpopulation of eligible youth a local area can best serve, a local board shall ensure that the comprehensive needs assessment related to youth workforce investment activities under section 108(b)(9) of the local plan shall meet the requirements of this subsection, and shall be updated at least once every 4 years.

(2) REQUIREMENTS.—A comprehensive local needs assessment described in paragraph (1) with respect to a local area shall include each of the following:

(A) An evaluation of the performance of the eligible youth served by the local area with respect to State determined and local levels of performance established pursuant to section 116.

(B) A description of how youth workforce investment activities offered by the local area are—

(i) sufficient in size, scope, and quality to meet the needs of eligible youth in the local area;

(ii) aligned to State, regional, Tribal, or local in-demand industry sectors or occupations (including career pathways), identified by the State board or local board; and

(iii) developed in partnership with eligible youth in the local area and aligned with their needs, including program elements and offerings.

(C) An identification of successful models of youth workforce investment activities.

(D) A description of the progress during the most recent 2 program years covered by the local plan of the local area toward implementation of equal access to high-quality youth workforce investment activities, including—

(i) strategies to provide eligible youth access to paid work experience opportunities and career pathways;

(ii) strategies to overcome barriers that result in lower rates of access to, or performance gaps in, youth workforce investment activities for eligible youth;

(iii) providing programs and activities that are designed to enable eligible youth to attain a secondary school diploma or its equivalent, or recognized postsecondary credentials;

(iv) providing programs and activities to prepare eligible youth for high-skill, high-wage, or in-demand industry sectors or occupations that will lead to self-sufficiency; and

(v) strategies to identify the local area needs of the subpopulations of eligible youth described in section 128(b)(4)(A)(i).

(3) CONSULTATION.—In conducting the comprehensive needs assessment under paragraph (1)(A), the local area shall involve a diverse body of stakeholders, including, at a minimum—

(A) representatives of local educational agencies, including representatives of career and technical education programs;

(B) eligible providers of training services, including eligible providers of apprenticeship programs and pre-apprenticeship programs, and providers of internships, paid or unpaid work experience opportunities, or transitional jobs;

(C) representatives of business and industry (including representatives of small business), which shall include representatives of industry and sector partnerships in the State;

(D) interested community representatives, including community-based organizations;

(E) representatives of eligible youth, including representatives of regional or local agencies serving eligible youth;

(F) representatives of Indian Tribes and Tribal organizations in the State, where applicable; and

(G) any other stakeholders that the State may require the local area to consult.

(4) CONTINUED CONSULTATION.—Each local area receiving financial assistance under this chapter shall consult with stakeholders described in paragraph (3) on an ongoing basis, as determined by the Governor. This may include consultation in order to—

(A) provide input on quadrennial updates to the comprehensive needs assessment required under paragraph (1)(A);

(B) ensure youth workforce investment activities—

(i) are responsive to local area employment needs;

(ii) are responsive to local area youth's career interests and goals;

(iii) are aligned with employment priorities in the State, regional, tribal, or local economy identified by employers and the entities described in paragraph (3), which may include high-skill, high-wage, or in-demand industry sectors or occupations identified by the local board;

(iv) are informed by labor market information, including information provided under section 15(e)(2)(C) of the Wagner-Peyser Act (29 U.S.C. 491–2(e)(2)(C));

(v) are designed to meet current, intermediate, or long-term labor market projections; and

(vi) allow employer input, including input from industry or sector partnerships in the local area, where applicable, into the development and implementation of youth workforce investment activities to ensure such activities align with skills and competencies required by local employment opportunities, including activities such as the identification of relevant skills, competencies, recognized postsecondary credentials, and current technology and equipment;

(C) identify and encourage opportunities for work-based learning; and

(D) ensure funding under this part is used in a coordinated manner with other local resources.

(b) STATEWIDE ACTIVITIES.—

(1) REQUIRED STATEWIDE YOUTH ACTIVITIES.—Funds reserved by a Governor as described in sections 128(a) and 133(a)(1) shall be used, regardless of whether the funds were allotted to the State under section 127(b)(1)(C) or under paragraph (1)(B) or (2)(B) of section 132(b) for statewide activities, which shall include—

(A) conducting evaluations under section 116(e) of activities authorized under this chapter and chapter 3 in coordination with evaluations carried out by the Secretary under section 169(a);

[(B) disseminating a list of eligible providers of youth workforce investment activities, as determined under section 123;]

(B) disseminating the list of eligible providers of youth workforce investment activities, as determined under section 123, including in transparent, linked, open, and interoperable data formats;

(C) providing assistance to local areas as described in subsections (b)(7) and (c)(2) of section 106, for local coordination of activities carried out under this title;

(D) operating a fiscal and management accountability information system under section 116(i);

(E) carrying out monitoring and oversight of activities carried out under this chapter and chapter 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 128(a) and 133(a)(1) may be used, regardless of whether the funds were allotted to the State under section 127(b)(1)(C) or under paragraph (1)(B) or (2)(B) of section 132(b), 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 134(c)(2)], *including individualized career services,* 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 savings 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 116(c), and the provision of technology to facilitate remote access to services provided through the one-stop delivery system in the State[.] *; and*

(F) establishing, supporting, and expanding work-based learning opportunities, including transitional jobs, that are aligned with career pathways.

(3) LIMITATION.—Not more than 5 percent of the funds allotted to a State under section 127(b)(1)(C) shall be used by the State for administrative activities carried out under this subsection or section 134(a).

(c) LOCAL ELEMENTS AND REQUIREMENTS.—

(1) PROGRAM DESIGN.—Funds allocated to a local area for eligible youth under section 128(b) 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 116(b)(2)(A)(ii), 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 1111(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1)) and occupational education that lead to the attainment of recognized postsecondary credentials;

(iv) preparation for unsubsidized employment opportunities, [in appropriate cases] *including paid work-based learning opportunities*; and

(v) effective connections to employers, including small employers, in *high-skill, high-wage, or* 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] *15 percent* of the total funds allocated to the local area under section 128(b).

[(2) PROGRAM ELEMENTS.—In order to support the attainment of a secondary school diploma or its recognized equiva-

lent, 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 123;

[(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.]

(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, local areas shall ensure that each of following elements are provided under the programs described in paragraph

(1), as appropriate, to meet the needs of eligible youth in the local area:

(A) Tutoring, study skills training, instruction, and 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) Work-based learning experiences, which—

(i) may include summer and year-round employment opportunities that meet the requirements of section 130; and

(ii) may include, to the extent practicable—

(I) pre-apprenticeship or apprenticeship programs;

(II) internships and job shadowing; and

(III) 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 high-skill, high-wage, or 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 123.

(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) Follow-up services for the longer of 36 months or the completion of any postsecondary education or training to which participants are referred after completion of such program.

(J) Comprehensive guidance and counseling, including trauma-informed approaches.

(K) Financial literacy education.

(L) Entrepreneurial skills training.

(M) Services that provide labor market and employment information about high-skill, high-wage, or in-demand industry sectors or occupations available in the local area, such as career awareness, career counseling, and career exploration services, which may include providing such services to elementary and secondary schools (as defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)).

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

(O) Digital skills training, including access to training that supports basic digital literacy.

(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 subtitle; 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.

(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).]

(4) 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 assistance shall be for the individual to attend school regularly.

(5) RULE OF CONSTRUCTION.—Nothing in this chapter 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 eligi-

ble 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.

SEC. 130. SUMMER AND YEAR-ROUND EMPLOYMENT FOR YOUTH.

(a) FUNDING.—

(1) STATE ALLOTMENT.—From the amount appropriated under section 136(b) for a fiscal year, the Secretary shall allot funds to each State on the basis of the relative allotment the State received under section 127(b) for such fiscal year, compared to the total amount allotted to all States under section 127(b) for such fiscal year.

(2) LOCAL AREA ALLOCATION.—A State shall use the funds allotted under paragraph (1) for a fiscal year to allocate funds to each local area of the State on the basis of the relative allocation the local area received under section 128(b) for such fiscal year, compared to the total amount allocated to all local areas in the State under section 128(b) for such fiscal year.

(b) ACTIVITIES.—The local board of a local area covered by the local plan submitted under section 108—

(1) shall use the funds received under this section to—

(A) plan, develop, and carry out a summer employment program or a year-round employment program described in subsection (c);

(B) increase the number of summer or year-round employment opportunities offered through such program, including unsubsidized or partly subsidized opportunities, and opportunities in the private sector;

(C) engage or establish industry or sector partnerships to determine local employment needs to inform the establishment of such a program; and

(D) conduct outreach to eligible youth and employers; and

(2) may—

(A) use the funds received under this section to develop technology infrastructure, including data and management systems, to support such a program;

(B) use such funds to enhance the program elements required under subsection (c)(1); and

(C) use not more than 25 percent of such funds to subsidize not more than 65 percent of the wages of each eligible youth participating in such a program.

(c) SUMMER AND YEAR-ROUND EMPLOYMENT PROGRAM REQUIREMENTS.—

(1) PROGRAM ELEMENTS.—A summer employment program or a year-round employment program described in this subsection shall include the following program elements:

(A) Work-readiness training (including soft skills) and educational programs aligned to career pathways for eligible youth to enhance their year-round employment opportunities, including digital literacy and online work-readiness opportunities, as appropriate, and support obtaining documentation needed for employment, such as identification or licenses.

(B) Coaching and mentoring services for eligible youth participating in the program to enhance their summer or year-round employment opportunities and encourage completion of such opportunities through the program.

(C) Coaching and mentoring services for employers on how to successfully employ each eligible youth participating in the program in meaningful work, including providing a safe work and training environment for all participants, regardless of race, color, disability, age, religion, national origin, sexual orientation, or gender identity.

(D) Career exploration, career counseling, career planning, and college planning services for eligible youth participating in the program.

(E) High-quality financial literacy education as described in section 129(b)(2)(D), for eligible youth participating in the program, including education on the use of credit and financing higher education, and access to safe and affordable banking.

(F) Providing supportive services to eligible youth, or connecting such youth to supportive services provided by another entity, to enable participation in the program, which may include food and nutrition services, and health and mental health care supports.

(G) Follow-up services for not less than 12 months after the completion of participation, as appropriate.

(H) Integration of services provided by the program with youth development programs, secondary school programs, career and technical education programs, youth workforce investment activities under this chapter, and skills training programs funded by the State or Federal Government, as applicable.

(I) Connecting youth participating in the program to providers of youth services, adult employment and training services, vocational rehabilitation services, adult education and family literacy services under title II, career pathways, postsecondary education, or skills training programs funded by the State or Federal Government, as applicable.

(J) Commitment and support from mayors or county executives to support the execution of the program.

(2) PROGRAM DESIGN.—

(A) SUMMER EMPLOYMENT PROGRAM.—In addition to the program elements described in paragraph (1), a summer employment program described in this subsection shall be a program that matches eligible youth participating in such program with an appropriate employer (based on factors including the needs of the employer and the age, skill, and aspirations of the eligible youth) for high-quality summer employment, which—

(i) may not be less than 4 weeks; and

(ii) may not pay less than the greater of the applicable Federal, State, or local minimum wage.

(B) YEAR-ROUND EMPLOYMENT PROGRAM.—In addition to the program elements described in paragraph (1), a year-round employment program described in this subsection shall be a program that matches each eligible youth participating in the program with an appropriate employer, based on factors (including the needs of the employer and the age, skill, and informed aspirations of the participant) for high-quality, year-round employment, which—

(i) may not be less than 180 days and more than 1 year;

(ii) may not pay less than the greater of the applicable Federal, State, or local minimum wage; and

(iii) may not employ the eligible youth for less than 20 hours per week.

(3) PRIORITY.—In carrying out a summer employment program or a year-round employment program receiving assistance under this section, a local area shall give priority to year-round employment opportunities offered under such program—

(A) in existing or emerging high-skill, high-wage, or in-demand industry sectors or occupations; or

(B) that meet community needs in the public, private, or nonprofit sector.

(d) PERFORMANCE ACCOUNTABILITY.—For each local board carrying out a summer or year-round employment program receiving assistance under this section, the primary indicators of performance, with respect to each such program, shall include—

(1) the performance metrics described in clause (i)(VI), and subparagraphs (I) and (II) of clause (ii), of section 116(b)(2)(A);

(2) the percentage of eligible youth completing the summer or year-round program, as applicable; and

(3) the percentage of youth having participated in work-based learning.

(e) REPORTS.—

(1) IN GENERAL.—In addition to information required as part of the State performance report described in section 116(d)(2), each State shall include for each summer and year round employment program receiving assistance under this section—

(A) the number of eligible youth participating in the program who complete a summer employment opportunity or a year-round employment opportunity through the program;

(B) the average cost per participant to develop or expand such program, and the activities and services, and supportive services provided under such program;

(C) the number of eligible youth participating in such program and accessing services as described in subparagraph (B);

(D) the number of youth participants receiving a subsidized wage, and the total amount and source of each such subsidy, including the average amount of the subsidy covered by funds received under this section;

(E) the average number of hours and weeks worked and the average amount of wages earned by eligible youth participating in the program;

(F) the average number of hours spent on—

(i) recruitment and retention strategies; and

(ii) support for participating youth, such as time management, career planning, and financial literacy training;

(G) the percent of eligible youth participating in the program that are placed in—

(i) an employment opportunity in the nonprofit sector;

(ii) an employment opportunity in the public sector; and

(iii) an employment opportunity in the for-profit sector; and

(H) any other information that the Secretary of Labor determines necessary to monitor the effectiveness of the summer or year-round employment program.

(2) DISAGGREGATION.—The information required to be reported under subparagraphs (A), (B), and (G) of paragraphs (1) shall be disaggregated by race, ethnicity, sex, age, and the subpopulations of eligible youth (as defined in section 3).

CHAPTER 3—ADULT AND DISLOCATED WORKER EMPLOYMENT AND TRAINING ACTIVITIES

* * * * * * *

SEC. 133. WITHIN STATE ALLOCATIONS.

(a) RESERVATIONS FOR STATE ACTIVITIES.—

(1) STATEWIDE WORKFORCE INVESTMENT ACTIVITIES.—The Governor shall make the reservation required under section 128(a).

(2) STATEWIDE RAPID RESPONSE ACTIVITIES.—The Governor shall reserve not more than 25 percent of the total amount allotted to the State under section 132(b)(2)(B) for a fiscal year for statewide rapid response activities described in section 134(a)(2)(A).

(b) WITHIN STATE ALLOCATION.—

(1) METHODS.—The Governor, acting in accordance with the State plan, and after consulting with chief elected officials and local boards in the local areas, shall allocate—

(A) the funds that are allotted to the State for adult employment and training activities and statewide workforce investment activities under section 132(b)(1)(B) and are not reserved under subsection (a)(1), in accordance with paragraph (2) or (3); and

(B) the funds that are allotted to the State for dislocated worker employment and training activities and statewide workforce investment activities under section 132(b)(2)(B) and are not reserved under paragraph (1) or (2) of subsection (a), in accordance with paragraph (2).

(2) FORMULA ALLOCATIONS.—

(A) ADULT EMPLOYMENT AND TRAINING ACTIVITIES.—

(i) ALLOCATION.—In allocating the funds described in paragraph (1)(A) to local areas, a State may allocate—

(I) 33⅓ percent of the funds on the basis described in section 132(b)(1)(B)(ii)(I);

(II) 33⅓ percent of the funds on the basis described in section 132(b)(1)(B)(ii)(II); and

(III) 33⅓ percent of the funds on the basis described in clauses (ii)(III) and (iii) of section 132(b)(1)(B).

(ii) MINIMUM PERCENTAGE.—The local area shall not receive an allocation percentage for a fiscal year that is less than 90 percent of the average allocation percentage of the local area for the 2 preceding fiscal years. Amounts necessary for increasing such allocations to local areas to comply with the preceding sentence shall be obtained by ratably reducing the allocations to be made to other local areas under this subparagraph.

(iii) DEFINITION.—In this subparagraph, the term "allocation percentage", used with respect to fiscal year 2015 or a subsequent fiscal year, means a percentage of the funds referred to in clause (i), received through an allocation made under this subparagraph, for the fiscal year. [The term, used with respect to fiscal year 2013 or 2014, means a percentage of the amount allocated to local areas under paragraphs (2)(A) and (3) of section 133(b) of the Workforce Investment Act of 1998 (as in effect on the day before the date of enactment of this Act), received through an allocation made under paragraph (2)(A) or (3) of that section for fiscal year 2013 or 2014, respectively.]

(B) DISLOCATED WORKER EMPLOYMENT AND TRAINING ACTIVITIES.—

(i) ALLOCATION.—In allocating the funds described in paragraph (1)(B) to local areas, a State shall allocate the funds based on an allocation formula prescribed by the Governor of the State. Such formula may be amended by the Governor not more than once for each program year. Such formula shall utilize the most appropriate information available to the Governor to distribute amounts to address the State's worker readjustment assistance needs.

(ii) INFORMATION.—The information described in clause (i) shall include insured unemployment data, unemployment concentrations, plant closing and mass layoff data, declining industries data, farmer-rancher economic hardship data, and long-term unemployment data.

(iii) MINIMUM PERCENTAGE.—The local area shall not receive an allocation percentage for fiscal year 2016 or a subsequent fiscal year that is less than 90 percent of the average allocation percentage of the local area for the 2 preceding fiscal years. Amounts necessary for increasing such allocations to local areas

to comply with the preceding sentence shall be obtained by ratably reducing the allocations to be made to other local areas under this subparagraph.

(iv) DEFINITION.—In this subparagraph, the term "allocation percentage", used with respect to fiscal year 2015 or a subsequent fiscal year, means a percentage of the funds referred to in clause (i), received through an allocation made under this subparagraph for the fiscal year. [The term, used with respect to fiscal year 2014, means a percentage of the amount allocated to local areas under section 133(b)(2)(B) of the Workforce Investment Act of 1998 (as in effect on the day before the date of enactment of this Act), received through an allocation made under that section for fiscal year 2014.]

(C) APPLICATION.—For purposes of carrying out subparagraph (A)—

(i) references in section 132(b) to a State shall be deemed to be references to a local area;

(ii) references in section 132(b) to all States shall be deemed to be references to all local areas in the State involved; and

(iii) except as described in clause (i), references in section 132(b)(1) to the term "excess number" shall be considered to be references to the term as defined in section 132(b)(1).

(3) ADULT EMPLOYMENT AND TRAINING DISCRETIONARY ALLOCATIONS.—In lieu of making the allocation described in paragraph (2)(A), in allocating the funds described in paragraph (1)(A) to local areas, a State may distribute—

(A) a portion equal to not less than 70 percent of the funds in accordance with paragraph (2)(A); and

(B) the remaining portion of the funds on the basis of a formula that—

(i) incorporates additional factors (other than the factors described in paragraph (2)(A)) relating to—

(I) excess poverty in urban, rural, and suburban local areas; and

(II) excess unemployment above the State average in urban, rural, and suburban local areas; and

(ii) was developed by the State board and approved by the Secretary as part of the State plan.

(4) TRANSFER AUTHORITY.—A local board may transfer, if such a transfer is approved by the Governor, up to and including 100 percent of the funds allocated to the local area under paragraph (2)(A) or (3), and up to and including 100 percent of the funds allocated to the local area under paragraph (2)(B), for a fiscal year between—

(A) adult employment and training activities; and

(B) dislocated worker employment and training activities.

(5) ALLOCATION.—

(A) IN GENERAL.—The Governor shall allocate the funds described in paragraph (1) to local areas under paragraphs (2) and (3) for the purpose of providing a single system of

employment and training activities for adults and dislocated workers in accordance with subsections (c) and (d) of section 134.

(B) ADDITIONAL REQUIREMENTS.—

(i) ADULTS.—Funds allocated under paragraph (2)(A) or (3) shall be used by a local area to contribute to the costs of the one-stop delivery system described in section 121(e) as determined under section 121(h) and to pay for employment and training activities provided to adults in the local area, consistent with section 134.

(ii) DISLOCATED WORKERS.—Funds allocated under paragraph (2)(B) shall be used by a local area to contribute to the costs of the one-stop delivery system described in section 121(e) as determined under section 121(h) and to pay for employment and training activities provided to dislocated workers in the local area, consistent with section 134.

(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 paragraph (2)(A) or (3) of subsection (b) or a corresponding provision of the Workforce Investment Act of 1998 for adult employment and training activities, or under subsection (b)(2)(B) or a corresponding provision of the Workforce Investment Act of 1998 for dislocated worker employment and training 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—

(A) for adult employment and training activities is equal to the amount by which the unobligated balance of the local allocation under paragraph (2)(A) or (3) of subsection (b) for such activities, at the end of the program year prior to the program year for which the determination under this subparagraph is made, exceeds 20 percent of such allocation for the prior program year; and

(B) for dislocated worker employment and training activities is equal to the amount by which the unobligated balance of the local allocation under subsection (b)(2)(B) for such activities, at the end of the program year prior to the program year for which the determination under this subparagraph 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—

(A) with respect to such available amounts that were allocated under paragraph (2)(A) or (3) of subsection (b), an amount based on the relative amount of the local allocation under paragraph (2)(A) or (3) of subsection (b), as appropriate, for the program year for which the determination is made, as compared to the total amount of the local

allocations under paragraph (2)(A) or (3) of subsection (b), as appropriate, for all eligible local areas in the State for such program year; and

(B) with respect to such available amounts that were allocated under subsection (b)(2)(B), an amount based on the relative amount of the local allocation under subsection (b)(2)(B) for the program year for which the determination is made, as compared to the total amount of the local allocations under subsection (b)(2)(B) 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) with respect to funds allocated through a local allocation for adult employment and training activities, a local area that does not have an amount of such funds available for reallocation under paragraph (2) for the program year for which the determination under paragraph (2) is made; and

(B) with respect to funds allocated through a local allocation for dislocated worker employment and training activities, a local area that does not have an amount of such funds available for reallocation under paragraph (2) for the program year for which the determination under paragraph (2) is made.

SEC. 134. USE OF FUNDS FOR EMPLOYMENT AND TRAINING ACTIVITIES.

(a) STATEWIDE EMPLOYMENT AND TRAINING ACTIVITIES.—

(1) IN GENERAL.—Funds reserved by a Governor—

(A) as described in section 133(a)(2) shall be used to carry out the statewide rapid response activities described in paragraph (2)(A); and

(B) as described in sections 128(a) and 133(a)(1)—

(i) shall be used to carry out the statewide employment and training activities described in paragraph (2)(B); and

(ii) may be used to carry out any of the statewide employment and training activities described in paragraph (3),

regardless of whether the funds were allotted to the State under section 127(b)(1) or under paragraph (1) or (2) of section 132(b).

(2) REQUIRED STATEWIDE EMPLOYMENT AND TRAINING ACTIVITIES.—

(A) STATEWIDE RAPID RESPONSE ACTIVITIES.—

(i) IN GENERAL.—A State shall carry out statewide rapid response activities using funds reserved by the Governor for the State under section 133(a)(2), which activities shall include—

(I) provision of rapid response activities, carried out in local areas by the State or by an entity designated by the State, working in conjunction with the local boards and the chief elected officials for the local areas; and

(II) provision of additional assistance to local areas that experience disasters, mass layoffs, or

plant closings, or other events that precipitate substantial increases in the number of unemployed individuals, carried out in local areas by the State, working in conjunction with the local boards and the chief elected officials for the local areas.

(ii) USE OF UNOBLIGATED FUNDS.—Funds reserved by a Governor under section 133(a)(2)[, and section 133(a)(2) of the Workforce Investment Act of 1998 (as in effect on the day before the date of enactment of this Act)], to carry out this subparagraph that remain unobligated after the first program year for which such funds were allotted may be used by the Governor to carry out statewide activities authorized under subparagraph (B) or paragraph (3)(A), in addition to activities under this subparagraph.

(B) STATEWIDE EMPLOYMENT AND TRAINING ACTIVITIES.—Funds reserved by a Governor under sections 128(a)(1) and 133(a)(1) and not used under paragraph (1)(A) (regardless of whether the funds were allotted to the States under section 127(b)(1)(C) or paragraph (1)(B) or (2)(B) of section 132(b)) shall be used for statewide employment and training activities, including—

(i) providing assistance to—

(I) State entities and agencies, local areas, and one-stop partners in carrying out the activities described in the State plan, including the coordination and alignment of data systems used to carry out the requirements of this Act;

(II) local areas for carrying out the regional planning and service delivery efforts required under section 106(c);

[(III) local areas by providing information on and support for the effective development, convening, and implementation of industry or sector partnerships; and

[(IV) local areas, one-stop operators, one-stop partners, and eligible providers, including the development and training of staff, which may include the development and training of staff to provide opportunities for individuals with barriers to employment to enter in-demand industry sectors or occupations and nontraditional occupations, the development of exemplary program activities, and the provision of technical assistance to local areas that fail to meet local performance accountability measures described in section 116(c);]

(III) local areas by providing information on and support for the effective development, convening, and implementation of industry or sector partnerships described in subsection (c)(5);

(IV) local areas for carrying out career pathway development efforts, which may include alignment and coordination efforts with career and technical education programs of study; and

(V) local areas, one-stop operators, one-stop partners, and eligible providers, including for—

(aa) the continuous development and training of staff on strategies for preparing individuals with barriers to employment to enter in-demand industry sectors or occupations and nontraditional occupations;

(bb) the development of exemplary program activities; and

(cc) the provision of technical assistance to local areas that fail to meet local performance accountability measures described in section 116(c);

(ii) providing assistance to local areas as described in section 106(b)(7);

(iii) operating a fiscal and management accountability information system in accordance with section 116(i);

(iv) carrying out monitoring and oversight of activities carried out under this chapter and chapter 2;

(v) disseminating—

(I) the State list of eligible providers of training services, including eligible providers of nontraditional training services and eligible providers of apprenticeship programs described in section 122(a)(2)(B);

(II) information identifying eligible providers of on-the-job training, customized training, incumbent worker training, internships, paid or unpaid work experience opportunities, or transitional jobs;

(III) information on effective outreach to, partnerships with, and services for, business;

(IV) information on effective service delivery strategies to serve workers and job seekers;

(V) performance information and information on the cost of attendance (including tuition and fees) for participants in applicable programs, as described in subsections (d) and (h) of section 122; and

(VI) information on physical and programmatic accessibility, in accordance with section 188, if applicable, and the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), for individuals with disabilities; and

(vi) conducting evaluations under section 116(e) of activities authorized under this chapter and chapter 2 in coordination with evaluations carried out by the Secretary under section 169(a).

(3) ALLOWABLE STATEWIDE EMPLOYMENT AND TRAINING ACTIVITIES.—

(A) IN GENERAL.—Funds reserved by a Governor under sections 128(a)(1) and 133(a)(1) and not used under paragraph (1)(A) or (2)(B) (regardless of whether the funds were allotted to the State under section 127(b)(1)(C) or

paragraph (1)(B) or (2)(B) of section 132(b)) may be used to carry out additional statewide employment and training activities, which may include—

(i) implementing innovative programs and strategies designed to meet the needs of all employers (including small employers) in the State, which programs and strategies may include incumbent worker training programs, customized training, sectoral and industry cluster strategies and implementation of industry or sector partnerships, career pathway programs, microenterprise and entrepreneurial training and support programs, utilization of effective business intermediaries, layoff aversion strategies, activities to improve linkages between the one-stop delivery system in the State and all employers (including small employers) in the State, and other business services and strategies that better engage employers in workforce investment activities and make the workforce development system more relevant to the needs of State and local businesses, consistent with the objectives of this title;

(ii) developing strategies *or bringing evidenced-based programs to scale* for effectively serving individuals with barriers to employment and for coordinating programs and services among one-stop partners;

[(iii) the development or identification of education and training programs that respond to real-time labor market analysis, that utilize direct assessment and prior learning assessment to measure and provide credit for prior knowledge, skills, competencies, and experiences, that evaluate such skills and competencies for adaptability, that ensure credits are portable and stackable for more skilled employment, and that accelerate course or credential completion;**]**

(iii) the development or identification of, and sharing of information (in transparent, linked, open, and interoperable data formats) about, education and training programs that—

(I) respond to real-time labor market analysis;

(II) utilize direct assessment and prior learning assessment to measure and provide credit for prior knowledge, skills, competencies, and experiences;

(III) evaluate such skills and competencies for adaptability, ensure credits are portable and stackable for more skilled employment; and

(IV) accelerate course or credential completion, and facilitate the sharing of information about such programs in transparent, linked, open, and interoperable data formats;

(iv) implementing programs to increase the number of individuals training for and placed in nontraditional employment;

[(v) carrying out activities to facilitate remote access to services, including training services described in subsection (c)(3), provided through a one-stop delivery

system, including facilitating access through the use of technology;]

(v) supporting the development of alternative programs and other activities that enhance the choices available to older individuals (including options for self-employment and other wage-earning activities that lead to economic self-sufficiency), and enhance skills (such as digital literacy) in older individuals;

(vi) supporting the provision of career services described in subsection (c)(2) in the one-stop delivery systems in the State;

(vii) coordinating activities with the child welfare system to facilitate provision of services for children and youth who are eligible for assistance under section 477 of the Social Security Act (42 U.S.C. 677);

(viii) activities—

(I) to improve coordination of workforce investment activities with economic development activities;

(II) to improve coordination of employment and training activities with—

(aa) child support services, and assistance provided by State and local agencies carrying out part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.);

(bb) cooperative extension programs carried out by the Department of Agriculture;

(cc) programs carried out in local areas for individuals with disabilities, including programs carried out by State agencies relating to intellectual disabilities and developmental disabilities, activities carried out by Statewide Independent Living Councils established under section 705 of the Rehabilitation Act of 1973 (29 U.S.C. 796d), programs funded under part B of chapter 1 of title VII of such Act (29 U.S.C. 796e et seq.), and activities carried out by centers for independent living, as defined in section 702 of such Act (29 U.S.C. 796a);

[(dd) adult education and literacy activities, including those provided by public libraries;]

(dd) adult education, literacy, and digital literacy activities, including those provided by public libraries;

(ee) activities in the corrections system that assist [ex-offenders] *justice-involved individuals* in reentering the workforce; and

(ff) financial literacy activities including those described in section 129(b)(2)(D); [and]

(gg) programs under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) that support employment and economic security; and

(hh) State domestic violence coalitions (as defined in section 302 of the Family Violence

Prevention and Services Act (42 U.S.C. 10402)) and tribal coalitions (as defined in section 40002(a) of the Violence Against Women Act of 1994 (34 U.S.C. 12291(a))).

(III) consisting of development and dissemination of workforce and labor market information;

(ix) conducting research and demonstration projects related to meeting the employment and education needs of adult and dislocated workers;

(x) implementing promising services for workers and businesses, which may include providing support for education, training, skill upgrading, and statewide networking for employees to become workplace learning advisors and maintain proficiency in carrying out the activities associated with such advising;

(xi) providing incentive grants to local areas for performance by the local areas on local performance accountability measures described in section 116(c);

(xii) adopting, calculating, or commissioning for approval an economic self-sufficiency standard for the State that specifies the income needs of families, by family size, the number and ages of children in the family, and substate geographical considerations;

(xiii) developing and disseminating common intake procedures and related items, including registration processes, materials, or software; and

(xiv) providing technical assistance to local areas that are implementing pay-for-performance contract strategies, which technical assistance may include providing assistance with data collection, meeting data entry requirements, identifying levels of performance, and conducting evaluations of such strategies.

(B) LIMITATION.—

(i) IN GENERAL.—Of the funds allotted to a State under sections 127(b) and 132(b) and reserved as described in sections 128(a) and 133(a)(1) for a fiscal year—

(I) not more than 5 percent of the amount allotted under section 127(b)(1);

(II) not more than 5 percent of the amount allotted under section 132(b)(1); and

(III) not more than 5 percent of the amount allotted under section 132(b)(2),

may be used by the State for the administration of statewide youth workforce investment activities carried out under section 129 and statewide employment and training activities carried out under this section.

(ii) USE OF FUNDS.—Funds made available for administrative costs under clause (i) may be used for the administrative cost of any of the statewide youth workforce investment activities or statewide employment and training activities, regardless of whether the funds were allotted to the State under section 127(b)(1) or paragraph (1) or (2) of section 132(b).

(b) LOCAL EMPLOYMENT AND TRAINING ACTIVITIES.—Funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to a local area for dislocated workers under section 133(b)(2)(B)—

(1) shall be used to carry out employment and training activities described in subsection (c) for adults or dislocated workers, respectively; and

(2) may be used to carry out employment and training activities described in subsection (d) for adults or dislocated workers, respectively.

(c) REQUIRED LOCAL EMPLOYMENT AND TRAINING ACTIVITIES.—

(1) IN GENERAL.—

(A) ALLOCATED FUNDS.—Funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to the local area for dislocated workers under section 133(b)(2)(B), shall be used—

(i) to establish a one-stop delivery system described in section 121(e);

(ii) to provide the career services described in paragraph (2) to adults and dislocated workers, respectively, through the one-stop delivery system in accordance with such paragraph;

(iii) to provide training services described in paragraph (3) to adults and dislocated workers, respectively, described in such paragraph;

[(iv) to establish and develop relationships and networks with large and small employers and their intermediaries; and

[(v) to develop, convene, or implement industry or sector partnerships.**]**

(iv) to provide supportive services described in paragraph (4) to adults and dislocated workers, respectively, through the one-stop delivery system in accordance with such paragraph;

(v) to establish and develop relationships and networks with large and small employers and their intermediaries; and

(vi) to develop, convene, or implement industry or sector partnerships described in paragraph (5).

(B) OTHER FUNDS.—Consistent with subsections (h) and (i) of section 121, a portion of the funds made available under Federal law authorizing the programs and activities described in section 121(b)(1)(B), including the Wagner-Peyser Act (29 U.S.C. 49 et seq.), shall be used as described in clauses (i) and (ii) of subparagraph (A), to the extent not inconsistent with the Federal law involved.

(2) CAREER SERVICES.—

(A) SERVICES PROVIDED.—Funds described in paragraph (1) shall be used to provide career services, which shall be available to individuals who are adults or dislocated workers through the one-stop delivery system and shall, at a minimum, include—

(i) determinations of whether the individuals are eligible to receive assistance under this subtitle;

(ii) outreach, intake (which may include worker profiling), and orientation to the information and other services available through the one-stop delivery system;

[(iii) initial assessment of skill levels (including literacy, numeracy, and English language proficiency), aptitudes, abilities (including skills gaps), and supportive service needs;]

(iii) initial assessment of skill levels (including literacy, digital literacy, numeracy, and English language proficiency), competencies, abilities, current applicable foreign academic and professional credentials, guidance and services on transferring high-skilled foreign certifications, and supportive service needs, which may include diagnostic testing and use of other assessment tools;

(iv) labor exchange services, including—

(I) job search and placement assistance and, in appropriate cases, career counseling, including—

(aa) provision of information on in-demand industry sectors and occupations; and

(bb) provision of information on nontraditional employment; and

(II) appropriate recruitment and other business services on behalf of employers, including small employers, in the local area, which services may include services described in this subsection, such as providing information and referral to specialized business services not traditionally offered through the one-stop delivery system;

(v) provision of referrals to and coordination of activities with other programs and services, including programs and services within the one-stop delivery system and, in appropriate cases, other workforce development programs;

[(vi) provision of workforce and labor market employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas, including—

[(I) job vacancy listings in such labor market areas;

[(II) information on job skills necessary to obtain the jobs described in subclause (I); and

[(III) information relating to local occupations in demand and the earnings, skill requirements, and opportunities for advancement for such occupations; and]

(vi) provision of workforce and labor market employment statistics information and related skills development information, including the provision of accurate information relating to local, regional, and national labor market areas, including—

(I) job vacancy listings in such labor market areas;

(II) information on job skills and credentials necessary to obtain the jobs described in subclause (I); and

(III) information on education and skills development programs that are available for attaining needed skills and credentials for the jobs described in subclause (I), including information—

(aa) on the pathways to such skills and credentials (including information on career pathway programs in the local area);

(bb) on the quality of such education and training programs, consistent with the performance information provided under clause (vii); and

(cc) on the comparability of current foreign academic and professional certifications to needed skills and credentials; and

(IV) information relating to local occupations in demand and the earnings, skill requirements, and opportunities for advancement for such occupations;

(vii) provision of performance information and program cost information on eligible providers of training services as described in section 122, provided by program, and eligible providers of youth workforce investment activities described in section 123, providers of adult education described in title II, providers of career and technical education activities at the postsecondary level, and career and technical education activities available to school dropouts, under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.), and providers of vocational rehabilitation services described in title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.);

(viii) provision of information, in formats that are usable by and understandable to one-stop center customers, regarding how the local area is performing on the local performance accountability measures described in section 116(c) and any additional performance information with respect to the one-stop delivery system in the local area;

(ix)(I) provision of information, in formats that are usable by and understandable to one-stop center customers, relating to the availability of supportive services or assistance, including child care, child support, medical or child health assistance under title XIX or XXI of the Social Security Act (42 U.S.C. 1396 et seq. and 1397aa et seq.), benefits under the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), assistance through the earned income tax credit under section 32 of the Internal Revenue Code of 1986, and assistance under a State program for temporary assistance for needy families funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.)

and other supportive services and transportation provided through funds made available under such part, available in the local area; and

(II) referral to the services or assistance described in subclause (I), as appropriate;

(x) provision of information and assistance regarding filing claims for unemployment compensation;

[(xi) assistance in establishing eligibility for programs of financial aid assistance for training and education programs that are not funded under this Act;]

(xi) assistance in identifying and establishing eligibility for programs of financial aid assistance for training and education programs that are not funded under this Act, including Federal financial aid under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) and through State-funded education and training programs;

(xii) services, if determined to be appropriate in order for an individual to obtain or retain employment, that consist of—

(I) comprehensive and specialized assessments of the skill levels and service needs of adults and dislocated workers, which may include—

(aa) diagnostic testing and use of other assessment tools; and

(bb) in-depth interviewing and evaluation to identify employment barriers and appropriate employment goals;

(II) development of an individual employment plan, to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve the employment goals, including providing information on eligible providers of training services pursuant to paragraph (3)(F)(ii), and career pathways to attain career objectives;

(III) group counseling;

[(IV) individual counseling;

[(V) career planning;

[(VI) short-term prevocational services, including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct, to prepare individuals for unsubsidized employment or training;

[(VII) internships and work experiences that are linked to careers;

[(VIII) workforce preparation activities;

[(IX) financial literacy services, such as the activities described in section 129(b)(2)(D);

[(X) out-of-area job search assistance and relocation assistance; or

[(XI) English language acquisition and integrated education and training programs; and]

(IV) individual counseling, including career counseling;

(V) career planning;

(VI) assessment and development of employability skills, including development of learning skills, communication skills, interviewing skills, punctuality, and professional conduct, to prepare individuals for unsubsidized employment or training;

(VII) financial literacy services, such as the activities described in section 129(b)(2)(D);

(VIII) out-of-area job search assistance and relocation assistance; or

(IX) English language acquisition and integrated education and training programs; and

(xiii) followup services, including counseling regarding the workplace *and options for further skill upgrading and career advancement*, for participants in workforce investment activities authorized under this subtitle who are placed in unsubsidized employment, for not less than 12 months after the first day of the employment, as appropriate.

[(B) USE OF PREVIOUS ASSESSMENTS.—A one-stop operator or one-stop partner shall not be required to conduct a new interview, evaluation, or assessment of a participant under subparagraph (A)(xii) if the one-stop operator or one-stop partner determines that it is appropriate to use a recent interview, evaluation, or assessment of the participant conducted pursuant to another education or training program.]

(B) USE OF PREVIOUS ASSESSMENTS.—A one-stop operator or one-stop partner shall not be required to conduct a new interview, evaluation, or assessment of a participant under subparagraph (A)(xii) if the one-stop operator or one-stop partner determines that it is—

(i) appropriate to use a recent interview, evaluation, or assessment of the participant conducted for another education or training program; and

(ii) using such recent interview, evaluation, or assessment may accelerate eligibility determination or facilitate enrollment in a training program for which such participant has been selected.

(C) DELIVERY OF SERVICES.—The career services described in subparagraph (A) shall be provided through the one-stop delivery system—

(i) directly through one-stop operators identified pursuant to section 121(d); or

(ii) through contracts with service providers, which may include contracts with public, private for-profit, and private nonprofit service providers, *or community-based organizations to serve individuals with barriers to employment,* approved by the local board.

(3) TRAINING SERVICES.—

(A) IN GENERAL.—

(i) ELIGIBILITY.—Except as provided in clause (ii), funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to the local area for dislocated workers under section 133(b)(2)(B), shall be used to provide training services to adults and dislocated workers, respectively—

(I) who, after an interview, evaluation, or assessment, and career planning, have been determined by a one-stop operator or one-stop partner, as appropriate, to—

(aa) be unlikely or unable to obtain or retain employment, that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment, through the career services described in paragraph (2)(A)(xii);

(bb) be in need of training services to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment; and

(cc) have the skills and qualifications to successfully participate in the selected program of training services;

(II) who select programs of training services that are directly linked to the employment opportunities in the local area or the planning region, or in another area to which the adults or dislocated workers are willing to commute or relocate*, or to jobs that may be performed remotely*;

(III) who meet the requirements of subparagraph (B); and

(IV) who are determined to be eligible in accordance with the priority system in effect under subparagraph (E).

(ii) USE OF PREVIOUS ASSESSMENTS.—A one-stop operator or one-stop partner shall not be required to conduct a new interview, evaluation, or assessment of a participant under clause (i) if the one-stop operator or one-stop partner determines that it is appropriate to use a recent interview, evaluation, or assessment of the participant conducted pursuant to another education or training program.

(iii) RULE OF CONSTRUCTION.—Nothing in this subparagraph shall be construed to mean an individual is required to receive career services prior to receiving training services.

(iv) ADULT EDUCATION AND FAMILY LITERACY ACTIVITIES.—In the case of an individual who is determined to not have the skills and qualifications to successfully participate in the selected program of training services under clause (i)(I)(cc), the one-stop operator or one-stop partner shall make available, or refer such individual

to, adult education and family literacy activities under title II.

(B) QUALIFICATION.—

(i) REQUIREMENT.—Notwithstanding section 479B of the Higher Education Act of 1965 (20 U.S.C. 1087uu) and except as provided in clause (ii), provision of such training services shall be limited to individuals who—

(I) are unable to obtain other grant assistance for such services, including Federal Pell Grants established under subpart 1 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a et seq.); or

(II) require assistance beyond the assistance made available under other grant assistance programs, including Federal Pell Grants.

(ii) REIMBURSEMENTS.—Training services may be provided under this paragraph to an individual who otherwise meets the requirements of this paragraph while an application for a Federal Pell Grant is pending, except that if such individual is subsequently awarded a Federal Pell Grant, appropriate reimbursement shall be made to the local area from such Federal Pell Grant.

(iii) CONSIDERATION.—In determining whether an individual requires assistance under clause (i)(II), a one-stop operator (or one-stop partner, where appropriate) may take into consideration the full cost of participating in training services, including the costs of dependent care and transportation, and other appropriate costs.

(iv) PARTICIPATION DURING PENDING APPLICATION.—An individual who meets the eligibility requirements under subparagraph (A)(i) to participate in a program of training services may participate in such a program during the period in which such individual's enrollment in such program is being reviewed under this section, except that the provider of such program shall only receive reimbursement under this Act for the individual's participation during such period if such individual's enrollment is approved under this section.

(C) PROVIDER QUALIFICATION.—Training services shall be provided through providers identified in accordance with section 122.

(D) TRAINING SERVICES.—**[**Training services may include**]** *Training services may be delivered in-person or virtually, and may include—*

(i) occupational skills training, including training for nontraditional employment;

(ii) on-the-job training;

(iii) incumbent worker training in accordance with subsection (d)(4);

(iv) programs that combine workplace training with related instruction, which may include cooperative education programs;

(v) training programs operated by the private sector;

(vi) skill upgrading and retraining;

(vii) entrepreneurial training;

(viii) transitional jobs in accordance with subsection (d)(5);

(ix) job readiness training provided in combination with services described in any of clauses (i) through (viii);

(x) adult education and literacy activities, including activities of English language acquisition and integrated education and training programs, provided concurrently or in combination with services described in any of clauses (i) through (vii); and

(xi) customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training.

[(E) PRIORITY.—With respect to funds allocated to a local area for adult employment and training activities under paragraph (2)(A) or (3) of section 133(b), priority shall be given to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient for receipt of career services described in paragraph (2)(A)(xii) and training services. The appropriate local board and the Governor shall direct the one-stop operators in the local area with regard to making determinations related to such priority.]

(E) PRIORITY.—

(i) IN GENERAL.—With respect to funds allocated to a local area for adult employment and training activities under paragraph (2)(A) or (3) of section 133(b), not less than 75 percent of such funds, used to provide career services described in paragraph (2)(A)(xii), training services, and supportive services, shall be used to provide such services to—

(I) recipients of public assistance;

(II) other low-income individuals;

(III) individuals who have foundational skill needs; and

(IV) individuals with barriers to employment who are not described in subclauses (I) through (III).

(ii) DETERMINATIONS OF PRIORITY.—The appropriate local board and the Governor shall direct the one-stop operators in the local area with regard to making determinations on how to prioritize the populations listed in subclauses (I) through (IV) of clause (i) for purposes of clause (i).

(F) CONSUMER CHOICE REQUIREMENTS.—

(i) IN GENERAL.—Training services provided under this paragraph shall be provided in a manner that maximizes consumer choice in the selection of an eligible provider of such services.

(ii) ELIGIBLE PROVIDERS.—Each local board, through one-stop centers, shall make available the list of eligible providers of training services described in section

122(d), and accompanying information, in accordance with section 122(d).

(iii) INDIVIDUAL TRAINING ACCOUNTS.—An individual who seeks training services and who is eligible pursuant to subparagraph (A), may, in consultation with a career planner, select an eligible provider of training services from the list of providers described in clause (ii). Upon such selection, the one-stop operator involved shall, to the extent practicable, refer such individual to the eligible provider of training services, and arrange for payment for such services through an individual training account.

(iv) COORDINATION.—Each local board may, through one-stop centers, coordinate funding for individual training accounts with funding from other Federal, State, local, or private job training programs or sources to assist the individual in obtaining training services.

(v) ADDITIONAL INFORMATION.—Priority consideration shall, consistent with clause (i), be given to programs that lead to recognized postsecondary credentials that are aligned with in-demand industry sectors or occupations in the local area involved.

(G) USE OF INDIVIDUAL TRAINING ACCOUNTS.—

[(i) IN GENERAL.—Except as provided in clause (ii), training services provided under this paragraph shall be provided through the use of individual training accounts in accordance with this paragraph, and shall be provided to eligible individuals through the one-stop delivery system.**]**

(i) IN GENERAL.—

(I) TRAINING SERVICES.—Except as provided in clause (ii), training services provided under this paragraph shall be provided through the use of individual training accounts in accordance with this paragraph, and shall be provided to eligible individuals through the one-stop delivery system.

(II) AUTHORIZED COSTS.—An individual training account may provide any costs with respect to such training services, as determined by the local board, including—

(aa) the costs of course materials, supplies, uniforms, technology, and other required fees for graduation, licensure, or certification; and

(bb) in the case of a provider that charges tuition and fees for a training program, the cost of such tuition and fees.

(ii) TRAINING CONTRACTS.—Training services authorized under this paragraph may be provided pursuant to a contract for services in lieu of an individual training account if—

(I) the requirements of subparagraph (F) are met;

(II) such services are on-the-job training, customized training, incumbent worker training, or transitional employment;

(III) the local board determines there are an insufficient number of eligible providers of training services in the local area involved (such as in a rural area) to accomplish the purposes of a system of individual training accounts;

[(IV) the local board determines that there is a training services program of demonstrated effectiveness offered in the local area by a community-based organization or another private organization to serve individuals with barriers to employment;]

(IV) the local board determines that there is a training program demonstrating effectiveness (including cost effectiveness), and that can be offered in the local area by a community-based organization or another private, nonprofit organization to serve individuals with barriers to employment;

(V) the local board determines that—

(aa) it would be most appropriate to award a contract to an institution of higher education or other eligible provider of training services in order to facilitate the training of multiple individuals in in-demand industry sectors or occupations; and

(bb) such contract does not limit customer choice; or

(VI) the contract is a pay-for-performance contract.

[(iii) LINKAGE TO OCCUPATIONS IN DEMAND.—Training services provided under this paragraph shall be directly linked to an in-demand industry sector or occupation in the local area or the planning region, or in another area to which an adult or dislocated worker receiving such services is willing to relocate, except that a local board may approve training services for occupations determined by the local board to be in sectors of the economy that have a high potential for sustained demand or growth in the local area.

[(iv) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to preclude the combined use of individual training accounts and contracts in the provision of training services, including arrangements that allow individuals receiving individual training accounts to obtain training services that are contracted for under clause (ii).]

(iii) LINKAGE TO OCCUPATIONS IN DEMAND.—

(I) IN GENERAL.—Subject to subclause (II), training services provided under this paragraph shall be directly linked to an in-demand industry sector or occupation in the local area or the planning region, or in another area to which an adult or dislocated worker receiving such services is willing to relocate or that may be performed remotely.

(II) EXCEPTION.— A local board may approve training services for occupations determined by the local board to be in sectors of the economy that have a high potential for sustained demand or growth in the local area.

(iv) CREDENTIAL IN DEMAND.—To the extent practicable, training services provided under this paragraph shall result in the attainment of skills and credentials that are portable and stackable.

(v) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to preclude the combined use of individual training accounts and contracts in the provision of training services, including arrangements that allow individuals receiving individual training accounts to obtain training services that are contracted for under clause (ii).

[(H) REIMBURSEMENT FOR ON-THE-JOB TRAINING.—

[(i) REIMBURSEMENT LEVEL.—For purposes of the provision of on-the-job training under this paragraph, the Governor or local board involved may increase the amount of the reimbursement described in section 3(44) to an amount of up to 75 percent of the wage rate of a participant for a program carried out under chapter 2 or this chapter, if, respectively—

[(I) the Governor approves the increase with respect to a program carried out with funds reserved by the State under that chapter, taking into account the factors described in clause (ii); or

[(II) the local board approves the increase with respect to a program carried out with funds allocated to a local area under such chapter, taking into account those factors.

[(ii) FACTORS.—For purposes of clause (i), the Governor or local board, respectively, shall take into account factors consisting of—

[(I) the characteristics of the participants;

[(II) the size of the employer;

[(III) the quality of employer-provided training and advancement opportunities; and

[(IV) such other factors as the Governor or local board, respectively, may determine to be appropriate, which may include the number of employees participating in the training, wage and benefit levels of those employees (at present and anticipated upon completion of the training), and relation of the training to the competitiveness of a participant.]

(H) REIMBURSEMENT FOR ON-THE-JOB TRAINING.—

(i) REIMBURSEMENT LEVELS.—For purposes of the provision of on-the-job training under this paragraph, the Governor or local board involved may increase the amount of the reimbursement to an amount of up to 90 percent of the wage rate of a participant for a program carried out under chapter 2 or this chapter, if—

(I) the Governor approves the increase with respect to a program carried out with funds reserved by the State under such chapter, taking into account the factors described in clause (iii); or

(II) the local board approves the increase with respect to a program carried out with funds allocated to a local area under such chapter, taking into account the factors described in clause (iii).

(ii) VERIFICATION BY ONE-STOP OPERATOR.—The one-stop operator within a local area shall—

(I) at least once during the on-the-job training program, verify that the employer meets the conditions that—

(aa) were certified by the employer in the contract for such program; and

(bb) are consistent with the factors described in clause (iii), according to a methodology determined by the local board with consent from the Governor; and

(II) terminate the employer's contract for such program if the employer is not meeting such conditions.

(iii) FACTORS.—For purposes of this subparagraph, the Governor or local board, respectively, may take into account factors consisting of—

(I) basic indicators of job quality, including—

(aa) wage level upon completion of a training program;

(bb) availability of benefits, such as paid time off, health insurance, and retirement savings plan; and

(cc) a safe workplace, such as a record of compliance with safety regulations consistent with or better than the industry average and adoption of an independently certified injury and illness prevention program;

(II) the characteristics of the participants;

(III) the size of the employer;

(IV) the quality of employer-provided training and advancement opportunities; and

(V) such other factors as the Governor or local board, respectively, may determine to be appropriate, which may include the number of employees participating in the training, opportunities for promotions, predictable and stable work schedule, and relation of the training to the competitiveness of a participant.

(4) SUPPORTIVE SERVICES.—

(A) IN GENERAL.—A portion of the funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and a portion of the funds allocated to the local area for dislocated workers under section 133(b)(2)(B)—

(i) shall be used to provide supportive services (that are not needs-related payments) to adults and dislocated workers, respectively—

(I) who are participating in programs with activities authorized in paragraph (2) or (3) of subsection (c), or who entered unsubsidized employment after participating in such programs, for up to 12 months following the date of first employment; and

(II) who are unable to obtain such supportive services through other programs providing such services; and

(ii) may be used to provide needs-related payments to adults and dislocated workers, respectively, who are unemployed and do not qualify for (or have ceased to qualify for) unemployment compensation for the purpose of enabling such individuals to participate in programs of training services under subsection (c)(3).

(B) ADDITIONAL ELIGIBILITY REQUIREMENTS FOR NEEDS-RELATED PAYMENTS.—In addition to the requirements contained in subparagraph (A)(ii), a dislocated worker who has ceased to qualify for unemployment compensation may be eligible to receive needs-related payments under this paragraph only if such worker is enrolled in training services.

(C) LEVEL OF PAYMENTS.—The level of a needs-related payment made to a dislocated worker under this paragraph shall not exceed the greater of—

(i) the applicable level of unemployment compensation; or

(ii) if such worker did not qualify for unemployment compensation, an amount equal to 150 percent of the poverty line, for an equivalent period, which amount shall be adjusted to reflect changes in total family income.

(d) PERMISSIBLE LOCAL EMPLOYMENT AND TRAINING ACTIVITIES.—

(1) IN GENERAL.—

(A) ACTIVITIES.—Funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to the local area for dislocated workers under section 133(b)(2)(B), may be used to provide, through the one-stop delivery system involved (and through collaboration with the local board, for the purpose of the activities described in clauses (vii) and (ix))—

(i) customized screening and referral of qualified participants in training services described in subsection (c)(3) to employers;

(ii) customized employment-related services to employers, employer associations, or other such organizations on a fee-for-service basis;

(iii) implementation of a pay-for-performance contract strategy for training services, for which the local board may reserve and use not more than 10 percent

of the total funds allocated to the local area under paragraph (2) or (3) of section 133(b);

(iv) customer support to enable individuals with barriers to employment (including individuals with disabilities) and veterans, to navigate among multiple services and activities for such populations;

(v) technical assistance for one-stop operators, one-stop partners, and eligible providers of training services, regarding the provision of services to individuals with disabilities in local areas, including the development and training of staff, the provision of outreach, intake, assessments, and service delivery, the coordination of services across providers and programs, and the development of performance accountability measures;

(vi) employment and training activities provided in coordination with—

(I) child support enforcement activities of the State and local agencies carrying out part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.);

(II) child support services, and assistance, provided by State and local agencies carrying out part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.);

(III) cooperative extension programs carried out by the Department of Agriculture; and

(IV) activities to facilitate remote access to services provided through a one-stop delivery system, including facilitating access through the use of technology;

(vii) activities—

(I) to improve coordination between workforce investment activities and economic development activities carried out within the local area involved, and to promote entrepreneurial skills training and microenterprise services;

(II) to improve services and linkages between the local workforce investment system (including the local one-stop delivery system) and employers, including small employers, in the local area, through services described in this section; and

(III) to strengthen linkages between the one-stop delivery system and unemployment insurance programs; *and*

(IV) to strengthen, through professional development activities, the knowledge and capacity of staff to use the latest digital technologies, tools and strategies to equitably deliver high quality services and outcomes for jobseekers, workers, and employers;

(viii) training programs for **[**displaced homemakers**]** *displaced caregivers* and for individuals training for nontraditional occupations, in conjunction with programs operated in the local area;

(ix) activities to provide business services and strategies that meet the workforce investment needs of area employers, as determined by the local board, consistent with the local plan under section 108, which services—

(I) may be provided through effective business intermediaries working in conjunction with the local board, and may also be provided on a fee-for-service basis or through the leveraging of economic development, philanthropic, and other public and private resources in a manner determined appropriate by the local board; and

(II) may include—

(aa) developing and implementing industry sector strategies (including strategies involving industry partnerships, regional skills alliances, industry skill panels, and sectoral skills partnerships);

(bb) developing and delivering innovative workforce investment services and strategies for area employers, which may include career pathways, skills upgrading, skill standard development and certification for recognized postsecondary credential or other employer use, apprenticeship*, technical assistance in support of job quality, adoption of skills-based and equitable hiring practices*, and other effective initiatives for meeting the workforce investment needs of area employers and workers;

(cc) assistance to area employers in managing reductions in force in coordination with rapid response activities provided under subsection (a)(2)(A) and with strategies for the aversion of layoffs, which strategies may include early identification of firms at risk of layoffs, use of feasibility studies to assess the needs of and options for at-risk firms, and the delivery of employment and training activities to address risk factors; and

(dd) the marketing of business services offered under this title, to appropriate area employers, including small and mid-sized employers;

(x) activities to adjust the economic self-sufficiency standards referred to in subsection (a)(3)(A)(xii) for local factors, or activities to adopt, calculate, or commission for approval, economic self-sufficiency standards for the local areas that specify the income needs of families, by family size, the number and ages of children in the family, and substate geographical considerations;

(xi) improved coordination between employment and training activities and programs carried out in the local area for individuals with disabilities, including

programs carried out by State agencies relating to intellectual disabilities and developmental disabilities, activities carried out by Statewide Independent Living Councils established under section 705 of the Rehabilitation Act of 1973 (29 U.S.C. 796d), programs funded under part B of chapter 1 of title VII of such Act (29 U.S.C. 796e et seq.), and activities carried out by centers for independent living, as defined in section 702 of such Act (29 U.S.C. 796a); and

(xii) implementation of promising services to workers and businesses, which may include support for education, training, skill upgrading, and statewide networking for employees to become workplace learning advisors and maintain proficiency in carrying out the activities associated with such advising.

(B) WORK SUPPORT ACTIVITIES FOR LOW-WAGE WORKERS.—

(i) IN GENERAL.—Funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to the local area for dislocated workers under section 133(b)(2)(B), may be used to provide, through the one-stop delivery system involved, work support activities designed to assist low-wage workers in retaining and enhancing employment. The one-stop partners of the system shall coordinate the appropriate programs and resources of the partners with the activities and resources provided under this subparagraph.

(ii) ACTIVITIES.—The work support activities described in clause (i) may include the provision of activities described in this section through the one-stop delivery system in a manner that enhances the opportunities of such workers to participate in the activities, such as the provision of activities described in this section during nontraditional hours and the provision of onsite child care while such activities are being provided.

[(2) SUPPORTIVE SERVICES.—Funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to the local area for dislocated workers under section 133(b)(2)(B), may be used to provide supportive services to adults and dislocated workers, respectively—

[(A) who are participating in programs with activities authorized in paragraph (2) or (3) of subsection (c); and

[(B) who are unable to obtain such supportive services through other programs providing such services.

[(3) NEEDS-RELATED PAYMENTS.—

[(A) IN GENERAL.—Funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to the local area for dislocated workers under section 133(b)(2)(B), may be used to provide needs-related payments to adults and dislocated workers, respectively, who are unemployed and do not qualify for (or have ceased to qualify for) unemployment

compensation for the purpose of enabling such individuals to participate in programs of training services under subsection (c)(3).

[(B) ADDITIONAL ELIGIBILITY REQUIREMENTS.—In addition to the requirements contained in subparagraph (A), a dislocated worker who has ceased to qualify for unemployment compensation may be eligible to receive needs-related payments under this paragraph only if such worker was enrolled in the training services—

[(i) by the end of the 13th week after the most recent layoff that resulted in a determination of the worker's eligibility for employment and training activities for dislocated workers under this subtitle; or

[(ii) if later, by the end of the 8th week after the worker is informed that a short-term layoff will exceed 6 months.

[(C) LEVEL OF PAYMENTS.—The level of a needs-related payment made to a dislocated worker under this paragraph shall not exceed the greater of—

[(i) the applicable level of unemployment compensation; or

[(ii) if such worker did not qualify for unemployment compensation, an amount equal to the poverty line, for an equivalent period, which amount shall be adjusted to reflect changes in total family income.

[(4) INCUMBENT WORKER TRAINING PROGRAMS.—

[(A) IN GENERAL.—

[(i) STANDARD RESERVATION OF FUNDS.—The local board may reserve and use not more than 20 percent of the funds allocated to the local area involved under section 133(b) to pay for the Federal share of the cost of providing training through a training program for incumbent workers, carried out in accordance with this paragraph.

[(ii) DETERMINATION OF ELIGIBILITY.—For the purpose of determining the eligibility of an employer to receive funding under clause (i), the local board shall take into account factors consisting of—

[(I) the characteristics of the participants in the program;

[(II) the relationship of the training to the competitiveness of a participant and the employer; and

[(III) such other factors as the local board may determine to be appropriate, which may include the number of employees participating in the training, the wage and benefit levels of those employees (at present and anticipated upon completion of the training), and the existence of other training and advancement opportunities provided by the employer.

[(iii) STATEWIDE IMPACT.—The Governor or State board involved may make recommendations to the local board for providing incumbent worker training that has statewide impact.

[(B) TRAINING ACTIVITIES.—The training program for incumbent workers carried out under this paragraph shall be carried out by the local board in conjunction with the employers or groups of employers of such workers (which may include employers in partnership with other entities for the purposes of delivering training) for the purpose of assisting such workers in obtaining the skills necessary to retain employment or avert layoffs.

[(C) EMPLOYER PAYMENT OF NON-FEDERAL SHARE.—Employers participating in the program carried out under this paragraph shall be required to pay for the non-Federal share of the cost of providing the training to incumbent workers of the employers.

[(D) NON-FEDERAL SHARE.—

[(i) FACTORS.—Subject to clause (ii), the local board shall establish the non-Federal share of such cost (taking into consideration such other factors as the number of employees participating in the training, the wage and benefit levels of the employees (at the beginning and anticipated upon completion of the training), the relationship of the training to the competitiveness of the employer and employees, and the availability of other employer-provided training and advancement opportunities.

[(ii) LIMITS.—The non-Federal share shall not be less than—

[(I) 10 percent of the cost, for employers with not more than 50 employees;

[(II) 25 percent of the cost, for employers with more than 50 employees but not more than 100 employees; and

[(III) 50 percent of the cost, for employers with more than 100 employees.

[(iii) CALCULATION OF EMPLOYER SHARE.—The non-Federal share provided by an employer participating in the program may include the amount of the wages paid by the employer to a worker while the worker is attending a training program under this paragraph. The employer may provide the share in cash or in kind, fairly evaluated.

[(5) TRANSITIONAL JOBS.—The local board may use not more than 10 percent of the funds allocated to the local area involved under section 133(b) to provide transitional jobs under subsection (c)(3) that—

[(A) are time-limited work experiences that are subsidized and are in the public, private, or nonprofit sectors for individuals with barriers to employment who are chronically unemployed or have an inconsistent work history;

[(B) are combined with comprehensive employment and supportive services; and

[(C) are designed to assist the individuals described in subparagraph (A) to establish a work history, demonstrate success in the workplace, and develop the skills that lead to entry into and retention in unsubsidized employment.]

(2) INCUMBENT WORKER TRAINING PROGRAMS.—

(A) IN GENERAL.—

(i) STANDARD RESERVATION OF FUNDS.—The local board may reserve and use not more than 25 percent of the funds allocated to the local area involved under section 133(b) to pay for the Federal share of the cost of providing training through a training program for incumbent workers, carried out in accordance with this paragraph.

(ii) INCREASE IN RESERVATION OF FUNDS.—The local board may increase such reservation of funds for a program year if the Governor determines that the training from such funds from the prior program year resulted in career promotions for workers receiving such training and created new job vacancies. For a program year for which the reservation of funds is so increased, clause (i) shall be applied by substituting "30 percent" for "25 percent".

(iii) DETERMINATION OF ELIGIBILITY.—In order for a local board to determine that an employer is eligible to receive funding under clause (i), the local board shall take into account factors consisting of—

(I) the basic indicators of job quality described in subsection (c)(3)(H)(iii)(I);

(II) the characteristics of the participants in the program;

(III) the relationship of the training to the competitiveness of a participant and the employer; and

(IV) such other factors as the local board may determine to be appropriate, which may include the number of employees participating in the training, and the existence of other training and advancement opportunities provided by the employer.

(iv) STATEWIDE IMPACT.—The Governor or State board involved may make recommendations to the local board for providing incumbent worker training that has statewide impact.

(B) TRAINING ACTIVITIES.—The training program for incumbent workers carried out under this paragraph shall be carried out by the local board in conjunction with the employers or groups of employers of such workers (which may include employers in partnership with other entities for the purposes of delivering training) for the purpose of assisting such workers in obtaining the skills necessary to retain employment or avert layoffs.

(C) EMPLOYER PAYMENT OF NON-FEDERAL SHARE.—Employers participating in the program carried out under this paragraph shall be required to pay for the non-Federal share of the cost of providing the training to incumbent workers of the employers.

(D) NON-FEDERAL SHARE.—

(i) FACTORS.—Subject to clauses (ii) and (iii), the local board shall establish the non-Federal share of the cost of providing training through a training program for incumbent workers, by considering the indicators

described in subsection (c)(3)(H)(iii) and how many of such indicators the employer certifies will be met with respect to the employment of incumbent workers upon completion of training funded under this section.

(ii) LIMITS.—The non-Federal share shall not be less than—

(I) 10 percent of the cost, for employers with not more than 50 employees;

(II) 25 percent of the cost, for employers with more than 50 employees but not more than 100 employees; and

(III) 50 percent of the cost, for employers with more than 100 employees.

(iii) CALCULATION OF EMPLOYER SHARE.—The non-Federal share provided by an employer participating in the program may include the amount of the wages paid by the employer to a worker while the worker is attending a training program under this paragraph. The employer may provide the share in cash or in kind, fairly evaluated.

(E) VERIFICATION BY ONE-STOP OPERATOR.—Upon completion of the incumbent worker training program funded under this section, the one-stop operator within a local area shall verify that the employer met the conditions that were certified to prior to receiving the Federal share of the training program's costs, consistent with this paragraph, according to a methodology determined by the Governor or local board. If such conditions were not met, the one-stop operator shall prohibit the employer from receiving funds for incumbent worker training under this section for a period of 5 years.

(3) TRANSITIONAL JOBS.—The local board may use not more than 40 percent of the funds allocated to the local area involved under section 133(b) to provide transitional jobs under subsection (c)(3) that—

(A) are time-limited work experiences that are subsidized and are in the public, private, employment social enterprise, or nonprofit sectors for individuals with barriers to employment who are chronically unemployed or have an inconsistent work history;

(B) are combined with comprehensive employment and supportive services; and

(C) are designed to assist the individuals described in subparagraph (A) to establish a work history, demonstrate success in the workplace, and develop skills that lead to entry into and retention in unsubsidized employment.

* * * * * * *

CHAPTER 4—GENERAL WORKFORCE INVESTMENT PROVISIONS

[SEC. 136. AUTHORIZATION OF APPROPRIATIONS.

[(a) YOUTH WORKFORCE INVESTMENT ACTIVITIES.—There are authorized to be appropriated to carry out the activities described in section 127(a), $820,430,000 for fiscal year 2015, $883,800,000 for

fiscal year 2016, $902,139,000 for fiscal year 2017, $922,148,000 for fiscal year 2018, $943,828,000 for fiscal year 2019, and $963,837,000 for fiscal year 2020.

[(b) ADULT EMPLOYMENT AND TRAINING ACTIVITIES.—There are authorized to be appropriated to carry out the activities described in section 132(a)(1), $766,080,000 for fiscal year 2015, $825,252,000 for fiscal year 2016, $842,376,000 for fiscal year 2017, $861,060,000 for fiscal year 2018, $881,303,000 for fiscal year 2019, and $899,987,000 for fiscal year 2020.

[(c) DISLOCATED WORKER EMPLOYMENT AND TRAINING ACTIVITIES.—There are authorized to be appropriated to carry out the activities described in section 132(a)(2), $1,222,457,000 for fiscal year 2015, $1,316,880,000 for fiscal year 2016, $1,344,205,000 for fiscal year 2017, $1,374,019,000 for fiscal year 2018, $1,406,322,000 for fiscal year 2019, and $1,436,137,000 for fiscal year 2020.]

SEC. 136. AUTHORIZATION OF APPROPRIATIONS.

(a) YOUTH WORKFORCE INVESTMENT ACTIVITIES.—There are authorized to be appropriated to carry out the activities described in section 127(a), $1,026,450,000 for fiscal year 2023, $1,129,100,000 for fiscal year 2024, $1,242,000,000 for fiscal year 2025, $1,366,200,000 for fiscal year 2026, $1,502,800,000 for fiscal year 2027, and $1,653,100,000 for fiscal year 2028

(b) SUMMER AND YEAR-ROUND EMPLOYMENT ACTIVITIES.—There are authorized to be appropriated to section 130, $926,650,000 for fiscal year 2023, $1,019,300,000 for fiscal year 2024, $1,121,250,000 for fiscal year 2025, $1,233,400,000 for fiscal year 2026, $1,356,750,000 for fiscal year 2027, and $1,492,450,000 for fiscal year 2028.

(c) ADULT EMPLOYMENT AND TRAINING ACTIVITIES.—There are authorized to be appropriated to carry out the activities described in section 132(a)(1), $1,555,600,000 for fiscal year 2023, $1,711,200,000 for fiscal year 2024, $1,882,300,000 for fiscal year 2025, $2,070,500,000 for fiscal year 2026, $2,277,600,000 for fiscal year 2027, and $2,505,400,000 for fiscal year 2028.

(d) DISLOCATED WORKER EMPLOYMENT AND TRAINING ACTIVITIES.—There are authorized to be appropriated to carry out the activities described in section 132(a)(2), $2,486,300,000 for fiscal year 2023, $2,734,900,000 for fiscal year 2024, $3,008,400,000 for fiscal year 2025, $3,309,200,000 for fiscal year 2026, $3,640,100,000 for fiscal year 2027, and $4,004,100,000 for fiscal year 2028.

Subtitle C—Job Corps

SEC. 141. PURPOSES.

The purposes of this subtitle are—

(1) to maintain a national Job Corps program, carried out in partnership with States and communities, to—

(A) assist eligible youth to connect to the labor force by providing them with intensive social, academic, career and technical education, and service-learning opportunities, in primarily residential centers, in order for such youth to obtain secondary school diplomas or recognized postsecondary credentials leading to—

(i) successful careers, in in-demand industry sectors or occupations or the Armed Forces, that will result in economic self-sufficiency and opportunities for advancement; or

(ii) enrollment in postsecondary education, including an apprenticeship program; and

(B) support responsible citizenship;

(2) to set forth standards and procedures for selecting individuals as enrollees in the Job Corps;

(3) to authorize the establishment of [Job Corps centers] *Job Corps campuses* in which enrollees will participate in intensive programs of activities described in this subtitle; and

(4) to prescribe various other powers, duties, and responsibilities incident to the operation and continuing development of the Job Corps.

SEC. 142. DEFINITIONS.

In this subtitle:

(1) APPLICABLE LOCAL BOARD.—The term "applicable local board" means a local board—

(A) that provides information for a [Job Corps center] *Job Corps campus* on local employment opportunities and the job skills needed to obtain the opportunities; and

(B) that serves communities in which the graduates of the [Job Corps center] *Job Corps campus* seek employment.

(2) APPLICABLE ONE-STOP CENTER.—The term "applicable one-stop center" means a one-stop center that provides services, such as referral, assessment, recruitment, and placement, to support the purposes of the Job Corps.

(3) ENROLLEE.—The term "enrollee" means an individual who has voluntarily applied for, been selected for, and enrolled in the Job Corps program, and remains with the program, but has not yet become a graduate.

(4) FORMER ENROLLEE.—The term "former enrollee" means an individual who has voluntarily applied for, been selected for, and enrolled in the Job Corps program, but left the program prior to becoming a graduate.

(5) GRADUATE.—The term "graduate" means an individual who has voluntarily applied for, been selected for, and enrolled in the Job Corps program and who, as a result of participation in the Job Corps program, has received a secondary school diploma or recognized equivalent, or completed the requirements of a career and technical education and training program that prepares individuals for employment leading to economic self-sufficiency or entrance into postsecondary education or training.

(6) JOB CORPS.—The term "Job Corps" means the Job Corps described in section 143.

[(7) JOB CORPS CENTER.—The term "Job Corps center " means a center described in section 147.]

(7) JOB CORPS CAMPUS.—The term "Job Corps campus" means a campus run by an operator selected by the Secretary pursuant to section 147, carrying out Job Corps activities.

(8) OPERATOR.—The term "operator" means an entity selected under this subtitle to operate a [Job Corps center] *Job Corps campus*.

(9) REGION.—The term "region" means an area defined by the Secretary.

(10) SERVICE PROVIDER.—The term "service provider" means an entity selected under this subtitle to provide services described in this subtitle to a [Job Corps center] *Job Corps campus*.

(11) STATE.—The term "State" has the meaning given the term in section 3, except that such term also includes outlying areas (as defined in section 3).

* * * * * * *

SEC. 144. INDIVIDUALS ELIGIBLE FOR THE JOB CORPS.

(a) IN GENERAL.—To be eligible to become an enrollee, an individual shall be—

[(1) not less than age 16 and not more than age 21 on the date of enrollment, except that—

[(A) not more than 20 percent of the individuals enrolled in the Job Corps may be not less than age 22 and not more than age 24 on the date of enrollment; and

[(B) either such maximum age limitation may be waived by the Secretary, in accordance with regulations of the Secretary, in the case of an individual with a disability;

[(2) a low-income individual; and]

(1) not less than age 16 and not more than age 24 on the date of enrollment;

(2) an individual who is—

(A) a low-income individual as defined in subsection (h)(4) of section 402A of the Higher Education Act of 1965 (20 U.S.C. 1070a-11) as determined using procedures similar to those in subsection (e) of such section; or

(B) a resident of a qualified opportunity zone as defined in section 1400Z–1(a) of the Internal Revenue Code of 1986; and

(3) an individual who is one or more of the following:

(A) [Basic skills deficient] *An individual with foundational skill needs*.

(B) [A school dropout] *An opportunity youth*.

(C) A homeless individual (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6))), a homeless child or youth (as defined in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2))), a runaway, an individual in foster care, or an individual who was in foster care and has aged out of the foster care system.

(D) A parent *or an individual who is pregnant*.

(E) An individual who requires additional education, career and technical education or training, or workforce preparation skills to be able to obtain and retain employment that leads to economic self-sufficiency.

(F) A victim of a severe form of trafficking in persons (as defined in section 103 of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7102)). Notwith-

standing paragraph (2), an individual described in this subparagraph shall not be required to demonstrate eligibility under such paragraph.

[(b) SPECIAL RULE FOR VETERANS.—Notwithstanding the requirement of subsection (a)(2), a veteran shall be eligible to become an enrollee under subsection (a) if the individual—

[(1) meets the requirements of paragraphs (1) and (3) of such subsection; and

[(2) does not meet the requirement of subsection (a)(2) because the military income earned by such individual within the 6-month period prior to the individual's application for Job Corps prevents the individual from meeting such requirement.]

(b) SPECIAL RULE FOR VETERANS.—A veteran shall be eligible to become an enrollee if the veteran meets the requirements of subsection (a)(1).

SEC. 145. RECRUITMENT, SCREENING, SELECTION, AND ASSIGNMENT OF ENROLLEES.

(a) STANDARDS AND PROCEDURES.—

(1) IN GENERAL.—The Secretary shall prescribe specific standards and procedures for the recruitment, screening, and selection of eligible applicants for the Job Corps, after considering recommendations from Governors of States, local boards, and other interested parties.

(2) METHODS.—In prescribing standards and procedures under paragraph (1), the Secretary, at a minimum, shall—

(A) prescribe procedures for informing enrollees that drug tests will be administered to the enrollees and the results received within 45 days after the enrollees enroll in the Job Corps;

(B) establish standards for recruitment of Job Corps applicants;

(C) establish standards and procedures for—

(i) determining, for each applicant, whether the educational and career and technical education and training needs of the applicant can best be met through the Job Corps program or an alternative program in the community in which the applicant resides; and

(ii) obtaining from each applicant pertinent data relating to background, needs, and interests for determining eligibility and potential assignment;

(D) where appropriate, take measures to improve the professional capability of the individuals conducting screening of the applicants; [and]

(E) assure appropriate representation of enrollees from urban areas and from rural areas[.]*; and*

(F) assist one-stop centers and other entities identified in paragraph (3) in developing joint applications for Job Corps, YouthBuild, and youth workforce investment activities under which an applicant may submit a single application for all such programs.

(3) IMPLEMENTATION.—The standards and procedures shall be implemented through arrangements with—

(A) applicable one-stop centers;

(B) organizations that have a demonstrated record of effectiveness in serving at-risk youth and placing such youth into employment, including community action agencies, business organizations, or labor organizations; and

(C) child welfare agencies that are responsible for children and youth eligible for benefits and services under section 477 of the Social Security Act (42 U.S.C. 677).

(4) CONSULTATION.—The standards and procedures shall provide for necessary consultation with individuals and organizations, including court, probation, parole, law enforcement, education, welfare, and medical authorities and advisers.

(5) REIMBURSEMENT.—The Secretary is authorized to enter into contracts with and make payments to individuals and organizations for the cost of conducting recruitment, screening, and selection of eligible applicants for the Job Corps, as provided for in this section. [The Secretary shall make no payment to any individual or organization solely as compensation for referring the names of applicants for the Job Corps.]

(b) SPECIAL LIMITATIONS ON SELECTION.—

(1) IN GENERAL.—No individual shall be selected as an enrollee unless the individual or organization implementing the standards and procedures described in subsection (a) determines that—

(A) there is a reasonable expectation that the individual considered for selection can participate successfully in group situations and activities, and is not likely to engage in behavior that would prevent other enrollees from receiving the benefit of the Job Corps program or be incompatible with the maintenance of sound discipline and satisfactory relationships between the [Job Corps center] *Job Corps campus* to which the individual might be assigned and communities surrounding the [Job Corps center] *Job Corps campus*;

(B) the individual manifests a basic understanding of both the rules to which the individual will be subject and of the consequences of failure to observe the rules, and agrees to comply with such rules; and

(C) the individual has passed a background check conducted in accordance with procedures established by the Secretary and with applicable State and local laws.

(2) INDIVIDUALS ON PROBATION, PAROLE, OR SUPERVISED RELEASE.—An individual on probation, parole, or supervised release may be selected as an enrollee only if release from the supervision of the probation or parole official involved is satisfactory to the official and the Secretary and does not violate applicable laws (including regulations). No individual shall be denied a position in the Job Corps solely on the basis of individual contact with the criminal justice system except for a disqualifying conviction as specified in paragraph (3).

(3) INDIVIDUALS CONVICTED OF CERTAIN CRIMES.—An individual shall not be selected as an enrollee if the individual has been convicted of a felony consisting of murder (as described in section 1111 of title 18, United States Code), child abuse, or a crime involving rape or sexual assault.

(c) ASSIGNMENT PLAN.—

(1) IN GENERAL.—Every 2 years, the Secretary shall develop and implement a plan for assigning enrollees to [Job Corps centers] *Job Corps campuses*. In developing the plan, the Secretary shall, based on the analysis described in paragraph (2), establish targets, applicable to each [Job Corps center] *Job Corps campus*, for—

(A) the maximum attainable percentage of enrollees at the [Job Corps center] *Job Corps campus* that reside in the State in which the center is located; and

(B) the maximum attainable percentage of enrollees at the [Job Corps center] *Job Corps campus* that reside in the region in which the center is located, and in surrounding regions.

(2) ANALYSIS.—In order to develop the plan described in paragraph (1), every 2 years the Secretary, in consultation with operators of [Job Corps centers] *Job Corps campuses*, shall analyze relevant factors relating to each [Job Corps center] *Job Corps campus*, including—

(A) the size of the population of individuals eligible to participate in Job Corps in the State and region in which the [Job Corps center] *Job Corps campus* is located, and in surrounding regions;

(B) the relative demand for participation in the Job Corps in the State and region, and in surrounding regions;

(C) the capacity and utilization of the [Job Corps center] *Job Corps campus*, including the education, training, and supportive services provided through the center; and

(D) the performance of the [Job Corps center] *Job Corps campus* relating to the expected levels of performance for the indicators described in section 159(c)(1), and whether any actions have been taken with respect to such center pursuant to paragraphs (2) and (3) of section 159(f).

(d) ASSIGNMENT OF INDIVIDUAL ENROLLEES.—

(1) IN GENERAL.—After an individual has been selected for the Job Corps in accordance with the standards and procedures of the Secretary under subsection (a), the enrollee shall be assigned to the [Job Corps center] *Job Corps campus* that offers the type of career and technical education and training selected by the individual and, among the centers that offer such education and training, is closest to the home of the individual. The Secretary may waive this requirement if—

(A) the enrollee would be unduly delayed in participating in the Job Corps program because the closest center is operating at full capacity; or

(B) the parent or guardian of the enrollee requests assignment of the enrollee to another [Job Corps center] *Job Corps campus* due to circumstances in the community of the enrollee that would impair prospects for successful participation in the Job Corps program.

(2) ENROLLEES WHO ARE YOUNGER THAN 18.—An enrollee who is younger than 18 shall not be assigned to a [Job Corps center] *Job Corps campus* other than the center closest to the home that offers the career and technical education and train-

ing desired by the enrollee pursuant to paragraph (1) if the parent or guardian of the enrollee objects to the assignment.

* * * * * * *

SEC. 147. JOB CORPS [CENTERS] *CAMPUSES.*

(a) OPERATORS AND SERVICE PROVIDERS.—

(1) ELIGIBLE ENTITIES.—

(A) OPERATORS.—The Secretary shall enter into an agreement with a Federal, State, or local agency, an area career and technical education school, a residential career and technical education school, or a private organization, for the operation of each [Job Corps center] *Job Corps campus*.

(B) PROVIDERS.—The Secretary may enter into an agreement with a local entity, or other entity with the necessary capacity, to provide activities described in this subtitle to a [Job Corps center] *Job Corps campus*.

(2) SELECTION PROCESS.—

(A) COMPETITIVE BASIS.—Except as provided in subsections (a) and (b) of section 3304 of title 41, United States Code, the Secretary shall select on a competitive basis an entity to operate a [Job Corps center] *Job Corps campus* and entities to provide activities described in this subtitle to the [Job Corps center] *Job Corps campus*. In developing a solicitation for an operator or service provider, the Secretary shall consult with the Governor of the State in which the center is located, the workforce council for the [Job Corps center] *Job Corps campus* (if established), and the applicable local board regarding the contents of such solicitation, including elements that will promote the consistency of the activities carried out through the center with the objectives set forth in the State plan or in a local plan. *Such award shall be based upon best value and fair and reasonable pricing.*

[(B) RECOMMENDATIONS AND CONSIDERATIONS.—

[(i) OPERATORS.—In selecting an entity to operate a Job Corps center, the Secretary shall consider—

[(I) the ability of the entity to coordinate the activities carried out through the Job Corps center with activities carried out under the appropriate State plan and local plans;

[(II) the ability of the entity to offer career and technical education and training that has been proposed by the workforce council under section 154(c), and the degree to which such education and training reflects employment opportunities in the local areas in which enrollees at the center intend to seek employment;

[(III) the degree to which the entity demonstrates relationships with the surrounding communities, employers, labor organizations, State boards, local boards, applicable one-stop centers, and the State and region in which the center is located;

[(IV) the performance of the entity, if any, relating to operating or providing activities described in this subtitle to a Job Corps center, including information regarding the entity in any reports developed by the Office of Inspector General of the Department of Labor and the entity's demonstrated effectiveness in assisting individuals in achieving the primary indicators of performance for eligible youth described in section 116(b)(2)(A)(ii); and

[(V) the ability of the entity to demonstrate a record of successfully assisting at-risk youth to connect to the workforce, including providing them with intensive academics and career and technical education and training.

[(ii) PROVIDERS.—In selecting a service provider for a Job Corps center, the Secretary shall consider the factors described in clause (i).]

(B) CONSIDERATIONS.—

(i) STUDENT OUTCOMES.—In selecting an entity to operate a Job Corps campus, the Secretary shall consider a numeric metric of recent past effectiveness of the entity in assisting opportunity youth to connect to the workforce, to be calculated based on data regarding—

(I) the percentage of students served by the entity who were in education or training activities, or in unsubsidized employment, during the second quarter after exit from the relevant program;

(II) the percentage of students served by the entity who were in education or training activities, or in unsubsidized employment, during the fourth quarter after exit from the relevant program;

(III) the median earnings of students served by the entity who were in unsubsidized employment during the second quarter after exit from the relevant program;

(IV) the percentage of students served by the entity who obtained a recognized postsecondary credential, or a secondary school diploma or its recognized equivalent, during participation in or within 1 year after exit from the relevant program; and

(V) expected levels of performance established under section 159(c)(2) or similar metrics for recruitment of eligible youth for relevant contracts or grants.

(ii) MARKET DEVELOPMENT.—

(I) MENTOR-PROTÉGÉ PROGRAM.—The Secretary shall carry out a mentor-protégé program in accordance with section 45 of the Small Business Act (15 U.S.C. 657r) with respect to Job Corps campus operations.

(II) PAST-PERFORMANCE.—The Secretary shall publish comparable alternative metrics for entities without previous experience in Job Corps campus

operations to demonstrate their past effectiveness in accordance with the requirements of clause (i).

(3) ADDITIONAL SELECTION FACTORS.—To be eligible to operate a [Job Corps center] *Job Corps campus*, an entity shall submit to the Secretary, at such time and in such manner as the Secretary may require, information related to additional selection factors, which shall include the following:

(A) A description of the program activities that will be offered at the center and how the academics and career and technical education and training reflect State and local employment opportunities, including opportunities in *high-skill, high-wage, or* in-demand industry sectors and occupations recommended by the workforce council under section 154(c)(2)(A).

(B) A description of the counseling, placement, and support activities that will be offered at the center, including a description of the strategies and procedures the entity will use to place graduates into unsubsidized employment or education leading to a recognized postsecondary credential upon completion of the program.

(C) A description of the demonstrated record of effectiveness that the entity has in placing at-risk youth into employment and postsecondary education, including past performance of operating a [Job Corps center] *Job Corps campus* under this subtitle or subtitle C of title I of the [Workforce Investment Act of 1998] *Workforce Innovation and Opportunity Act*, and as appropriate, the entity's demonstrated effectiveness in assisting individuals in achieving the indicators of performance for eligible youth described in section 116(b)(2)(A)(ii).

(D) A description of the relationships that the entity has developed with State boards, local boards, applicable one-stop centers, employers, labor organizations, State and local educational agencies, and the surrounding communities in which the center is located, in an effort to promote a comprehensive statewide workforce development system.

(E) A description of the entity's ability to coordinate the activities carried out through the [Job Corps center] *Job Corps campus* with activities carried out under the appropriate State plan and local plans.

(F) A description of the strong fiscal controls the entity has in place to ensure proper accounting of Federal funds, and a description of how the entity will meet the requirements of section 159(a).

(G) A description of the steps to be taken to control costs in accordance with section 159(a)(3).

(H) A detailed budget of the activities that will be supported using funds under this subtitle and non-Federal resources.

(I) An assurance the entity is licensed to operate in the State in which the center is located.

(J) An assurance the entity will comply with basic health and safety codes, which shall include the disciplinary measures described in section 152(b).

(K) A description of the entity's ability to demonstrate a record of successfully operating a safe learning and residential environment for opportunity youth.

[(K)] *(L)* Any other information on additional selection factors that the Secretary may require.

(b) HIGH-PERFORMING CENTERS.—

(1) IN GENERAL.—If an entity meets the requirements described in paragraph (2) as applied to a particular [Job Corps center] *Job Corps campus*, such entity shall be allowed to compete in any competitive selection process carried out for an award to operate such center.

[(2) HIGH PERFORMANCE.—An entity shall be considered to be an operator of a high-performing center if the Job Corps center operated by the entity—

[(A) is ranked among the top 20 percent of Job Corps centers for the most recent preceding program year; and

[(B) meets the expected levels of performance established under section 159(c)(1) and, with respect to each of the primary indicators of performance for eligible youth described in section 116(b)(2)(A)(ii)—

[(i) for the period of the most recent preceding 3 program years for which information is available at the time the determination is made, achieved an average of 100 percent, or higher, of the expected level of performance established under section 159(c)(1) for the indicator; and

[(ii) for the most recent preceding program year for which information is available at the time the determination is made, achieved 100 percent, or higher, of the expected level of performance established under such section for the indicator.

[(3) TRANSITION.—If any of the program years described in paragraph (2)(B) precedes the implementation of the establishment of expected levels of performance under section 159(c) and the application of the primary indicators of performance for eligible youth described in section 116(b)(2)(A)(ii), an entity shall be considered an operator of a high-performing center during that period if the Job Corps center operated by the entity—

[(A) meets the requirements of paragraph (2)(B) with respect to such preceding program years using the performance of the Job Corps center regarding the national goals or targets established by the Office of the Job Corps under the previous performance accountability system for—

[(i) the 6-month follow-up placement rate of graduates in employment, the military, education, or training;

[(ii) the 12-month follow-up placement rate of graduates in employment, the military, education, or training;

[(iii) the 6-month follow-up average weekly earnings of graduates;

[(iv) the rate of attainment of secondary school diplomas or their recognized equivalent;

[(v) the rate of attainment of completion certificates for career and technical training;

[(vi) average literacy gains; and

[(vii) average numeracy gains; or

[(B) is ranked among the top 5 percent of Job Corps centers for the most recent preceding program year.]

(2) HIGH PERFORMANCE.—An entity shall be considered to be an operator of a high-performing campus if the Job Corps campus operated by the entity was ranked among the top 25 percent of Job Corps campuses, excluding Civilian Conservation Centers described in subsection (d), for the two most recent preceding program years.

(c) CHARACTER AND ACTIVITIES.—[Job Corps centers] *Job Corps campuses* may be residential or nonresidential in character, and shall be designed and operated so as to provide enrollees, in a well-supervised setting, with access to activities described in this subtitle. In any year, no more than 20 percent of the individuals enrolled in the Job Corps may be nonresidential participants in the Job Corps.

(d) CIVILIAN CONSERVATION CENTERS.—

(1) IN GENERAL.—The [Job Corps centers] *Job Corps campuses* may include Civilian Conservation Centers, operated under an agreement between the Secretary of Labor and the Secretary of Agriculture, that are located primarily in rural areas. Such centers shall provide, in addition to academics, career and technical education and training, and workforce preparation skills training, programs of work experience to conserve, develop, or manage public natural resources or public recreational areas or to develop community projects in the public interest.

(2) ASSISTANCE DURING DISASTERS.—Enrollees in Civilian Conservation Centers may provide assistance in addressing national, State, and local disasters, consistent with current child labor laws (including regulations). The Secretary of Agriculture shall ensure that with respect to the provision of such assistance the enrollees are properly trained, equipped, supervised, and dispatched consistent with standards for the conservation and rehabilitation of wildlife established under the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.).

(3) NATIONAL LIAISON.—The Secretary of Agriculture shall designate a Job Corps National Liaison to support the agreement under this section between the Departments of Labor and Agriculture.

(4) DIRECT HIRE AUTHORITY.—The Secretary of Agriculture may appoint, without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code (other than sections 3303 and 3328 of such title), a graduate of a Civilian Conservation Center who successfully completed a training program focused on forestry, wildland firefighting, or another topic relating to the mission of the Forest Service directly to a position with the Department of Agriculture, Forest Service, for which the candidate meets Office of Personnel Management qualification standards.

(e) INDIAN TRIBES.—

(1) GENERAL AUTHORITY.—The Secretary may enter into agreements with Indian tribes to operate [Job Corps centers] *Job Corps campuses* for Indians.

(2) DEFINITIONS.—In this subsection, the terms "Indian" and "Indian tribe" have the meanings given such terms in subsections (d) and (e), respectively, of section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(f) LENGTH OF AGREEMENT.—The agreement described in subsection (a)(1)(A) shall be for not more than a [2-year] *4-year* period. The Secretary may exercise any contractual option to renew the agreement in 1-year increments for not more than 3 additional years, consistent with the requirements of subsection (g).

(g) RENEWAL CONDITIONS.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall not renew the terms of an agreement for any 1-year additional period described in subsection (f) for an entity to operate a particular [Job Corps center] *Job Corps campus* if[, for both of the 2 most recent preceding program years for which information is available at the time the determination is made, or if a second program year is not available, the preceding year for which information is available, such center—] *the agreement has been in place for at least 3 years and for both of the 2 most recent preceding program years for which information is available at the time the determination is made, such campus has been ranked in the lowest 10 percent of Job Corps campuses.*

[(A) has been ranked in the lowest 10 percent of Job Corps centers; and

[(B) failed to achieve an average of 50 percent or higher of the expected level of performance under section 159(c)(1) with respect to each of the primary indicators of performance for eligible youth described in section 116(b)(2)(A)(ii).]

(2) EXCEPTION.—Notwithstanding paragraph (1), the Secretary may exercise an option to renew the agreement for no more than 2 additional years if the Secretary determines such renewal would be in the best interest of the Job Corps program, taking into account factors including—

(A) significant improvements in program performance in carrying out a performance improvement plan under section 159(f)(2);

(B) that the performance is due to circumstances beyond the control of the entity, such as an emergency or disaster, as defined in section 170(a)(1);

(C) a significant disruption in the operations of the center, including in the ability to continue to provide services to students, or significant increase in the cost of such operations; or

(D) a significant disruption in the procurement process with respect to carrying out a competition for the selection of a center operator.

(3) DETAILED EXPLANATION.—If the Secretary exercises an option under paragraph (2), the Secretary shall provide, to the [Committee on Education and the Workforce] *Committee on Education and Labor* of the House of Representatives and the

Committee on Health, Education, Labor, and Pensions of the Senate, a detailed explanation of the rationale for exercising such option.

(4) ADDITIONAL CONSIDERATIONS.—The Secretary shall only renew the agreement of an entity to operate a [Job Corps center] *Job Corps campus* if the entity—

(A) has a satisfactory record of integrity and business ethics;

(B) has adequate financial resources to perform the agreement;

(C) has the necessary organization, experience, accounting and operational controls, and technical skills; and

(D) is otherwise qualified and eligible under applicable laws and regulations, including that the contractor is not under suspension or debarred from eligibility for Federal contracts.

SEC. 148. PROGRAM ACTIVITIES.

(a) *ACADEMIC* ACTIVITIES PROVIDED BY JOB CORPS [CENTERS] *CAMPUSES*.—

(1) IN GENERAL.—Each [Job Corps center] *Job Corps campus* shall provide enrollees with an intensive, well organized, and fully supervised program of education, including English language acquisition programs, career and technical education and training, work experience, work-based learning, recreational activities, physical rehabilitation and development, driver's education, and counseling, which may include information about financial literacy. Each [Job Corps center] *Job Corps campus* shall provide enrollees assigned to the center with access to career services described in clauses (i) through (xi) of section 134(c)(2)(A).

(2) RELATIONSHIP TO OPPORTUNITIES.—The activities provided under this subsection shall be targeted to helping enrollees, on completion of their enrollment—

(A) secure and maintain meaningful unsubsidized employment;

(B) enroll in and complete secondary education or postsecondary education or training programs, including other suitable career and technical education and training, and apprenticeship programs; or

(C) satisfy Armed Forces requirements.

(3) LINK TO EMPLOYMENT OPPORTUNITIES.—The career and technical education and training provided shall be linked to employment opportunities in in-demand industry sectors and occupations in the State or local area in which the [Job Corps center] *Job Corps campus* is located and, to the extent practicable, in the State or local area in which the enrollee intends to seek employment after graduation.

(b) ACADEMIC AND CAREER AND TECHNICAL EDUCATION AND TRAINING.—The Secretary may arrange for career and technical education and training of enrollees through local public or private educational agencies, career and technical educational institutions, technical institutes, or national service providers, whenever such entities provide education and training substantially equivalent in cost and quality to that which the Secretary could provide through other means.

(c) ADVANCED CAREER TRAINING PROGRAMS.—

(1) IN GENERAL.—The Secretary may arrange for programs of advanced career training for selected enrollees in which the enrollees may continue to participate for a period of not to exceed 1 year in addition to the period of participation to which the enrollees would otherwise be limited. The advanced career training may be provided through the eligible providers of training services identified under section 122.

(2) BENEFITS.—During the period of participation in an advanced career training program, an enrollee shall be eligible for full Job Corps benefits, or a monthly stipend equal to the average value of the residential support, food, allowances, and other benefits provided to enrollees assigned to residential [Job Corps centers] *Job Corps campuses*.

(3) DEMONSTRATION.—The Secretary shall develop standards by which any operator seeking to enroll additional enrollees in an advanced career training program shall demonstrate, before the operator may carry out such additional enrollment, that—

(A) participants in such program have achieved a satisfactory rate of completion and placement in training-related jobs; and

(B) for the most recently preceding 2 program years, such operator has, on average, met or exceeded the expected levels of performance under section 159(c)(1) for each of the primary indicators of performance for eligible youth described in section 116(b)(2)(A)(ii).

(d) GRADUATE SERVICES.—In order to promote the retention of graduates in employment or postsecondary education, the Secretary shall arrange for the provision of job placement and support services to graduates for up to 12 months after the date of graduation. Multiple resources, including one-stop partners, may support the provision of these services, including services from the State vocational rehabilitation agency, to supplement job placement and job development efforts for Job Corps graduates who are individuals with disabilities.

(e) CHILD CARE.—The Secretary shall, to the extent practicable, provide child care at or near [Job Corps centers] *Job Corps campuses*, for individuals who require child care for their children in order to participate in the Job Corps.

* * * * * * *

SEC. 150. SUPPORT.

(a) PERSONAL ALLOWANCES.—The Secretary may provide enrollees assigned to [Job Corps centers] *Job Corps campuses* with such personal allowances as the Secretary may determine to be necessary or appropriate to meet the needs of the enrollees.

(b) TRANSITION ALLOWANCES.—The Secretary shall arrange for a transition allowance to be paid to graduates. The transition allowance shall be incentive-based to reflect a graduate's completion of academic, career and technical education or training, and attainment of recognized postsecondary credentials.

(c) TRANSITION SUPPORT.—The Secretary may arrange for the provision of [3 months] *12 months* of employment services for former enrollees.

(d) PERIOD OF TRANSITION.—Notwithstanding the requirements of section 146(b), Job Corps graduates may remain enrolled and a resident of a Job Corps campus for not more than 1 month after graduation, subject to approval by the director of the Job Corps Campus, in order to facilitate their transition into independent living and employment.

[SEC. 151. OPERATIONS.

[(a) OPERATING PLAN.—The provisions of the contract between the Secretary and an entity selected to operate a Job Corps center shall, at a minimum, serve as an operating plan for the Job Corps center.

[(b) ADDITIONAL INFORMATION.—The Secretary may require the operator, in order to remain eligible to operate the Job Corps center, to submit such additional information as the Secretary may require, which shall be considered part of the operating plan.

[(c) AVAILABILITY.—The Secretary shall make the operating plan described in subsections (a) and (b), excluding any proprietary information, available to the public.]

SEC. 151. OPERATIONS.

(a) OPERATING PLAN.—

(1) IN GENERAL.—The provisions of the contract between the Secretary and an entity selected to operate a Job Corps campus shall, including any subsequent modifications to such contract, serve as an operating plan for the Job Corps campus.

(2) FEDERAL CHANGES TO OPERATING PLAN.—The Secretary may require the operator to submit additional information, as the Secretary deems necessary for compliance with any relevant regulations, which shall be considered part of the operating plan.

(3) AVAILABILITY.—The Secretary shall make the operating plan described in paragraphs (1) and (2), excluding any proprietary information, available on a publicly accessible website.

(b) LOCAL AUTHORITIES.—Subject to the limitations of their approved budgets, the operators of Job Corps campuses shall have the authority, without prior approval from the Secretary, to—

(1) hire staff and invest in staff professional development;

(2) enter into agreements with local partners, such as secondary and postsecondary schools or employers; and

(3) engage with and educate stakeholders about Job Corps operations and activities.

SEC. 152. STANDARDS OF CONDUCT.

(a) PROVISION AND ENFORCEMENT.—The Secretary shall provide, and directors of [Job Corps centers] *Job Corps campuses* shall stringently enforce, standards of conduct within the centers. [Such standards of conduct shall include provisions forbidding the actions described in subsection (b)(2)(A).]

[(b) DISCIPLINARY MEASURES.—

[(1) IN GENERAL.—To promote the proper behavioral standards in the Job Corps, the directors of Job Corps centers shall have the authority to take appropriate disciplinary measures against enrollees if such a director determines that an enrollee has committed a violation of the standards of conduct. The director shall dismiss the enrollee from the Job Corps if the director determines that the retention of the enrollee in the Job

Corps will jeopardize the enforcement of such standards, threaten the safety of staff, students, or the local community, or diminish the opportunities of other enrollees.

[(2) ZERO TOLERANCE POLICY AND DRUG TESTING.—

[(A) GUIDELINES.—The Secretary shall adopt guidelines establishing a zero tolerance policy for an act of violence, for use, sale, or possession of a controlled substance, for abuse of alcohol, or for other illegal or disruptive activity.

[(B) DRUG TESTING.—The Secretary shall require drug testing of all enrollees for controlled substances in accordance with procedures prescribed by the Secretary under section 145(a).

[(C) DEFINITIONS.—In this paragraph:

[(i) CONTROLLED SUBSTANCE.—The term "controlled substance" has the meaning given the term in section 102 of the Controlled Substances Act (21 U.S.C. 802).

[(ii) ZERO TOLERANCE POLICY.—The term "zero tolerance policy" means a policy under which an enrollee shall be automatically dismissed from the Job Corps after a determination by the director that the enrollee has carried out an action described in subparagraph (A).]

(b) BEHAVIORAL MANAGEMENT PLAN.—

(1) IN GENERAL.—As part of the operating plan defined in section 151(a), the director of each Job Corps campus shall develop and implement a behavioral management plan, subject to the approval of the Secretary. Such plan shall include student standards of conduct, positive behavioral interventions and supports, and multi-tier systems of supports.

(2) DISCIPLINARY MEASURES AND DRUG TESTING.—

(A) DISCIPLINARY MEASURES.—To promote the proper behavioral standards in the Job Corps, the director of each Job Corps campus shall, consistent with the applicable behavioral management plan described in paragraph (1), have the authority to take appropriate disciplinary measures against enrollees if such director determines that an enrollee has committed a violation of the standards of conduct. The director shall adopt a zero tolerance policy for an act of violence or a credible threat of violence that seriously endangers the safety of students, staff, or the local community and for illegal activity on the campus.

(B) DRUG TESTING.—The Secretary shall require drug testing of all enrollees for controlled substances, as set forth in section 102 of the Controlled Substances Act (21 U.S.C. 802), in accordance with procedures prescribed by the Secretary under section 145(a).

(C) DEFINITIONS.—In this paragraph:

(i) CONTROLLED SUBSTANCE.—The term "controlled substance" has the meaning given the term in section 102 of the Controlled Substances Act (21 U.S.C. 802).

(ii) ZERO TOLERANCE POLICY.—The term "zero tolerance policy" means a policy under which an enrollee shall be automatically dismissed from the Job Corps after a determination by the director that the enrollee has carried out an act of violence that seriously endan-

gers the safety of students, staff, or the local community or engaged in an illegal activity on the campus.

(3) ADVISORY GROUP.—The Secretary shall periodically convene an advisory group of Job Corps operators and service providers and subject matter experts to review the reporting data collected under paragraph (5) and provide recommendations for Job Corps behavioral management plans based on evidence-based research regarding effective and equitable behavioral policies.

(4) LAW ENFORCEMENT AGREEMENTS.—The directors of each Job Corps campus shall enter into an agreement with the relevant local law enforcement agency of jurisdiction regarding the procedures for reporting and investigating potentially illegal activity on Job Corps campuses.

(5) INCIDENT REPORTING.—The Secretary shall establish procedures for—

(A) reporting significant health incidents, including substance abuse, self-harm, and accidents resulting in bodily harm; and

(B) reporting significant behavioral incidents, defined as acts of violence or illegal activity.

(6) ACCOUNTABILITY.—The Secretary shall establish standards under which a Job Corps campus shall be required to take performance improvement actions described in section 159(f), based on an evaluation of such Job Corps campus, which shall take into account reporting data collected under paragraph (5) and recommendations of the advisory group pursuant to paragraph (3).

(c) APPEAL.—A disciplinary measure taken by a director under this section shall be subject to expeditious appeal in accordance with procedures established by the Secretary.

SEC. 153. COMMUNITY PARTICIPATION.

(a) BUSINESS AND COMMUNITY PARTICIPATION.—The director of each **[**Job Corps center**]** *Job Corps campus* shall ensure the establishment and development of the mutually beneficial business and community relationships and networks described in subsection (b), including the use of local boards, in order to enhance the effectiveness of such centers.

(b) NETWORKS.—The activities carried out by each **[**Job Corps center**]** *Job Corps campus* under this section shall include—

(1) establishing and developing relationships and networks with—

(A) local and distant employers, to the extent practicable, in coordination with entities carrying out other Federal and non-Federal programs that conduct similar outreach to employers;

(B) applicable one-stop centers and applicable local boards, for the purpose of providing—

(i) information to, and referral of, potential enrollees; and

(ii) job opportunities for Job Corps graduates; and

(C)(i) entities carrying out relevant apprenticeship programs and youth programs;

(ii) labor-management organizations and local labor organizations;

(iii) employers and contractors that support national training contractor programs; and

(iv) community-based organizations, non-profit organizations, and intermediaries providing workforce development-related services; and

(2) establishing and developing relationships with members of the community in which the [Job Corps center] *Job Corps campus* is located, informing members of the community about the projects of the [Job Corps center] *Job Corps campus* and changes in the rules, procedures, or activities of the center that may affect the community, and planning events of mutual interest to the community and the [Job Corps center] *Job Corps campus*.

(c) NEW CENTERS.—The director of a [Job Corps center] *Job Corps campus* that is not yet operating shall ensure the establishment and development of the relationships and networks described in subsection (b) at least 3 months prior to the date on which the center accepts the first enrollee at the center.

SEC. 154. WORKFORCE COUNCILS.

(a) IN GENERAL.—Each [Job Corps center] *Job Corps campus* shall have a workforce council, appointed by the director of the center, in accordance with procedures established by the Secretary.

(b) WORKFORCE COUNCIL COMPOSITION.—

(1) IN GENERAL.—A workforce council shall be comprised of—

(A) a majority of members who shall be owners of business concerns, chief executives or chief operating officers of nongovernmental employers, or other private sector employers, who—

(i) have substantial management, hiring, or policy responsibility; and

(ii) represent businesses with employment opportunities that reflect the employment opportunities of the applicable local areas in which enrollees will be seeking employment;

(B) representatives of labor organizations (where present) and representatives of employees; and

(C) enrollees and graduates of the Job Corps.

(2) LOCAL BOARD.—The workforce council may include members of the applicable local boards who meet the requirements described in paragraph (1).

(3) EMPLOYERS OUTSIDE OF LOCAL AREA.—The workforce council for a [Job Corps center] *Job Corps campus* may include, or otherwise provide for consultation with, employers from outside the local area who are likely to hire a significant number of enrollees from the [Job Corps center] *Job Corps campus*.

(4) SPECIAL RULE FOR SINGLE STATE LOCAL AREAS.—In the case of a single State local area designated under section 106(d), the workforce council shall include a representative of the State Board.

(c) RESPONSIBILITIES.—The responsibilities of the workforce council shall be—

(1) to work closely with all applicable local boards in order to determine, and recommend to the Secretary, appropriate career and technical education and training for the center;

(2) to review all the relevant labor market information, including related information in the State plan or the local plan, to—

(A) recommend the in-demand industry sectors or occupations in the area in which the [Job Corps center] *Job Corps campus* operates;

(B) determine the employment opportunities in the local areas in which the enrollees intend to seek employment after graduation;

(C) determine the skills and education that are necessary to obtain the employment opportunities; and

(D) recommend to the Secretary the type of career and technical education and training that should be implemented at the center to enable the enrollees to obtain the employment opportunities; and

(3) to meet at least once every 6 months to reevaluate the labor market information, and other relevant information, to determine, and recommend to the Secretary, any necessary changes in the career and technical education and training provided at the center.

(d) NEW CENTERS.—The workforce council for a [Job Corps center] *Job Corps campus* that is not yet operating shall carry out the responsibilities described in subsection (c) at least 3 months prior to the date on which the center accepts the first enrollee at the center.

SEC. 155. ADVISORY COMMITTEES.

The Secretary may establish and use advisory committees in connection with the operation of the Job Corps program, and the operation of [Job Corps centers] *Job Corps campuses*, whenever the Secretary determines that the availability of outside advice and counsel on a regular basis would be of substantial benefit in identifying and overcoming problems, in planning program or center development, or in strengthening relationships between the Job Corps and agencies, institutions, or groups engaged in related activities.

SEC. 156. EXPERIMENTAL PROJECTS AND TECHNICAL ASSISTANCE.

[(a) PROJECTS.—The Secretary may carry out experimental, research, or demonstration projects relating to carrying out the Job Corps program. The Secretary may waive any provisions of this subtitle that the Secretary finds would prevent the Secretary from carrying out the projects if the Secretary informs the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, in writing, not less than 90 days in advance of issuing such waiver.]

(a) PROJECTS.—The Secretary may carry out experimental, research, or demonstration projects relating to evidence-based strategies for improving the operations of a Job Corps campus that was ranked among the bottom 10 percent of Job Corps campuses. The Secretary may waive any provisions of this subtitle that the Secretary finds would prevent the Secretary from carrying out the projects (other than sections 145, 147, and 159(c)) provided that—

(1) the project will not result in a reduction in the number of students served; and

(2) if the Secretary informs the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, in writing, not less than 90 days in advance of issuing such waiver.

(b) TECHNICAL ASSISTANCE.—From the funds provided under section 162 (for the purposes of administration), the Secretary may reserve ¼ of 1 percent to provide, directly or through grants, contracts, or other agreements or arrangements as the Secretary considers appropriate, technical assistance for the Job Corps program for the purpose of improving program quality. Such assistance shall include—

(1) assisting **[**Job Corps centers**]** *Job Corps campuses* and programs—

(A) in correcting deficiencies under, and violations of, this subtitle;

(B) in meeting or exceeding the expected levels of performance under section 159(c)(1) for the indicators of performance described in section 116(b)(2)(A);

(C) in the development of sound management practices, including financial management procedures; and

(2) assisting entities, including entities not currently operating a **[**Job Corps center**]** *Job Corps campus*, in developing the additional selection factors information described in section 147(a)(3).

SEC. 157. APPLICATION OF PROVISIONS OF FEDERAL LAW.

(a) ENROLLEES NOT CONSIDERED TO BE FEDERAL EMPLOYEES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection and in section 8143(a) of title 5, United States Code, enrollees shall not be considered to be Federal employees and shall not be subject to the provisions of law relating to Federal employment, including such provisions regarding hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

(2) PROVISIONS RELATING TO TAXES AND SOCIAL SECURITY BENEFITS.—For purposes of the Internal Revenue Code of 1986 and title II of the Social Security Act (42 U.S.C. 401 et seq.), enrollees shall be deemed to be employees of the United States and any service performed by an individual as an enrollee shall be deemed to be performed in the employ of the United States.

(3) PROVISIONS RELATING TO COMPENSATION TO FEDERAL EMPLOYEES FOR WORK INJURIES.—For purposes of subchapter I of chapter 81 of title 5, United States Code (relating to compensation to Federal employees for work injuries), enrollees shall be deemed to be civil employees of the Government of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, United States Code, and the provisions of such subchapter shall apply as specified in section 8143(a) of title 5, United States Code.

(4) FEDERAL TORT CLAIMS PROVISIONS.—For purposes of the Federal tort claims provisions in title 28, United States Code, enrollees shall be considered to be employees of the Government.

(b) ADJUSTMENTS AND SETTLEMENTS.—Whenever the Secretary finds a claim for damages to a person or property resulting from

the operation of the Job Corps to be a proper charge against the United States, and the claim is not cognizable under section 2672 of title 28, United States Code, the Secretary may adjust and settle the claim in an amount not exceeding $1,500.

(c) PERSONNEL OF THE UNIFORMED SERVICES.—Personnel of the uniformed services who are detailed or assigned to duty in the performance of agreements made by the Secretary for the support of the Job Corps shall not be counted in computing strength under any law limiting the strength of such services or in computing the percentage authorized by law for any grade in such services.

(d) SERVICE CONTRACT ACT.—

(1) IN GENERAL.—Operators and service providers, including subcontractors thereto, are subject to and shall be required to abide by chapter 67 of title 41, United States Code (commonly known as the "McNamara-O'Hara Service Contract Act of 1965").

(2) ACADEMIC AND CAREER TECHNICAL INSTRUCTIONAL EMPLOYEES.—Notwithstanding section 6701(3)(C) of such chapter, an academic or career technical instructional employee at a Job Corps campus shall be considered a "service employee" for purposes of applying such chapter under paragraph (1).

(3) RULE OF CONSTRUCTION.—To the extent compensation levels being paid or scheduled to be paid by an employer are, in the aggregate, greater than those determined by the Secretary of Labor to be required under this subsection, or as set forth in a collective bargaining agreement, nothing herein shall be construed to require a reduction of such compensation.

SEC. 158. SPECIAL PROVISIONS.

(a) ENROLLMENT.—The Secretary shall ensure that women and men have an equal opportunity to participate in the Job Corps program, consistent with section 145.

(b) STUDIES, EVALUATIONS, PROPOSALS, AND DATA.—The Secretary shall assure that all studies, evaluations, proposals, and data produced or developed with Federal funds in the course of carrying out the Job Corps program shall become the property of the United States.

(c) TRANSFER OF PROPERTY.—

(1) IN GENERAL.—Notwithstanding chapter 5 of title 40, United States Code, and any other provision of law, the Secretary and the Secretary of Education shall receive priority by the Secretary of Defense for the direct transfer, on a nonreimbursable basis, of the property described in paragraph (2) for use in carrying out programs under this Act or under any other Act.

(2) PROPERTY.—The property described in this paragraph is real and personal property under the control of the Department of Defense that is not used by such Department, including property that the Secretary of Defense determines is in excess of current and projected requirements of such Department.

(d) GROSS RECEIPTS.—Transactions conducted by a private forprofit or nonprofit entity that is an operator or service provider for a ⟦Job Corps center⟧ *Job Corps campus* shall not be considered to be generating gross receipts. Such an operator or service provider shall not be liable, directly or indirectly, to any State or subdivision

of a State (nor to any person acting on behalf of such a State or subdivision) for any gross receipts taxes, business privilege taxes measured by gross receipts, or any similar taxes imposed on, or measured by, gross receipts in connection with any payments made to or by such entity for operating or providing services to a [Job Corps center] *Job Corps campus*. Such an operator or service provider shall not be liable to any State or subdivision of a State to collect or pay any sales, excise, use, or similar tax imposed on the sale to or use by such operator or service provider of any property, service, or other item in connection with the operation of or provision of services to a [Job Corps center] *Job Corps campus*.

(e) MANAGEMENT FEE.—The Secretary shall provide each operator and (in an appropriate case, as determined by the Secretary) service provider with an equitable and negotiated management fee of not less than 1 percent of the amount of the funding provided under the appropriate agreement specified in section 147.

(f) DONATIONS.—The [Secretary] *directors of Job Corps campuses* may accept on behalf of [the Job Corps or individual] *such* [Job Corps centers] *Job Corps campuses* charitable donations of cash or other assistance, including equipment and materials, if such donations are available for appropriate use for the purposes set forth in this subtitle. *Any real property acquired shall be directly transferred to the Secretary in accordance with chapter 5 of title 40 and on a nonreimbursable basis.*

(g) SALE OF PROPERTY.—Notwithstanding any other provision of law, if the Administrator of General Services sells a [Job Corps center] *Job Corps campus* facility, the Administrator shall transfer the proceeds from the sale to the Secretary, who shall use the proceeds to carry out the Job Corps program.

SEC. 159. MANAGEMENT INFORMATION.

(a) FINANCIAL MANAGEMENT INFORMATION SYSTEM.—

(1) IN GENERAL.—The Secretary shall establish procedures to ensure that each operator, and each service provider, maintains a financial management information system that will provide—

(A) accurate, complete, and current disclosures of the costs of Job Corps operations; and

(B) sufficient data for the effective evaluation of activities carried out through the Job Corps program.

(2) ACCOUNTS.—Each operator and service provider shall maintain funds received under this subtitle in accounts in a manner that ensures timely and accurate reporting as required by the Secretary.

(3) FISCAL RESPONSIBILITY.—Operators shall remain fiscally responsible and control costs, regardless of whether the funds made available for [Job Corps centers] *Job Corps campuses* are incrementally increased or decreased between fiscal years.

(4) ANNUAL RECONCILIATION.—Prior to the expiration of any appropriated Job Corps operations funds for any fiscal year, any anticipated unobligated funds may, subject to appropriations, be obligated to projects identified under subsection (h)(1).

(b) AUDIT.—

(1) ACCESS.—The Secretary, the Inspector General of the Department of Labor, the Comptroller General of the United States, and any of their duly authorized representatives, shall

have access to any books, documents, papers, and records of the operators and service providers described in subsection (a) that are pertinent to the Job Corps program, for purposes of conducting surveys, audits, and evaluations of the operators and service providers.

(2) SURVEYS, AUDITS, AND EVALUATIONS.—The Secretary shall survey, audit, or evaluate, or arrange for the survey, audit, or evaluation of, the operators and service providers, using Federal auditors or independent public accountants. The Secretary shall conduct such surveys, audits, or evaluations not less often than once every 3 years.

(c) INFORMATION ON INDICATORS OF PERFORMANCE.—

[(1) LEVELS OF PERFORMANCE AND INDICATORS.—The Secretary shall annually establish expected levels of performance for a Job Corps center and the Job Corps program relating to each of the primary indicators of performance for eligible youth described in section 116(b)(2)(A)(ii).]

(1) LEVELS OF PERFORMANCE AND INDICATORS.—

(A) IN GENERAL.—At the start of each contract period, and at least every two program years in the case of Civilian Conservation Centers, the Secretary shall establish expected levels of performance for each Job Corps campus relating to each of the primary indicators of performance for eligible youth described in section 116(b)(2)(A)(ii) using the model described in subparagraph (B).

(B) PERFORMANCE MODEL.—At least every four years and no more than every two years, the Secretary shall develop a model for establishing the expected levels of performance for each Job Corps campus, in accordance with the following:

(i) EQUITY.—The model shall account for significant correlations between various factors and student outcomes, including:

(I) Student demographics, including age, gender, race, ethnicity, documented disabilities, and education level on entry.

(II) Employment conditions in students' home communities.

(ii) DEVELOPMENT.—The model shall be developed by subject matter experts in the fields of Job Corps operations, program evaluation, statistical analysis, and related fields using available Job Corps data as well as regional economic data.

(iii) TRANSPARENCY.—The performance model and the past effectiveness metric identified in section 147(a)(2)(B)(i), including the procedures outlined in section 147(a)(2)(B)(iv), shall be published for comment in the Federal Register.

(2) PERFORMANCE OF RECRUITERS.—The Secretary shall also establish performance indicators, and expected levels of performance on the performance indicators, for recruitment service providers serving the Job Corps program. The performance indicators shall relate to—

(A) the number of enrollees recruited, compared to the established goals for such recruitment, and the number of

enrollees who remain committed to the program for 90 days after enrollment; [and]

[(B) the measurements described in subparagraphs (I), (L), and (M) of subsection (d)(1).]

(B) the number of enrollees recruited that meet the requirements of section 144(a); and

(C) the measurement described in subparagraph (K) of subsection (d)(1).

(3) PERFORMANCE OF CAREER TRANSITION SERVICE PROVIDERS.—The Secretary shall also establish performance indicators, and expected performance levels on the performance indicators, for career transition service providers serving the Job Corps program. The performance indicators shall relate to—

(A) the primary indicators of performance for eligible youth described in section 116(b)(2)(A)(ii); and

(B) the measurements described in subparagraphs (D), (E), (H), (J), and (K) of subsection (d)(1).

(4) REPORT.—The Secretary shall collect, and annually submit to the [Committee on Education and the Workforce] *Committee on Education and Labor* of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, a report including—

(A) information on the performance of each [Job Corps center] *Job Corps campus*, and the Job Corps program, based on the performance indicators described in paragraph (1), as compared to the expected level of performance established under such paragraph for each performance indicator; [and]

(B) information on the performance of the service providers described in paragraphs (2) and (3) on the performance indicators established under such paragraphs, as compared to the expected level of performance established for each performance indicator[.]*; and*

(C) information on the performance of the Job Corps selection process in section 147(a)(2) with respect to increasing performance as measured pursuant to subparagraph (A), specifically including information on the performance of each Job Corps campus as compared to its annual performance immediately prior to its current operating agreement.

(d) ADDITIONAL INFORMATION.—

(1) IN GENERAL.—The Secretary shall also collect, and submit in the report described in subsection (c)(4), information on the performance of each [Job Corps center] *Job Corps campus*, and the Job Corps program, regarding—

(A) the number of enrollees served;

(B) demographic information on the enrollees served, including age, race, gender, and education and income level;

(C) the number of graduates of a [Job Corps center] *Job Corps campus*;

(D) the number of graduates who entered the Armed Forces;

(E) the number of graduates who entered apprenticeship programs;

(F) the number of graduates who received a regular secondary school diploma;

(G) the number of graduates who received a State recognized equivalent of a secondary school diploma;

(H) the number of graduates who entered unsubsidized employment related to the career and technical education and training received through the Job Corps program and the number who entered unsubsidized employment not related to the education and training received;

[(I) the percentage and number of former enrollees, including the number dismissed under the zero tolerance policy described in section 152(b);**]**

[(J)**]** *(I)* the percentage and number of graduates who enter postsecondary education;

[(K)**]** *(J)* the average wage of graduates who enter unsubsidized employment—

(i) on the first day of such employment; and

(ii) on the day that is 6 months after such first day;

[(L)**]** *(K)* the percentages of enrollees described in subparagraphs (A) and (B) of section 145(c)(1), as compared to the percentage targets established by the Secretary under such section for the center;

[(M)**]** *(L)* the cost per enrollee, which is calculated by comparing the number of enrollees at the center in a program year to the total budget for such center in the same program year;

[(N)**]** *(M)* the cost per graduate, which is calculated by comparing the number of graduates of the center in a program year compared to the total budget for such center in the same program year; and

[(O)**]** *(N)* any additional information required by the Secretary.

(2) RULES FOR REPORTING OF DATA.—The disaggregation of data under this subsection shall not be required when the number of individuals in a category is insufficient to yield statistically reliable information or when the results would reveal personally identifiable information about an individual.

(e) METHODS.—The Secretary shall collect the information described in subsections (c) and (d), using methods described in section 116(i)(2) and consistent with State law, by entering into agreements with the States to access such data for Job Corps enrollees, former enrollees, and graduates.

(f) PERFORMANCE ASSESSMENTS AND IMPROVEMENTS.—

(1) ASSESSMENTS.—The Secretary shall conduct an annual assessment of the performance of each **[**Job Corps center**]** *Job Corps campus*. Based on the assessment, the Secretary shall take measures to continuously improve the performance of the Job Corps program.

(2) PERFORMANCE IMPROVEMENT.—With respect to a **[**Job Corps center**]** *Job Corps campus* that fails to meet the expected levels of performance relating to the primary indicators of performance specified in subsection (c)(1), the Secretary shall develop and implement a performance improvement plan. Such a plan shall require action to be taken during a 1-year period, including—

(A) providing technical assistance to the center;

(B) changing the career and technical education and training offered at the center;

(C) changing the management staff of the center;

(D) replacing the operator of the center;

(E) reducing the capacity of the center; *or*

(F) relocating the center[; or].

[(G) closing the center.]

(3) ADDITIONAL PERFORMANCE IMPROVEMENT.—In addition to the performance improvement plans required under paragraph (2), the Secretary may develop and implement additional performance improvement plans. Such a plan shall require improvements, including the actions described in such paragraph, for a [Job Corps center] *Job Corps campus* that fails to meet criteria established by the Secretary other than the expected levels of performance described in such paragraph.

[(4) CIVILIAN CONSERVATION CENTERS.—With respect to a Civilian Conservation Center that fails to meet the expected levels of performance relating to the primary indicators of performance specified in subsection (c)(1) or fails to improve performance as described in paragraph (2) after 3 program years, the Secretary, in consultation with the Secretary of Agriculture, shall select an entity to operate the Civilian Conservation Center on a competitive basis, in accordance with the requirements of section 147.]

(4) CIVILIAN CONSERVATION CENTERS.—In addition to the primary indicators of performance specified in subsection (c)(1), Civilian Conservation Centers shall be evaluated on their contribution to the nation's conservation goals by the Secretaries of Agriculture and Labor. If the Secretaries jointly conclude that a Civilian Conservation Center is not meeting these dual performance goals, they may take performance improvement actions described in subparagraph (A), (B), or (C) of paragraph (2) of this subsection.

(g) PARTICIPANT HEALTH AND SAFETY.—

(1) CENTER.—The Secretary shall ensure that a review by an appropriate Federal, State, or local entity of the physical condition and health-related activities of each [Job Corps center] *Job Corps campus* occurs annually.

(2) WORK-BASED LEARNING LOCATIONS.—The Secretary shall require that an entity that [has entered] *enters* into a contract to provide work-based learning activities for any Job Corps enrollee under this subtitle shall [comply] *attest to compliance* with the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) or, as appropriate, under the corresponding State Occupational Safety and Health Act of 1970 requirements in the State in which such activities occur.

(h) BUILDINGS AND FACILITIES.—The Secretary shall collect, and submit in the report described in subsection (c)(4), information regarding the state of Job Corps buildings and facilities. Such report shall include—

(1) a review of requested construction, rehabilitation, and acquisition projects, by each [Job Corps center] *Job Corps campus*; and

(2) a review of new facilities under construction.

(i) NATIONAL AND COMMUNITY SERVICE.—The Secretary shall include in the report described in subsection (c)(4) available information regarding the national and community service activities of enrollees, particularly those enrollees at Civilian Conservation Centers.

(j) CLOSURE OF JOB CORPS [CENTER] *CAMPUS*.—Prior to the closure of any [Job Corps center] *Job Corps campus*, the Secretary shall ensure—

(1) that the proposed decision to close the center is announced in advance to the general public through publication in the Federal Register or other appropriate means;

(2) the establishment of a reasonable comment period, not to exceed 30 days, for interested individuals to submit written comments to the Secretary; and

(3) that the Member of Congress who represents the district in which such center is located is notified within a reasonable period of time in advance of any final decision to close the center.

* * * * * * *

SEC. 161. JOB CORPS OVERSIGHT AND REPORTING.

(a) TEMPORARY FINANCIAL REPORTING.—

(1) IN GENERAL.—During the periods described in paragraphs (2) and (3)(B), the Secretary shall prepare and submit to the applicable committees financial reports regarding the Job Corps program under this subtitle. Each such financial report shall include—

(A) information regarding the implementation of the financial oversight measures suggested in the May 31, 2013, report of the Office of Inspector General of the Department of Labor entitled "The U.S. Department of Labor's Employment and Training Administration Needs to Strengthen Controls over Job Corps Funds";

(B) a description of any budgetary shortfalls for the program for the period covered by the financial report, and the reasons for such shortfalls; and

(C) a description and explanation for any approval for contract expenditures that are in excess of the amounts provided for under the contract.

(2) TIMING OF REPORTS.—The Secretary shall submit a financial report under paragraph (1) once every 6 months beginning on the date of enactment of this Act, for a 3-year period. After the completion of such 3-year period, the Secretary shall submit a financial report under such paragraph once a year for the next 2 years, unless additional reports are required under paragraph (3)(B).

(3) REPORTING REQUIREMENTS IN CASES OF BUDGETARY SHORTFALLS.—If any financial report required under this subsection finds that the Job Corps program under this subtitle has a budgetary shortfall for the period covered by the report, the Secretary shall—

(A) not later than 90 days after the budgetary shortfall was identified, submit a report to the applicable committees explaining how the budgetary shortfall will be addressed; and

(B) submit an additional financial report under paragraph (1) for each 6-month period subsequent to the finding of the budgetary shortfall until the Secretary demonstrates, through such report, that the Job Corps program has no budgetary shortfall.

(b) THIRD-PARTY REVIEW.—Every 5 years after the date of enactment of this Act, the Secretary shall provide for a third-party review of the Job Corps program under this subtitle that addresses all of the areas described in subparagraphs (A) through (G) of section 169(a)(2). The results of the review shall be submitted to the [Committee on Education and the Workforce] *Committee on Education and Labor* of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

(c) CRITERIA FOR JOB CORPS [CENTER] *CAMPUS* CLOSURES.—By not later than December 1, 2014, the Secretary shall establish written criteria that the Secretary shall use to determine when a [Job Corps center] *Job Corps campus* supported under this subtitle is to be closed and how to carry out such closure, and shall submit such criteria to the applicable committees.

(d) DEFINITION OF APPLICABLE COMMITTEES.—In this section, the term "applicable committees" means—

(1) the [Committee on Education and the Workforce] *Committee on Education and Labor* of the House of Representatives;

(2) the Subcommittee on Labor, Health and Human Services, Education, and Related Agencies of the Committee of Appropriations of the House of Representatives;

(3) the Committee on Health, Education, Labor, and Pensions of the Senate; and

(4) the Subcommittee on Labor, Health and Human Services, Education, and Related Agencies of the Committee of Appropriations of the Senate.

[SEC. 162. AUTHORIZATION OF APPROPRIATIONS.

[There are authorized to be appropriated to carry out this subtitle—

[(1) $1,688,155,000 for fiscal year 2015;
[(2) $1,818,548,000 for fiscal year 2016;
[(3) $1,856,283,000 for fiscal year 2017;
[(4) $1,897,455,000 for fiscal year 2018;
[(5) $1,942,064,000 for fiscal year 2019; and
[(6) $1,983,236,000 for fiscal year 2020.]

SEC. 162. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this subtitle—

(1) $1,809,857,925 for fiscal year 2023;
(2) $1,873,202,952 for fiscal year 2024;
(3) $1,938,765,056 for fiscal year 2025;
(4) $2,006,621,833 for fiscal year 2026;
(5) $2,076,853,597 for fiscal year 2027; and
(6) $2,149,543,473 for fiscal year 2028.

(b) CONSTRUCTION COSTS.—Of the amount authorized in subsection (a) for each of fiscal years 2023 through 2028, $107,800,000

shall be for construction, rehabilitation, and acquisition of Job Corps Campuses.

* * * * * * *

Subtitle D—National Programs

SEC. 166. NATIVE AMERICAN PROGRAMS.

(a) PURPOSE.—

(1) IN GENERAL.—The purpose of this section is to support employment and training activities for Indian, Alaska Native, and Native Hawaiian individuals in order—

(A) to develop more fully the academic, occupational, and literacy skills of such individuals;

(B) to make such individuals more competitive in the workforce and to equip them with the entrepreneurial skills necessary for successful self-employment; and

(C) to promote the economic and social development of Indian, Alaska Native, and Native Hawaiian communities in accordance with the goals and values of such communities.

(2) INDIAN POLICY.—All programs assisted under this section shall be administered in a manner consistent with the principles of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) and the government-to-government relationship between the Federal Government and Indian tribal governments.

(b) DEFINITIONS.—As used in this section:

(1) ALASKA NATIVE.—The term "Alaska Native" includes a Native and a descendant of a Native, as such terms are defined in subsections (b) and (r) of section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b), (r)).

(2) INDIAN, INDIAN TRIBE, AND TRIBAL ORGANIZATION.—The terms "Indian", "Indian tribe", and "tribal organization" have the meanings given such terms in subsections (d), (e), and (l), respectively, of section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(3) NATIVE HAWAIIAN AND NATIVE HAWAIIAN ORGANIZATION.—The terms "Native Hawaiian" and "Native Hawaiian organization" have the meanings given such terms in section 6207 of the NativeHawaiian Education Act.

(c) PROGRAM AUTHORIZED.—Every 4 years, the Secretary shall[, on a competitive basis,] make grants to, or enter into contracts or cooperative agreements with, Indian tribes, tribal organizations, Alaska Native entities, Indian-controlled organizations serving Indians, or Native Hawaiian organizations to carry out the authorized activities described in subsection (d).

(d) AUTHORIZED ACTIVITIES.—

(1) IN GENERAL.—Funds made available under subsection (c) shall be used to carry out the activities described in paragraph (2) that—

(A) are consistent with this section; [and]

(B) are necessary to meet the needs of Indians, Alaska Natives, or Native Hawaiians preparing to enter, reenter,

or retain unsubsidized employment leading to self-sufficiency[.]*; and*

(C) are evidence-based, to the extent practicable.

[(2) WORKFORCE DEVELOPMENT ACTIVITIES AND SUPPLEMENTAL SERVICES.—

[(A) IN GENERAL.—Funds made available under subsection (c) shall be used for—

[(i) comprehensive workforce development activities for Indians, Alaska Natives, or Native Hawaiians, including training on entrepreneurial skills; or

[(ii) supplemental services for Indian, Alaska Native, or Native Hawaiian youth on or near Indian reservations and in Oklahoma, Alaska, or Hawaii.

[(B) SPECIAL RULE.—Notwithstanding any other provision of this section, individuals who were eligible to participate in programs under section 401 of the Job Training Partnership Act (as such section was in effect on the day before the date of enactment of the Workforce Investment Act of 1998) shall be eligible to participate in an activity assisted under this section.]

(2) WORKFORCE DEVELOPMENT ACTIVITIES AND SUPPLEMENTAL SERVICES.—Funds made available under subsection (c) shall be used for—

(A) comprehensive workforce development activities for Indians, Alaska Natives, or Native Hawaiians, including training on entrepreneurial skills; or

(B) supplemental services for Indian, Alaska Native, or Native Hawaiian youth on or near Indian reservations and in Oklahoma, Alaska, or Hawaii.

(e) PROGRAM PLAN.—In order to receive a grant or enter into a contract or cooperative agreement under this section, an entity described in subsection (c) shall submit to the Secretary a program plan that describes a 4-year strategy for meeting the needs of Indian, Alaska Native, or Native Hawaiian individuals, as appropriate, in the area served by such entity. Such plan shall—

(1) be consistent with the purpose of this section;

(2) identify the population to be served;

(3) identify the education and employment needs of the population to be served and the manner in which the activities to be provided will strengthen the ability of the individuals served to obtain or retain unsubsidized employment leading to self-sufficiency;

(4) describe the activities to be provided and the manner in which such activities are to be integrated with other appropriate activities; and

(5) describe, after the entity submitting the plan consults with the Secretary, the performance accountability measures to be used to assess the performance of entities in carrying out the activities assisted under this section, which shall include the primary indicators of performance described in section 116(b)(2)(A) and expected levels of performance for such indicators, in accordance with subsection (h).

(f) CONSOLIDATION OF FUNDS.—Each entity receiving assistance under subsection (c) may consolidate such assistance with assistance received from related programs in accordance with the provi-

sions of the Indian Employment, Training and Related Services Demonstration Act of 1992 (25 U.S.C. 3401 et seq.).

(g) NONDUPLICATIVE AND NONEXCLUSIVE SERVICES.—Nothing in this section shall be construed—

(1) to limit the eligibility of any entity described in subsection (c) to participate in any activity offered by a State or local entity under this Act; or

(2) to preclude or discourage any agreement, between any entity described in subsection (c) and any State or local entity, to facilitate the provision of services by such entity or to the population served by such entity.

(h) PERFORMANCE ACCOUNTABILITY MEASURES.—

(1) ADDITIONAL PERFORMANCE INDICATORS AND STANDARDS.—

(A) DEVELOPMENT OF INDICATORS AND STANDARDS.—The Secretary, in consultation with the Native American Employment and Training Council, shall develop a set of performance indicators and standards that is in addition to the primary indicators of performance described in section 116(b)(2)(A) and that shall be applicable to programs under this section.

(B) SPECIAL CONSIDERATIONS.—Such performance indicators and standards shall take into account—

(i) the purpose of this section as described in subsection (a)(1);

(ii) the needs of the groups served by this section, including the differences in needs among such groups in various geographic service areas; and

(iii) the economic circumstances of the communities served, including differences in circumstances among various geographic service areas.

(2) AGREEMENT ON ADJUSTED LEVELS OF PERFORMANCE.—The Secretary and the entity described in subsection (c) shall reach agreement on the levels of performance for each of the primary indicators of performance described in section 116(b)(2)(A), taking into account economic conditions, characteristics of the individuals served, and other appropriate factors and using, to the extent practicable, the statistical adjustment model under section 116(b)(3)(A)(viii). The levels agreed to shall be the adjusted levels of performance and shall be incorporated in the program plan.

(i) ADMINISTRATIVE PROVISIONS.—

(1) ORGANIZATIONAL [UNIT] *DIVISION* ESTABLISHED.—The Secretary shall designate a single organizational [unit] *division* within the Department of Labor that shall have primary responsibility for the administration of the activities authorized under this section.

(2) REGULATIONS.—The Secretary shall consult with the entities described in subsection (c) in—

(A) establishing regulations to carry out this section, including regulations relating to the performance accountability measures for entities receiving assistance under this section; and

(B) developing a funding distribution plan that takes into consideration previous levels of funding (prior to the date of enactment of this Act) to such entities.

(3) WAIVERS.—

(A) IN GENERAL.—With respect to an entity described in subsection (c), the Secretary, notwithstanding any other provision of law, may, pursuant to a request submitted by such entity that meets the requirements established under subparagraph (B), waive any of the statutory or regulatory requirements of this title that are inconsistent with the specific needs of the entity described in such subsection, except that the Secretary may not waive requirements relating to wage and labor standards, worker rights, participation and protection of workers and participants, grievance procedures, and judicial review.

(B) REQUEST AND APPROVAL.—An entity described in subsection (c) that requests a waiver under subparagraph (A) shall submit a plan to the Secretary to improve the program of workforce investment activities carried out by the entity, which plan shall meet the requirements established by the Secretary and shall be generally consistent with the requirements of section 189(i)(3)(B).

(4) ADVISORY COUNCIL.—

(A) IN GENERAL.—Using funds made available to carry out this section, the Secretary shall establish a Native American Employment and Training Council to facilitate the consultation described in paragraph (2) and to provide the advice described in subparagraph (C).

[(B) COMPOSITION.—The Council shall be composed of individuals, appointed by the Secretary, who are representatives of the entities described in subsection (c).**]**

(B) COMPOSITION.—

(i) IN GENERAL.—The Council shall be composed of individuals, appointed by the Secretary, who are representatives of the entities described in subsection (c).

(ii) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office.

(C) DUTIES.—The Council shall advise the Secretary on the operation and administration of the programs assisted under this section, including the selection of the individual appointed as head of the **[**unit**]** *division* established under paragraph (1).

(D) PERSONNEL MATTERS.—

(i) COMPENSATION OF MEMBERS.—Members of the Council shall serve without compensation.

(ii) TRAVEL EXPENSES.—The members of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Council.

(iii) ADMINISTRATIVE SUPPORT.—The Secretary shall provide the Council with such administrative support

as may be necessary to perform the functions of the Council.

(E) CHAIRPERSON.—The Council shall select a chairperson from among its members.

(F) MEETINGS.—The Council shall meet not less than twice each year.

(G) APPLICATION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Council.

(5) TECHNICAL ASSISTANCE.—The Secretary, acting through the [unit] *division* established under paragraph (1), is authorized to provide technical assistance to entities described in subsection (c) that receive assistance under such subsection to enable such entities to improve the activities authorized under this section that are provided by such entities.

(6) AGREEMENT FOR CERTAIN FEDERALLY RECOGNIZED INDIAN TRIBES TO TRANSFER FUNDS TO THE PROGRAM.—A federally recognized Indian tribe that administers funds provided under this section and funds provided by more than one State under other sections of this title may enter into an agreement with the Secretary and the Governors of the affected States to transfer the funds provided by the States to the program administered by the tribe under this section.

(j) COMPLIANCE WITH SINGLE AUDIT REQUIREMENTS; RELATED REQUIREMENT.—Grants made and contracts and cooperative agreements entered into under this section shall be subject to the requirements of chapter 75 of subtitle V of title 31, United States Code, and charging of costs under this section shall be subject to appropriate circulars issued by the Office of Management and Budget.

(k) ASSISTANCE TO UNIQUE POPULATIONS IN ALASKA AND HAWAII.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary is authorized to award grants, on a competitive basis, to entities with demonstrated experience and expertise in developing and implementing programs for the unique populations who reside in Alaska or Hawaii, including public and private nonprofit organizations, tribal organizations, American Indian tribal colleges or universities, institutions of higher education, or consortia of such organizations or institutions, to improve job training and workforce investment activities for such unique populations.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection—

(A) $461,000 for fiscal year 2015;
(B) $497,000 for fiscal year 2016;
(C) $507,000 for fiscal year 2017;
(D) $518,000 for fiscal year 2018;
(E) $530,000 for fiscal year 2019; and
(F) $542,000 for fiscal year 2020.

SEC. 167. MIGRANT AND SEASONAL FARMWORKER PROGRAMS.

(a) IN GENERAL.—Every 4 years, the Secretary shall, on a competitive basis, make grants to, or enter into contracts with, eligible entities to carry out the activities described in subsection (d).

(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant or enter into a contract under this section, an entity shall have an understanding of the problems of eligible migrant and seasonal farmworkers (including dependents), a familiarity with the area to be served, and the ability to demonstrate a capacity to administer and deliver effectively a diversified program of workforce investment activities (including youth workforce investment activities) and related assistance for eligible migrant and seasonal farmworkers.

(c) PROGRAM PLAN.—

(1) IN GENERAL.—To be eligible to receive a grant or enter into a contract under this section, an entity described in subsection (b) shall submit to the Secretary a plan that describes a 4-year strategy for meeting the needs of eligible migrant and seasonal farmworkers in the area to be served by such entity.

(2) CONTENTS.—Such plan shall—

(A) describe the population to be served and identify the education and employment needs of the population to be served and the manner in which the services to be provided will strengthen the ability of the eligible migrant and seasonal farmworkers and dependents to obtain or retain unsubsidized employment, or stabilize their unsubsidized employment, including upgraded employment in agriculture;

(B) describe the related assistance and supportive services to be provided and the manner in which such assistance and services are to be integrated and coordinated with other appropriate services;

(C) describe the performance accountability measures to be used to assess the performance of such entity in carrying out the activities assisted under this section, which shall include the expected levels of performance for the primary indicators of performance described in section 116(b)(2)(A);

(D) describe the availability and accessibility of local resources, such as supportive services, services provided through one-stop delivery systems, and education and training services, and how the resources can be made available to the population to be served; and

(E) describe the plan for providing services under this section, including strategies and systems for outreach, career planning, assessment, and delivery through one-stop delivery systems.

(3) AGREEMENT ON ADJUSTED LEVELS OF PERFORMANCE.—The Secretary and the entity described in subsection (b) shall reach agreement on the levels of performance for each of the primary indicators of performance described in section 116(b)(2)(A), taking into account economic conditions, characteristics of the individuals served, and other appropriate factors, and using, to the extent practicable, the statistical adjustment model under section 116(b)(3)(A)(viii). The levels agreed to shall be the adjusted levels of performance and shall be incorporated in the program plan.

(4) ADMINISTRATION.—Grants and contracts awarded under this section shall be centrally administered by the Department of Labor and competitively awarded by the Secretary using

procedures consistent with standard Federal Government competitive procurement policies.

(d) AUTHORIZED ACTIVITIES.—Funds made available under this section and section 127(a)(1) shall be used to carry out workforce investment activities (including youth workforce investment activities) and provide related assistance for eligible migrant and seasonal farmworkers, which may *be used for the 4-year period for which funds are provided under this section, and which may* include—

(1) outreach, employment, training, educational assistance, literacy assistance, English language and literacy instruction, pesticide and worker safety training, housing (including permanent housing), supportive services, and school dropout prevention and recovery activities;

(2) followup services for those individuals placed in employment;

(3) self-employment and related business or micro-enterprise development or education as needed by eligible individuals as identified pursuant to the plan required by subsection (c);

(4) customized career and technical education in occupations that will lead to higher wages, enhanced benefits, and long-term employment in agriculture or another area; and

(5) technical assistance to improve coordination of services and implement best practices relating to service delivery through one-stop delivery systems.

(e) CONSULTATION WITH GOVERNORS AND LOCAL BOARDS.—In making grants and entering into contracts under this section, the Secretary shall consult with the Governors and local boards of the States in which the eligible entities will carry out the activities described in subsection (d).

(f) REGULATIONS.—The Secretary shall consult with eligible migrant and seasonal farmworkers groups and States in establishing regulations to carry out this section, including regulations relating to how economic and demographic barriers to employment of eligible migrant and seasonal farmworkers should be considered and included in the negotiations leading to the adjusted levels of performance described in subsection (c)(3).

(g) COMPLIANCE WITH SINGLE AUDIT REQUIREMENTS; RELATED REQUIREMENT.—Grants made and contracts entered into under this section shall be subject to the requirements of chapter 75 of subtitle V of title 31, United States Code and charging of costs under this section shall be subject to appropriate circulars issued by the Office of Management and Budget.

(h) FUNDING ALLOCATION*; FUNDING OBLIGATION*.—**[**From the**]**

(1) FUNDING ALLOCATION.—From the funds appropriated and made available to carry out this section, the Secretary shall reserve not more than 1 percent for discretionary purposes, such as providing technical assistance to eligible entities.

(2) FUNDING OBLIGATION.—

(A) IN GENERAL.—Funds appropriated and made available to carry out this section for any fiscal year may be obligated to any entity described in subsection (b) during the period beginning on April 1 of the calendar year that begins during such fiscal year, and ending on June 30 of the following calendar year.

(B) OBLIGATED AMOUNT.—Funds made available under this section for a fiscal year to any entity described in subsection (b) shall be obligated and available for expenditure by such entity for the period beginning on July 1 of the calendar year that begins during such fiscal year, and ending on June 30 of the following calendar year, except that the Secretary may extend such period if the Secretary determines that such extension is necessary to ensure the effective use of such funds by such entity.

(i) DEFINITIONS.—In this section:

(1) ELIGIBLE MIGRANT AND SEASONAL FARMWORKERS.—The term "eligible migrant and seasonal farmworkers" means individuals who are eligible migrant farmworkers or are eligible seasonal farmworkers.

(2) ELIGIBLE MIGRANT FARMWORKER.—The term "eligible migrant farmworker" means—

(A) an eligible seasonal farmworker described in paragraph (3)(A) whose agricultural labor requires travel to a job site such that the farmworker is unable to return to a permanent place of residence within the same day; and

(B) a dependent of the farmworker described in subparagraph (A).

(3) ELIGIBLE SEASONAL FARMWORKER.—The term "eligible seasonal farmworker" means—

(A) a low-income individual who—

(i) for **[**12**]** *8* consecutive months out of the 24 months prior to application for the program involved, has been primarily employed in agricultural or fish farming labor that is characterized by chronic unemployment or underemployment; and

(ii) faces multiple barriers to economic self-sufficiency; and

(B) a dependent of the person described in subparagraph (A).

SEC. 168. TECHNICAL ASSISTANCE.

(a) GENERAL TECHNICAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary shall ensure that the Department has sufficient capacity to, and does, provide, coordinate, and support the development of, appropriate training, technical assistance, **[**staff development**]** *professional development for staff*, and other activities, including—

(A) assistance in replicating programs of demonstrated effectiveness, to States and localities;

(B) the training of staff providing rapid response services;

(C) the *professional development and* training of other staff of recipients of funds under this title, including the staff of local boards and State boards;

(D) the *professional development and* training of members of State boards and local boards;

(E) assistance in the development and implementation of integrated, technology-enabled intake and case management information systems for programs carried out under this Act and programs carried out by one-stop partners, such as standard sets of technical requirements for the

systems, offering interfaces that States could use in conjunction with their current (as of the first date of implementation of the systems) intake and case management information systems that would facilitate shared registration across programs;

(F) assistance regarding accounting and program operations to States and localities (when such assistance would not supplant assistance provided by the State);

(G) peer review activities under this title; [and]

(H) in particular, assistance to States in making transitions to implement the provisions of this Act[.]*; and*

(I) the training of staff at one-stop centers on trauma-informed approaches, gender and racial biases, and the unique safety challenges faced by survivors of gender-based violence.

(2) FORM OF ASSISTANCE.—

(A) IN GENERAL.—In order to carry out paragraph (1) on behalf of a State or recipient of financial assistance under section 166 or 167, the Secretary, after consultation with the State or grant recipient, may award grants or enter into contracts or cooperative agreements.

(B) LIMITATION.—Grants or contracts awarded under paragraph (1) to entities other than States or local units of government that are for amounts in excess of $100,000 shall only be awarded on a competitive basis.

(b) DISLOCATED WORKER TECHNICAL ASSISTANCE.—

(1) AUTHORITY.—Of the amounts available pursuant to section 132(a)(2)(A), the Secretary shall reserve not more than 5 percent of such amounts to provide technical assistance to States that do not meet the State performance accountability measures for the primary indicators of performance described in section 116(b)(2)(A)(i) with respect to employment and training activities for dislocated workers. Using such reserved funds, the Secretary may provide such assistance to other States, local areas, and other entities involved in providing assistance to dislocated workers, to promote the continuous improvement of assistance provided to dislocated workers, under this title.

(2) TRAINING.—Amounts reserved under this subsection may be used to provide for the training of staff, including specialists, who provide rapid response services. Such training shall include instruction in proven methods of promoting, establishing, and assisting labor-management committees. Such projects shall be administered through the Employment and Training Administration of the Department.

(c) PROMISING AND PROVEN PRACTICES COORDINATION.—The Secretary shall—

(1) establish a system through which States may share information regarding promising and proven practices with regard to the operation of workforce investment activities under this Act;

(2) evaluate and disseminate information regarding such promising and proven practices and identify knowledge gaps; and

(3) commission research under section 169(b) to address knowledge gaps identified under paragraph (2).

SEC. 169. EVALUATIONS AND RESEARCH.

(a) EVALUATIONS.—

(1) EVALUATIONS OF PROGRAMS AND ACTIVITIES CARRIED OUT UNDER THIS TITLE.—

(A) IN GENERAL.—For the purpose of improving the management and effectiveness of programs and activities carried out under this title, the Secretary, through grants, contracts, or cooperative agreements, shall provide for the continuing evaluation of the programs and activities under this title, including those programs and activities carried out under this section.

(B) PERIODIC INDEPENDENT EVALUATION.—The evaluations carried out under this paragraph shall include an independent evaluation, at least once every 4 years, of the programs and activities carried out under this title.

(2) EVALUATION SUBJECTS.—Each evaluation carried out under paragraph (1) shall address—

(A) the general effectiveness of such programs and activities in relation to their cost, including the extent to which the programs and activities—

(i) improve the employment competencies of participants in comparison to comparably-situated individuals who did not participate in such programs and activities; and

(ii) to the extent feasible, increase the level of total employment over the level that would have existed in the absence of such programs and activities;

(B) the effectiveness of the performance accountability measures relating to such programs and activities;

(C) the effectiveness of the structure and mechanisms for delivery of services through such programs and activities, including the coordination and integration of services through such programs and activities;

(D) the impact of such programs and activities on the community, businesses, and participants involved;

(E) the impact of such programs and activities on related programs and activities;

(F) the extent to which such programs and activities meet the needs of various demographic groups; and

(G) such other factors as may be appropriate.

(3) EVALUATIONS OF OTHER PROGRAMS AND ACTIVITIES.—The Secretary may conduct evaluations of other federally funded employment-related programs and activities under other provisions of law.

(4) TECHNIQUES.—Evaluations conducted under this subsection shall utilize appropriate and rigorous methodology and research designs, including the use of control groups chosen by scientific random assignment methodologies. The Secretary shall conduct at least 1 multisite control group evaluation under this subsection by the end of fiscal year [2019] *2027*, and thereafter shall ensure that such an analysis is included in the independent evaluation described in paragraph (1)(B) that is conducted at least once every 4 years.

(5) REPORTS.—The entity carrying out an evaluation described in paragraph (1) or (2) shall prepare and submit to the Secretary a draft report and a final report containing the results of the evaluation.

(6) REPORTS TO CONGRESS.—Not later than 30 days after the completion of a draft report under paragraph (5), the Secretary shall transmit the draft report to the Committee on Education and [the Workforce] *Labor* of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate. Not later than 60 days after the completion of a final report under such paragraph, the Secretary shall transmit the final report to such committees.

(7) PUBLIC AVAILABILITY.—Not later than 30 days after the date the Secretary transmits the final report as described in paragraph (6), the Secretary shall make that final report available to the general public on the Internet, on the Web site of the Department of Labor.

(8) PUBLICATION OF REPORTS.—If an entity that enters into a contract or other arrangement with the Secretary to conduct an evaluation of a program or activity under this subsection requests permission from the Secretary to publish a report resulting from the evaluation, such entity may publish the report unless the Secretary denies the request during the 90-day period beginning on the date the Secretary receives such request.

(9) COORDINATION.—The Secretary shall ensure the coordination of evaluations carried out by States pursuant to section 116(e) with the evaluations carried out under this subsection.

(b) RESEARCH, STUDIES, AND MULTISTATE PROJECTS.—

(1) IN GENERAL.—After consultation with States, localities, and other interested parties, the Secretary shall, every 2 years, publish in the Federal Register, a plan that describes the research, studies, and multistate project priorities of the Department of Labor concerning employment and training for the 5-year period following the submission of the plan. The plan shall be consistent with the purposes of this title, including the purpose of aligning and coordinating core programs with other one-stop partner programs. Copies of the plan shall be transmitted to the Committee on Education and [the Workforce] *Labor* of the House of Representatives, the Committee on Health, Education, Labor, and Pensions of the Senate, the Department of Education, and other relevant Federal agencies.

(2) FACTORS.—The plan published under paragraph (1) shall contain strategies to address national employment and training problems and take into account factors such as—

(A) the availability of existing research (as of the date of the publication);

(B) the need to ensure results that have interstate validity;

(C) the benefits of economies of scale and the efficiency of proposed projects; and

(D) the likelihood that the results of the projects will be useful to policymakers and stakeholders in addressing employment and training problems.

(3) RESEARCH PROJECTS.—The Secretary shall, through grants or contracts, carry out research projects that will con-

tribute to the solution of employment and training problems in the United States and that are consistent with the priorities specified in the plan published under paragraph (1).

(4) STUDIES AND REPORTS.—

(A) NET IMPACT STUDIES AND REPORTS.—The Secretary of Labor, in coordination with the Secretary of Education and other relevant Federal agencies, may conduct studies to determine the net impact and best practices of programs, services, and activities carried out under this Act.

[(B) STUDY ON RESOURCES AVAILABLE TO ASSIST DISCONNECTED YOUTH.—The Secretary of Labor, in coordination with the Secretary of Education, may conduct a study examining the characteristics of eligible youth that result in such youth being significantly disconnected from education and workforce participation, the ways in which such youth could have greater opportunities for education attainment and obtaining employment, and the resources available to assist such youth in obtaining the skills, credentials, and work experience necessary to become economically self-sufficient.

[(C) STUDY OF EFFECTIVENESS OF WORKFORCE DEVELOPMENT SYSTEM IN MEETING BUSINESS NEEDS.—Using funds available to carry out this subsection jointly with funds available to the Secretary of Commerce, the Administrator of the Small Business Administration, and the Secretary of Education, the Secretary of Labor, in coordination with the Secretary of Commerce, the Administrator of the Small Business Administration, and the Secretary of Education, may conduct a study of the effectiveness of the workforce development system in meeting the needs of business, such as through the use of industry or sector partnerships, with particular attention to the needs of small business, including in assisting workers to obtain the skills needed to utilize emerging technologies.

[(D) STUDY ON PARTICIPANTS ENTERING NONTRADITIONAL OCCUPATIONS.—The Secretary of Labor, in coordination with the Secretary of Education, may conduct a study examining the number and percentage of individuals who receive employment and training activities and who enter nontraditional occupations, successful strategies to place and support the retention of individuals in nontraditional employment (such as by providing post-placement assistance to participants in the form of exit interviews, mentoring, networking, and leadership development), and the degree to which recipients of employment and training activities are informed of the possibility of, or directed to begin, training or education needed for entrance into nontraditional occupations.

[(E) STUDY ON PERFORMANCE INDICATORS.—The Secretary of Labor, in coordination with the Secretary of Education, may conduct studies to determine the feasibility of, and potential means to replicate, measuring the compensation, including the wages, benefits, and other incentives provided by an employer, received by program participants by using data other than or in addition to data available

through wage records, for potential use as a performance indicator.

[(F) STUDY ON JOB TRAINING FOR RECIPIENTS OF PUBLIC HOUSING ASSISTANCE.—The Secretary of Labor, in coordination with the Secretary of Housing and Urban Development, may conduct studies to assist public housing authorities to provide, to recipients of public housing assistance, job training programs that successfully upgrade job skills and employment in, and access to, jobs with opportunity for advancement and economic self-sufficiency for such recipients.

[(G) STUDY ON IMPROVING EMPLOYMENT PROSPECTS FOR OLDER INDIVIDUALS.—The Secretary of Labor, in coordination with the Secretary of Education and the Secretary of Health and Human Services, may conduct studies that lead to better design and implementation of, in conjunction with employers, local boards or State boards, community colleges or area career and technical education schools, and other organizations, effective evidence-based strategies to provide services to workers who are low-income, low-skilled older individuals that increase the workers' skills and employment prospects.

[(H) STUDY ON PRIOR LEARNING.—The Secretary of Labor, in coordination with other heads of Federal agencies, as appropriate, may conduct studies that, through convening stakeholders from the fields of education, workforce, business, labor, defense, and veterans services, and experts in such fields, develop guidelines for assessing, accounting for, and utilizing the prior learning of individuals, including dislocated workers and veterans, in order to provide the individuals with postsecondary educational credit for such prior learning that leads to the attainment of a recognized postsecondary credential identified under section 122(d) and employment.

[(I) STUDY ON CAREER PATHWAYS FOR HEALTH CARE PROVIDERS AND PROVIDERS OF EARLY EDUCATION AND CHILD CARE.—The Secretary of Labor, in coordination with the Secretary of Education and the Secretary of Health and Human Services, shall conduct a multistate study to develop, implement, and build upon career advancement models and practices for low-wage health care providers or providers of early education and child care, including faculty education and distance education programs.

[(J) STUDY ON EQUIVALENT PAY.—The Secretary shall conduct a multistate study to develop and disseminate strategies for ensuring that programs and activities carried out under this Act are placing individuals in jobs, education, and training that lead to equivalent pay for men and women, including strategies to increase the participation of women in high-wage, high-demand occupations in which women are underrepresented.]

(B) STUDY ON CORRECTIONAL EDUCATION AND TRAINING.—The Secretary of Labor, in coordination with the Secretary of Education, may conduct a study to determine the feasibility of, and potential means to replicate the measure-

ment of recidivism for former criminal offenders who participated in adult employment and training activities under this title or correctional institution education programs under title II to improve the quality and performance of such services or activities.

[(K)] *(C)* REPORTS.—The Secretary shall prepare and disseminate to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and [the Workforce] *Labor* of the House of Representatives, and to the public, including through electronic means, reports containing the results of the studies conducted under this paragraph.

(5) MULTISTATE PROJECTS.—

(A) AUTHORITY.—The Secretary may, through grants or contracts, carry out multistate projects that require demonstrated expertise that is available at the national level to effectively disseminate best practices and models for implementing employment and training services, address the specialized employment and training needs of particular service populations, or address industry-wide skill shortages, to the extent such projects are consistent with the priorities specified in the plan published under paragraph (1).

(B) DESIGN OF GRANTS.—Agreements for grants or contracts awarded under this paragraph shall be designed to obtain information relating to the provision of services under different economic conditions or to various demographic groups in order to provide guidance at the national and State levels about how best to administer specific employment and training services.

(6) LIMITATIONS.—

(A) COMPETITIVE AWARDS.—A grant or contract awarded for carrying out a project under this subsection in an amount that exceeds $100,000 shall be awarded only on a competitive basis, except that a noncompetitive award may be made in the case of a project that is funded jointly with other public or private sector entities that provide a substantial portion of assistance under the grant or contract for the project.

(B) TIME LIMITS.—A grant or contract shall not be awarded under this subsection to the same organization for more than 3 consecutive years unless such grant or contract is competitively reevaluated within such period.

(C) PEER REVIEW.—

(i) IN GENERAL.—The Secretary shall utilize a peer review process—

(I) to review and evaluate all applications for grants in amounts that exceed $500,000 that are submitted under this section; and

(II) to review and designate exemplary and promising programs under this section.

(ii) AVAILABILITY OF FUNDS.—The Secretary is authorized to use funds provided under this section to carry out peer review activities under this subparagraph.

(D) PRIORITY.—In awarding grants or contracts under this subsection, priority shall be provided to entities with recognized expertise in the methods, techniques, and knowledge of workforce investment activities. The Secretary shall establish appropriate time limits for the duration of such projects.

(c) WORKFORCE DEVELOPMENT INNOVATION FUND.—

(1) PROGRAM AUTHORIZED.—

(A) IN GENERAL.—The Secretary may award workforce development innovation grants, on a competitive basis, to eligible entities to enable such entities to—

(i) create, implement, replicate, or take to scale entrepreneurial, evidence-based, field-initiated innovation programs and services for improving the design and delivery of employment and training services that generate long-term improvements in the performance of the workforce development system, in outcomes for jobseekers (including individuals with barriers to employment), and in the cost-effectiveness of programs and services; and

(ii) rigorously evaluate such programs and services in accordance with this subsection.

(B) DESCRIPTION OF GRANTS.—The grants described in subparagraph (A) shall include—

(i) early-phase grants to fund the development, implementation, and feasibility testing of an innovation program or service, which prior research suggests has promise, for the purpose of determining whether such program or service can successfully improve the design and delivery of employment and training services that generate long-term improvements in the performance of the workforce development system, in outcomes for jobseekers (including individuals with barriers to employment), and in the cost-effectiveness of such programs and services;

(ii) mid-phase grants to fund implementation and a well-designed and well-implemented evaluation of such a program or service that has been successfully implemented under an early-phase grant described in clause (i) or other effort meeting similar criteria, for the purpose of measuring the impact and cost effectiveness of such programs or services, using data collected pursuant to the implementation of such program or service, if possible; and

(iii) expansion grants to fund implementation and a well-designed and well-implemented replication evaluation of such a program or service that has been found to produce sizable, important impacts under a mid-phase grant described in clause (ii) or other effort meeting similar criteria, for the purposes of—

(I) determining whether such impacts may be successfully reproduced and sustained over time; and

(II) identifying the conditions in which such a program or service is most effective.

(2) TECHNICAL ASSISTANCE.—Of the funds made available to carry out this subsection for a fiscal year, the Secretary shall reserve not more than 5 percent of the funds to—

(A) provide technical assistance to eligible entities, which may include preapplication workshops, web-based seminars, and evaluation support; and

(B) disseminate evidence-based best practices.

(3) DEFINITIONS.—In this subsection:

(A) ELIGIBLE ENTITY.—The term "eligible entity" means any of the following:

(i) A State board.

(ii) A local board.

(iii) An Indian tribe, tribal organization, Alaska Native entity, Indian-controlled organization serving Indians, or Native Hawaiian organization that is eligible to receive an award under section 166.

(iv) A community-based, nonprofit, or nongovernmental organization serving an underserved population.

(v) An institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)).

(vi) A consortium of such entities described under clause (i) through clause (v).

(B) WELL-DESIGNED AND WELL-IMPLEMENTED.—The term "well-designed and well-implemented", as applied to an evaluation study, means a study that is replicable, uses programmatic and control groups that are representative of the type of population served by the program, uses controls for aggregate shifts that might affect baseline numbers, does not have problems with attrition from the program, and takes measures to avoid creaming.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, such sums as may be necessary for each of the fiscal years 2023 through 2028.

[(c)**]** *(d)* DISLOCATED WORKER PROJECTS.—Of the amount made available pursuant to section 132(a)(2)(A) for any program year, the Secretary shall use not more than 10 percent of such amount to carry out demonstration and pilot projects, multiservice projects, and multistate projects relating to the employment and training needs of dislocated workers. Of the requirements of this section, such projects shall be subject only to the provisions relating to review and evaluation of applications under subsection (b)(6)(C). Such projects may include demonstration and pilot projects relating to promoting self-employment, promoting job creation, averting dislocations, assisting dislocated farmers, assisting dislocated fishermen, and promoting public works. Such projects shall be administered by the Secretary, acting through the Assistant Secretary for Employment and Training.

SEC. 170. NATIONAL DISLOCATED WORKER GRANTS.

(a) DEFINITIONS.—In this section:

(1) EMERGENCY OR DISASTER.—The term "emergency or disaster" means—

(A) an emergency or a major disaster, as defined in paragraphs (1) and (2), respectively, of section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122 (1) and (2)); or

(B) an emergency or disaster situation of national significance that could result in a potentially large loss of employment, as declared or otherwise recognized by the chief official of a Federal agency with authority for or jurisdiction over the Federal response to the emergency or disaster situation.

(2) DISASTER AREA.—The term "disaster area" means an area that has suffered or in which has occurred an emergency or disaster.

(b) IN GENERAL.—

(1) GRANTS.—The Secretary is authorized to award national dislocated worker grants—

(A) to an entity described in subsection (c)(1)(B) to provide employment and training assistance to workers affected by major economic dislocations, such as plant closures, mass layoffs, or closures and realignments of military installations;

(B) to provide assistance to—

(i) the Governor of any State within the boundaries of which is a disaster area, to provide disaster relief employment in the disaster area; or

(ii) the Governor of any State to which a substantial number of workers from an area in which an emergency or disaster has been declared or otherwise recognized have relocated;

(C) to provide additional assistance to a State board or local board for eligible dislocated workers in a case in which the State board or local board has expended the funds provided under this section to carry out activities described in subparagraphs (A) and (B) and can demonstrate the need for additional funds to provide appropriate services for such workers, in accordance with requirements prescribed by the Secretary; and

(D) to provide additional assistance to a State board or local board serving an area where—

(i) a higher-than-average demand for employment and training activities for dislocated members of the Armed Forces, spouses described in section 3(15)(E), or members of the Armed Forces described in subsection (c)(2)(A)(iv), exceeds State and local resources for providing such activities; and

(ii) such activities are to be carried out in partnership with the Department of Defense and Department of Veterans Affairs transition assistance programs.

(2) DECISIONS AND OBLIGATIONS.—The Secretary shall issue a final decision on an application for a national dislocated worker grant under this subsection not later than 45 calendar days after receipt of the application. The Secretary shall issue a notice of obligation for such grant not later than 10 days after the award of such grant.

(c) EMPLOYMENT AND TRAINING ASSISTANCE REQUIREMENTS.—

(1) GRANT RECIPIENT ELIGIBILITY.—

(A) APPLICATION.—To be eligible to receive a grant under subsection (b)(1)(A), an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(B) ELIGIBLE ENTITY.—In this paragraph, the term "entity" means a State, a local board, an entity described in section 166(c), an entity determined to be eligible by the Governor of the State involved, [and any other entity that demonstrates to the Secretary the capability to effectively respond to the circumstances relating to particular dislocations.] *which may include a national or regional intermediary that provides employment and training activities to dislocated workers.*

(2) PARTICIPANT ELIGIBILITY.—

(A) IN GENERAL.—In order to be eligible to receive employment and training assistance under a national dislocated worker grant awarded pursuant to subsection (b)(1)(A), an individual shall be—

(i) a dislocated worker;

(ii) a civilian employee of the Department of Defense or the Department of Energy employed at a military installation that is being closed, or that will undergo realignment, within the next 24 months after the date of the determination of eligibility;

(iii) an individual who is employed in a nonmanagerial position with a Department of Defense contractor, who is determined by the Secretary of Defense to be at risk of termination from employment as a result of reductions in defense expenditures, and whose employer is converting operations from defense to nondefense applications in order to prevent worker layoffs; or

(iv) a member of the Armed Forces who—

(I) was on active duty or full-time National Guard duty;

(II)(aa) is involuntarily separated (as defined in section 1141 of title 10, United States Code) from active duty or full-time National Guard duty; or

(bb) is separated from active duty or full-time National Guard duty pursuant to a special separation benefits program under section 1174a of title 10, United States Code, or the voluntary separation incentive program under section 1175 of that title;

(III) is not entitled to retired or retained pay incident to the separation described in subclause (II); and

(IV) applies for such employment and training assistance before the end of the 180-day period beginning on the date of that separation.

(B) RETRAINING ASSISTANCE.—The individuals described in subparagraph (A)(iii) shall be eligible for retraining assistance to upgrade skills by obtaining marketable skills

needed to support the conversion described in subparagraph (A)(iii).

(C) ADDITIONAL REQUIREMENTS.—The Secretary shall establish and publish additional requirements related to eligibility for employment and training assistance under the national dislocated worker grants to ensure effective use of the funds available for this purpose.

(D) DEFINITIONS.—In this paragraph, the terms "military installation" and "realignment" have the meanings given the terms in section 2910 of the Defense Base Closure and Realignment Act of 1990 (Public Law 101-510; 10 U.S.C. 2687 note).

(d) DISASTER RELIEF EMPLOYMENT ASSISTANCE REQUIREMENTS.—

(1) IN GENERAL.—Funds made available under subsection (b)(1)(B)—

(A) shall be used, in coordination with the Administrator of the Federal Emergency Management Agency, as applicable, to provide disaster relief employment on projects that provide food, clothing, shelter, and other humanitarian assistance for emergency and disaster victims, and projects regarding demolition, cleaning, repair, renovation, and reconstruction of damaged and destroyed structures, facilities, and lands located within the disaster area and in offshore areas related to the emergency or disaster;

(B) may be expended through public and private agencies and organizations engaged in such projects; and

(C) may be expended to provide employment and training activities.

(2) ELIGIBILITY.—An individual shall be eligible to be offered disaster relief employment under subsection (b)(1)(B) if such individual—

(A) is a dislocated worker;

(B) is a long-term unemployed individual;

(C) is temporarily or permanently laid off as a consequence of the emergency or disaster; or

(D) in the case of an individual who is self-employed, becomes unemployed or significantly underemployed as a result of the emergency or disaster.

(3) LIMITATIONS ON DISASTER RELIEF EMPLOYMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), no individual shall be employed under subsection (b)(1)(B) for more than 12 months for work related to recovery from a single emergency or disaster.

(B) EXTENSION.—At the request of a State, the Secretary may extend such employment, related to recovery from a single emergency or disaster involving the State, for not more than an additional 12 months.

(4) USE OF AVAILABLE FUNDS.—Funds made available under subsection (b)(1)(B) shall be available to assist workers described in paragraph (2) who are affected by an emergency or disaster, including workers who have relocated from an area in which an emergency or disaster has been declared or otherwise recognized, as appropriate. Under conditions determined by the Secretary and following notification to the Secretary, a State may use such funds, that are appropriated for any fiscal year

and available for expenditure under any grant awarded to the State under this section, to provide any assistance authorized under this subsection. Funds used pursuant to the authority provided under this paragraph shall be subject to the liability and reimbursement requirements described in paragraph (5).

(5) LIABILITY AND REIMBURSEMENT.—Nothing in this Act shall be construed to relieve liability, by a responsible party that is liable under Federal law, for any costs incurred by the United States under subsection (b)(1)(B) or this subsection, including the responsibility to provide reimbursement for such costs to the United States.

SEC. 171. YOUTHBUILD PROGRAM.

(a) STATEMENT OF PURPOSE.—The purposes of this section are—

(1) to enable disadvantaged youth to obtain the education and employment skills necessary to achieve economic self-sufficiency in occupations in demand and postsecondary education and training opportunities;

(2) to provide disadvantaged youth with opportunities for meaningful work and service to their communities;

(3) to foster the development of employment and leadership skills and commitment to community development among youth in low-income communities;

(4) to expand the supply of permanent affordable housing for homeless individuals and low-income families by utilizing the energies and talents of disadvantaged youth; and

(5) to improve the quality and energy efficiency of community and other nonprofit and public facilities, including those facilities that are used to serve homeless and low-income families.

(b) DEFINITIONS.—In this section:

(1) ADJUSTED INCOME.—The term "adjusted income" has the meaning given the term in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)).

(2) APPLICANT.—The term "applicant" means an eligible entity that has submitted an application under subsection (c).

(3) ELIGIBLE ENTITY.—The term "eligible entity" means a public or private nonprofit agency or organization (including a consortium of such agencies or organizations), including—

(A) a community-based organization;

(B) a faith-based organization;

(C) an entity carrying out activities under this title, such as a local board;

(D) a community action agency;

(E) a State or local housing development agency;

(F) an Indian tribe or other agency primarily serving Indians;

(G) a community development corporation;

(H) a State or local youth service or conservation corps; and

(I) any other entity eligible to provide education or employment training under a Federal program (other than the program carried out under this section).

(4) HOMELESS INDIVIDUAL.—The term "homeless individual" means a homeless individual (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-

2(6))) or a homeless child or youth (as defined in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2))).

(5) HOUSING DEVELOPMENT AGENCY.—The term "housing development agency" means any agency of a State or local government, or any private nonprofit organization, that is engaged in providing housing for homeless individuals or low-income families.

(6) INCOME.—The term "income" has the meaning given the term in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)).

(7) INDIAN; INDIAN TRIBE.—The terms "Indian" and "Indian tribe" have the meanings given such terms in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(8) LOW-INCOME FAMILY.—The term "low-income family" means a family described in section 3(b)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(2)).

(9) QUALIFIED NATIONAL NONPROFIT AGENCY.—The term "qualified national nonprofit agency" means a nonprofit agency that—

(A) has significant national experience providing services consisting of training, information, technical assistance, and data management to YouthBuild programs or similar projects; and

(B) has the capacity to provide those services.

(10) REGISTERED APPRENTICESHIP PROGRAM.—The term "registered apprenticeship program" means an apprenticeship program—

(A) registered under the Act of August 16, 1937 (commonly known as the "National Apprenticeship Act"; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.); and

(B) that meets such other criteria as may be established by the Secretary under this section.

(11) TRANSITIONAL HOUSING.—The term "transitional housing" has the meaning given the term in section 401(29) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360(29)).

(12) YOUTHBUILD PROGRAM.—The term "YouthBuild program" means any program that receives assistance under this section and provides disadvantaged youth with opportunities for employment, education, leadership development, and training through the rehabilitation (which, for purposes of this section, shall include energy efficiency enhancements) or construction of housing for homeless individuals and low-income families, and of public facilities.

(c) YOUTHBUILD GRANTS.—

[(1) AMOUNTS OF GRANTS.—The Secretary is authorized to make grants to applicants for the purpose of carrying out YouthBuild programs approved under this section.]

(1) RESERVATION, AMOUNT OF GRANTS.—

(A) RESERVATION.—In any fiscal year in which the amount appropriated to carry out this section is greater than $125,000,000, the Secretary shall reserve 20 percent of such amount that is greater than $125,000,000 for—

(i) grants to applicants that are located in rural areas (as defined by the Secretary); and

(ii) programs operated by an Indian tribe or for the benefit of the members of an Indian Tribe for the purpose of carrying out YouthBuild programs approved under this section.

(B) AMOUNT OF GRANTS.—After making the reservation described under subparagraph (A), the Secretary may use the remaining amount appropriated to carry out this section to make grants to applicants for the purpose of carrying out YouthBuild programs approved under this section.

(2) ELIGIBLE ACTIVITIES.—An entity that receives a grant under this subsection shall use the funds made available through the grant to carry out a YouthBuild program, which may include the following activities:

(A) Education and workforce investment activities including—

(i) work experience and skills training (coordinated, to the maximum extent feasible, with preapprenticeship and registered apprenticeship programs) in the activities described in subparagraphs (B) and (C) related to rehabilitation or construction, and, if approved by the Secretary, in additional in-demand industry sectors or occupations in the region in which the program operates;

(ii) occupational skills training;

(iii) other paid and unpaid work experiences, including internships and job shadowing;

(iv) services and activities designed to meet the educational needs of participants, including—

(I) basic skills instruction and remedial education;

(II) language instruction educational programs for participants who are ⟦English language learners⟧ *English lerners*;

(III) secondary education services and activities, including tutoring, study skills training, and school dropout prevention and recovery activities, designed to lead to the attainment of a secondary school diploma or its recognized equivalent (including recognized certificates of attendance or similar documents for individuals with disabilities);

(IV) counseling and assistance in obtaining postsecondary education and required financial aid; and

(V) alternative secondary school services;

(v) counseling services and related activities, such as comprehensive guidance and counseling on drug and alcohol abuse and referral;

(vi) activities designed to develop employment and leadership skills, which may include community service and peer-centered activities encouraging responsibility and other positive social behaviors, and activi-

ties related to youth policy committees that participate in decision-making related to the program;

(vii) supportive services and provision of need-based stipends necessary to enable individuals to participate in the program and to assist individuals, for a period not to exceed ⟦12⟧ *24* months after the completion of training, in obtaining or retaining employment, or applying for and transitioning to postsecondary education or training; and

(viii) job search and assistance.

(B) Supervision and training for participants in the rehabilitation or construction of housing, including residential housing for homeless individuals or low-income families, or transitional housing for homeless individuals, and, if approved by the Secretary, in additional in-demand industry sectors or occupations in the region in which the program operates.

(C) Supervision and training for participants—

(i) in the rehabilitation or construction of community and other public facilities, except that not more than 15 percent of funds appropriated to carry out this section may be used for such supervision and training; and

(ii) if approved by the Secretary, in additional in-demand industry sectors or occupations in the region in which the program operates.

(D) Payment of administrative costs of the applicant, including recruitment and selection of participants, except that not more than 10 percent of the amount of assistance provided under this subsection to the grant recipient may be used for such costs.

(E) Adult mentoring.

(F) Provision of wages, stipends, or benefits to participants in the program.

(G) Ongoing training and technical assistance that are related to developing and carrying out the program.

(H) Follow-up services.

(I) Provision of meals and other food assistance that is offered to participants in conjunction with another activity described in this paragraph.

(J) Informing participants of their eligibility, and assisting participants in applying, for Federal and State means tested benefit programs, such as the supplemental nutrition assistance program, and assistance provided by the State through the Child Care Development Block Grant Act.

(K) Supportive services for individuals with disabilities to ensure such individuals may fully participate in a YouthBuild program.

(3) APPLICATION.—

(A) FORM AND PROCEDURE.—To be qualified to receive a grant under this subsection, an eligible entity shall submit an application at such time, in such manner, and containing such information as the Secretary may require.

(B) MINIMUM REQUIREMENTS.—The Secretary shall require that the application contain, at a minimum—

(i) labor market information for the labor market area where the proposed program will be implemented, including both current data (as of the date of submission of the application) and projections on career opportunities in construction and in-demand industry sectors or occupations;

(ii) a request for the grant, specifying the amount of the grant requested and its proposed uses;

(iii) a description of the applicant and a statement of its qualifications, including a description of the applicant's relationship with local boards, one-stop operators, local unions, entities carrying out registered apprenticeship programs, other community groups, and employers, and the applicant's past experience, if any, with rehabilitation or construction of housing or public facilities, and with youth education and employment training programs;

(iv) a description of the proposed site for the proposed program;

(v) a description of the educational and job training activities, work opportunities, postsecondary education and training opportunities, and other services that will be provided to participants, and how those activities, opportunities, and services will prepare youth for employment in in-demand industry sectors or occupations in the labor market area described in clause (i);

(vi)(I) a description of the proposed activities to be undertaken under the grant related to rehabilitation or construction, and, in the case of an applicant requesting approval from the Secretary to also carry out additional activities related to in-demand industry sectors or occupations, a description of such additional proposed activities; and

(II) the anticipated schedule for carrying out all activities proposed under subclause (I);

(vii) a description of the manner in which eligible youth will be recruited and selected as participants, including a description of arrangements that will be made with local boards, one-stop operators, faith- and community-based organizations, State educational agencies or local educational agencies (including agencies of Indian tribes), public assistance agencies, the courts of jurisdiction, agencies operating shelters for homeless individuals and other agencies that serve youth who are homeless individuals, foster care agencies, and other appropriate public and private agencies;

(viii) a description of the special outreach efforts that will be undertaken to recruit eligible young women (including young women with dependent children) as participants;

(ix) a description of the specific role of employers in the proposed program, such as their role in developing the proposed program and assisting in service provision and in placement activities;

(x) a description of how the proposed program will be coordinated with other Federal, State, and local activities and activities conducted by Indian tribes, such as local workforce investment activities, career and technical education and training programs, adult and language instruction educational programs, activities conducted by public schools, activities conducted by community colleges, national service programs, and other job training provided with funds available under this title;

(xi) assurances that there will be a sufficient number of adequately trained supervisory personnel in the proposed program;

(xii) a description of the levels of performance to be achieved with respect to the primary indicators of performance for eligible youth described in section 116(b)(2)(A)(ii);

(xiii) a description of the applicant's relationship with local building trade unions regarding their involvement in training to be provided through the proposed program, the relationship of the proposed program to established registered apprenticeship programs and employers, the ability of the applicant to grant an industry-recognized certificate or certification through the program, and the quality of the program leading to the certificate or certification;

(xiv) a description of activities that will be undertaken to develop the leadership skills of participants;

(xv) a detailed budget and a description of the system of fiscal controls, and auditing and accountability procedures, that will be used to ensure fiscal soundness for the proposed program;

(xvi) a description of the commitments for any additional resources (in addition to the funds made available through the grant) to be made available to the proposed program from—

(I) the applicant;

(II) recipients of other Federal, State, or local housing and community development assistance that will sponsor any part of the rehabilitation or construction, operation and maintenance, or other housing and community development activities undertaken as part of the proposed program; or

(III) entities carrying out other Federal, State, or local activities or activities conducted by Indian tribes, including career and technical education and training programs, adult and language instruction educational programs, and job training provided with funds available under this title;

(xvii) information identifying, and a description of, the financing proposed for any—

(I) rehabilitation of the property involved;

(II) acquisition of the property; or

(III) construction of the property;

(xviii) information identifying, and a description of, the entity that will operate and manage the property;

(xix) information identifying, and a description of, the data collection systems to be used;

(xx) a certification, by a public official responsible for the housing strategy for the State or unit of general local government within which the proposed program is located, that the proposed program is consistent with the housing strategy; and

(xxi) a certification that the applicant will comply with the requirements of the Fair Housing Act (42 U.S.C. 3601 et seq.) and will affirmatively further fair housing.

(4) SELECTION CRITERIA.—For an applicant to be eligible to receive a grant under this subsection, the applicant and the applicant's proposed program shall meet such selection criteria as the Secretary shall establish under this section, which shall include criteria relating to—

(A) the qualifications or potential capabilities of an applicant;

(B) an applicant's potential for developing a successful YouthBuild program;

(C) the need for an applicant's proposed program, as determined by the degree of economic distress of the community from which participants would be recruited (measured by indicators such as poverty, youth unemployment, and the number of individuals who have dropped out of secondary school) and of the community in which the housing and community and public facilities proposed to be rehabilitated or constructed is located (measured by indicators such as incidence of homelessness, shortage of affordable housing, and poverty);

(D) the commitment of an applicant to providing skills training, leadership development, and education to participants;

(E) the focus of a proposed program on preparing youth for in-demand industry sectors or occupations, or postsecondary education and training opportunities;

(F) the extent of an applicant's coordination of activities to be carried out through the proposed program with local boards, one-stop operators, and one-stop partners participating in the operation of the one-stop delivery system involved, or the extent of the applicant's good faith efforts in achieving such coordination;

(G) the extent of the applicant's coordination of activities with public education, criminal justice, housing and community development, national service, or postsecondary education or other systems that relate to the goals of the proposed program;

(H) the extent of an applicant's coordination of activities with employers in the local area involved;

(I) the extent to which a proposed program provides for inclusion of tenants who were previously homeless individuals in the rental housing provided through the program;

(J) the commitment of additional resources (in addition to the funds made available through the grant) to a proposed program by—

(i) an applicant;

(ii) recipients of other Federal, State, or local housing and community development assistance who will sponsor any part of the rehabilitation or construction, operation and maintenance, or other housing and community development activities undertaken as part of the proposed program; or

(iii) entities carrying out other Federal, State, or local activities or activities conducted by Indian tribes, including career and technical education and training programs, adult and language instruction educational programs, and job training provided with funds available under this title;

(K) the applicant's potential to serve different regions, including rural areas and States that have not previously received grants for YouthBuild programs; and

(L) such other factors as the Secretary determines to be appropriate for purposes of carrying out the proposed program in an effective and efficient manner.

(5) APPROVAL.—To the extent practicable, the Secretary shall notify each applicant, not later than 5 months after the date of receipt of the application by the Secretary, whether the application is approved or not approved.

(6) USE OF FUNDS FOR MATCH.—Consistent with the requirements described under subsection (e)(3), an entity which receives a grant under this section may use a portion of such grant to meet all or a portion of the requirement to provide matching funds under section 121(e) of the National and Community Service Act of 1990 (42 U.S.C. 12571(e)) or any other such requirements under such Act.

(d) USE OF HOUSING UNITS.—Residential housing units rehabilitated or constructed using funds made available under subsection (c), shall be available solely—

(1) for rental by, or sale to, homeless individuals or low-income families; or

(2) for use as transitional or permanent housing, for the purpose of assisting in the movement of homeless individuals to independent living.

(e) ADDITIONAL PROGRAM REQUIREMENTS.—

(1) ELIGIBLE PARTICIPANTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), an individual may participate in a YouthBuild program only if such individual is—

(i) not less than age 16 and not more than age 24, on the date of enrollment;

(ii) a member of a low-income family, a youth in foster care (including youth aging out of foster care), a [youth offender] *youth justice-involved individual*, a youth who is an individual with a disability, a child of incarcerated parents, or a migrant youth; and

(iii) a school dropout, or an individual who was a school dropout and has subsequently reenrolled.

(B) EXCEPTION FOR INDIVIDUALS NOT MEETING INCOME OR EDUCATIONAL NEED REQUIREMENTS.—Not more than 25 percent of the participants in such program may be individuals who do not meet the requirements of clause (ii) or (iii) of subparagraph (A), but who—

(i) are [basic skills deficient] *foundational skill needs*, despite attainment of a secondary school diploma or its recognized equivalent (including recognized certificates of attendance or similar documents for individuals with disabilities); or

(ii) have been referred by a local secondary school for participation in a YouthBuild program leading to the attainment of a secondary school diploma.

(2) PARTICIPATION LIMITATION.—An eligible individual selected for participation in a YouthBuild program shall be offered full-time participation in the program for a period of not less than 6 months and not more than 24 months.

(3) MINIMUM TIME DEVOTED TO EDUCATIONAL SERVICES AND ACTIVITIES.—A YouthBuild program receiving assistance under subsection (c) shall be structured so that participants in the program are offered—

(A) education and related services and activities designed to meet educational needs, such as those specified in clauses (iv) through (vii) of subsection (c)(2)(A), during at least 50 percent of the time during which the participants participate in the program; and

(B) work and skill development activities, such as those specified in clauses (i), (ii), (iii), and (viii) of subsection (c)(2)(A), during at least 40 percent of the time during which the participants participate in the program.

(4) AUTHORITY RESTRICTION.—No provision of this section may be construed to authorize any 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 (including a school) or school system, or over the selection of library resources, textbooks, or other printed or published instructional materials by any educational institution or school system.

(5) STATE AND LOCAL STANDARDS.—All educational programs and activities supported with funds provided under subsection (c) shall be consistent with applicable State and local educational standards. Standards and procedures for the programs and activities that relate to awarding academic credit for and certifying educational attainment in such programs and activities shall be consistent with applicable State and local educational standards.

(f) LEVELS OF PERFORMANCE AND INDICATORS.—

(1) IN GENERAL.—The Secretary shall annually establish expected levels of performance for YouthBuild programs relating to each of the primary indicators of performance for eligible youth activities described in section 116(b)(2)(A)(ii).

(2) ADDITIONAL INDICATORS.—The Secretary may establish expected levels of performance for additional indicators for YouthBuild programs, as the Secretary determines appropriate.

(3) CONSULTATION.—In establishing expected levels of performance under paragraph (1), the Secretary shall consult, on not less than an annual basis, with YouthBuild programs to ensure such levels of performance account for the workforce and postsecondary experiences of youth served by such programs.

(g) MANAGEMENT AND TECHNICAL ASSISTANCE.—

(1) SECRETARY ASSISTANCE.—The Secretary may enter into contracts with 1 or more entities to provide assistance to the Secretary in the management, supervision, and coordination of the program carried out under this section.

(2) TECHNICAL ASSISTANCE.—

(A) CONTRACTS AND GRANTS.—The Secretary shall enter into contracts with or make grants to 1 or more qualified national nonprofit agencies, in order to provide training, information, technical assistance, program evaluation, and data management to recipients of grants under subsection (c).

(B) RESERVATION OF FUNDS.—Of the amounts available under subsection (i) to carry out this section for a fiscal year, the Secretary shall reserve 5 percent to carry out subparagraph (A).

(3) CAPACITY BUILDING GRANTS.—

(A) IN GENERAL.—In each fiscal year, the Secretary may use not more than 3 percent of the amounts available under subsection (i) to award grants to 1 or more qualified national nonprofit agencies to pay for the Federal share of the cost of capacity building activities.

(B) FEDERAL SHARE.—The Federal share of the cost described in subparagraph (A) shall be 25 percent. The non-Federal share shall be provided from private sources.

(4) ANNUAL RELEASE OF FUNDING OPPORTUNITY ANNOUNCEMENT.—The Secretary shall, to the greatest extent practicable, announce new funding opportunities for grants under this section during the same time period each year that such grants are announced.

(5) STATE WAGE DATA.—States receiving grants under this Act shall facilitate access to wage data of participants in YouthBuild programs for the purpose of meeting the requirements of this section. Such facilitation shall not reduce any protections afforded by the State that protect the privacy of participant information.

(h) SUBGRANTS AND CONTRACTS.—Each recipient of a grant under subsection (c) to carry out a YouthBuild program shall provide the services and activities described in this section directly or through subgrants, contracts, or other arrangements with local educational agencies, institutions of higher education, State or local housing development agencies, other public agencies, including agencies of Indian tribes, or private organizations.

[(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

[(1) $77,534,000 for fiscal year 2015;

[(2) $83,523,000 for fiscal year 2016;

[(3) $85,256,000 for fiscal year 2017;

[(4) $87,147,000 for fiscal year 2018;

[(5) $89,196,000 for fiscal year 2019; and

[(6) $91,087,000 for fiscal year 2020.]

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $159,500,000 for fiscal year 2023;
(2) $167,500,000 for fiscal year 2024;
(3) $175,900,000 for fiscal year 2025;
(4) $184,700,000 for fiscal year 2026;
(5) $193,000,000 for fiscal year 2027; and
(6) $203,600,000 for fiscal year 2028.

SEC. 172. STRENGTHENING COMMUNITY COLLEGES TRAINING GRANTS PROGRAM.

(a) PURPOSES.—The purposes of this section are—

(1) to establish, improve, or expand high-quality educational or career training programs at community colleges; and

(2) to expand opportunities for individuals to obtain recognized postsecondary credentials that are nationally or regionally portable and stackable for high-skill, high-wage, or in-demand industry sectors or occupations.

(b) STRENGTHENING COMMUNITY COLLEGES TRAINING GRANTS PROGRAM.—

(1) IN GENERAL.—From the amounts appropriated to carry out this section under subsection (k) and not reserved under paragraph (2), the Secretary shall, on a competitive basis, make grants to eligible institutions to carry out the activities described in subsection (e).

(2) RESERVATION.—Of the amounts appropriated to carry out this section under subsection (k), the Secretary may reserve not more than two percent for the administration of grants awarded under this section, including—

(A) providing technical assistance and targeted outreach to support eligible institutions serving a high number or high percentage of low-income individuals or individuals with barriers to employment, and rural-serving eligible institutions, to provide guidance and assistance in the process of applying for grants under this section; and

(B) evaluating and reporting on the performance and impact of programs funded under this section in accordance with subsections (f) through (h).

(c) AWARD PERIOD.—

(1) INITIAL GRANT PERIOD.—Each grant under this section shall be awarded for an initial period of not more than 4 years.

(2) SUBSEQUENT GRANTS.—An eligible institution that receives an initial grant under this section may receive one or more additional grants under this section for additional periods of not more than 4 years each if the eligible institution demonstrates that the community college and industry partnership supported with the initial grant was successful (as determined by the Secretary on the basis of the levels of performance achieved with respect to the performance indicators specified in subsection (f)).

(d) APPLICATION.—

(1) IN GENERAL.—To be eligible to receive a grant under this section, an eligible institution shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(2) CONTENTS.—At a minimum, an application submitted by an eligible institution under paragraph (1) shall include a description of each the following:

(A) The extent to which the eligible institution included in the partnership has prior experience in leading similar capacity building projects that demonstrates the institution's ability to accomplish multi-pronged, complex projects and an explanation of the results of any such projects.

(B) The extent to which the eligible institution can—

(i) leverage additional resources to support the programs funded with the grant; and

(ii) demonstrate the future sustainability of each such program.

(C) The steps the institution will take to ensure the quality of each program supported by the grant, including the career pathways within such programs.

(D) The needs that will be addressed by the community college and industry partnership supported by the grant.

(E) The population and geographic area to be served by the partnership.

(F) One or more industries that the partnership will target and data demonstrating that those industries are aligned with employer demand in the geographic area to be served by the partnership.

(G) The educational or career training programs to be supported by the grant.

(H) The recognized postsecondary credentials that are expected to be earned by participants in such programs and the related in-demand industry sectors or occupations for which such programs will prepare participants.

(I) The evidence upon which the education and training strategies to be used in the programs are based and an explanation of how such evidence influenced the design of the programs to improve education and employment outcomes.

(J) The methods and strategies the partnership will use to engage with employers in in-demand industry sectors or occupations.

(K) The roles and responsibilities of each employer, organization, agency, or institution of higher education with which the eligible institution will partner to carry out activities under this section.

(L) Whether, and to what extent, the activities of the partnership are expected to align with the workforce strategies identified in—

(i) any State plan or local plan submitted under this Act by the State, outlying area, or locality in which the partnership is expected to operate;

(ii) any State plan submitted under section 122 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2342) by such State or outlying area; and

(iii) any economic development plan of the chief executive of such State or outlying area.

(M) The goals of the partnership with respect to—

(i) capacity building (as described in subsection (f)(1)(B)); and

(ii) the expected performance of individuals participating in the programs to be offered by the partnership, including with respect to any performance indicators applicable under section 116 or subsection (f) of this section.

(3) CONSIDERATION OF PREVIOUS EXPERIENCE.—The Secretary may not disqualify an otherwise eligible institution from receiving a grant under this section solely because such institution lacks previous experience in capacity building projects, as described in subparagraph (2)(A).

(4) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to eligible entities that will use the grant to serve—

(A) individuals with barriers to employment; or

(B) incumbent workers who need to gain or improve foundational skills to enhance their employability.

(e) USES OF FUNDS.—

(1) COMMUNITY COLLEGE AND INDUSTRY PARTNERSHIP.—For the purpose of carrying out the activities specified in paragraphs (2) and (3), an eligible institution that receives a grant under this section shall establish a partnership or continue an existing partnership with one or more employers in an in-demand industry sector or occupation and shall maintain such partnership for the duration of the grant period. The eligible institution shall ensure that the partnership—

(A) targets one or more specific high-skill, high-wage, or in-demand industries;

(B) includes collaboration with the workforce development system;

(C) serves adult and dislocated workers, incumbent workers, and new entrants to the workforce;

(D) uses an evidence-based program design that is appropriate for the activities carried out by the partnership; and

(E) incorporates, to the extent appropriate, virtual service delivery to facilitate technology-enabled learning.

(2) REQUIRED ACTIVITIES.—An eligible institution that receives a grant under this section, in consultation with the partnership established under paragraph (1), shall—

(A) establish, improve, or expand high quality, evidence-based education or career training programs, career pathway programs, or work-based learning programs (including apprenticeship programs or pre-apprenticeships that qualify an individual for participation in an apprenticeship program); and

(B) use not less than 15 percent of the grant to provide supportive services to individuals participating in the programs funded with the grant to facilitate retention and program completion, which may include—

(i) childcare, transportation, mental health services, and assistance in obtaining health insurance coverage and housing;

(ii) assistance in accessing State and Federal means-tested benefits programs;

(iii) career navigation, coaching, mentorship, and case management services, including providing information and outreach to individuals with barriers to employment to encourage such individuals to participate in programs funded with the grant; and

(iv) providing access to course materials, technological devices, required equipment, and other supports necessary for participation in and successful completion of such programs.

(3) ADDITIONAL ACTIVITIES.—In addition to the activities required under paragraph (2), an eligible institution that receives a grant under this section, in consultation with the partnership established under paragraph (1), shall carry out one or more of the following activities:

(A) Establish, improve, or expand—

(i) articulation agreements (as defined in section 486A(a) of the Higher Education Act of 1965 (20 U.S.C. 1093a(a)));

(ii) credit transfer agreements;

(iii) corequisite remediation programs that enable a student to receive remedial education services while enrolled in a postsecondary course rather than requiring the student to receive remedial education before enrolling in a such a course;

(iv) dual or concurrent enrollment programs;

(v) competency-based education and assessment; or

(vi) policies and processes to award academic credit for prior learning or for the programs described in paragraph (2).

(B) Make available, in a format that is open, searchable, and easily comparable, information on—

(i) curricula and recognized postsecondary credentials offered through programs funded with the grant, including any curricula or credentials created or further developed using such grant;

(ii) the skills or competencies developed by individuals who participate in such programs; and

(iii) related employment and earnings outcomes.

(C) Establish or implement plans for providers of the programs described in paragraph (2) to meet the criteria and carry out the procedures necessary to be included on the eligible training services provider list described in section 122(d).

(D) Purchase, lease, or refurbish specialized equipment as necessary to carry out such programs.

(E) Reduce or eliminate unmet financial need relating to participants' cost of attendance (as defined under section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll)) in such programs.

(4) ADMINISTRATIVE COST LIMIT.—An eligible institution may use not more than 10 percent of the funds received under this section for administrative costs, including costs related to collecting information, analysis, and coordination for purposes of subsection (f).

(f) PERFORMANCE LEVELS AND PERFORMANCE REVIEWS.—

(1) IN GENERAL.—The Secretary shall develop and implement guidance that establishes the levels of performance that are expected to be achieved by each community college and industry partnership funded with a grant under this section. Such performance levels shall be based on the following indicators:

(A) Each of the primary indicators of performance for adults described in section 116(b).

(B) The extent to which the partnership built capacity by—

(i) increasing the breadth and depth of employer engagement and investment in educational and training programs in the in-demand industry sectors and occupations targeted by the partnership;

(ii) designing or implementing new and accelerated instructional techniques or technologies, including the use of advanced online and technology-enabled learning; and

(iii) increasing program and policy alignment across systems and decreasing duplicative services or service gaps.

(C) With respect to individuals who participated in an education or training program funded with the grant—

(i) the percentage of participants who successfully completed a program; and

(ii) of the participants who were incumbent workers at the time of enrollment in the program, the percentage who advanced into higher-level positions during or after completing the program.

(D) Such other indicators of performance as the Secretary determines appropriate.

(2) CONSULTATION AND DETERMINATION OF PERFORMANCE LEVELS.—

(A) CONSULTATION.—In developing the performance levels under paragraph (1), the Secretary shall consult with each partnership funded with a grant under this section.

(B) DETERMINATION.—After completing the consultation required under subparagraph (A), the Secretary shall separately determine the performance levels that will apply to each partnership taking into account—

(i) the expected performance levels of each eligible entity with respect to the goals described in subsection (d)(2)(M); and

(ii) local economic conditions in the geographic area to be served by the partnership, including differences in unemployment rates and job losses or gains in particular industries.

(C) NOTICE AND ACKNOWLEDGMENT.—

(i) NOTICE.—The Secretary shall provide each partnership with a written notification that sets forth the performance levels that will apply to the partnership, as determined under subparagraph (B).

(ii) ACKNOWLEDGMENT.—After receiving the notification described in clause (i), each partnership shall submit to the Secretary written confirmation that the partnership—

(I) received the notification; and

(II) agrees to be evaluated in accordance with the performance levels set by the Secretary.

(3) PERFORMANCE REVIEWS.—On an annual basis during each year of the grant period, the Secretary shall evaluate the performance of each partnership funded with a grant under this section in a manner consistent with paragraph (2).

(4) FAILURE TO MEET PERFORMANCE LEVELS.—After conducting an evaluation under paragraph (3), if the Secretary determines that a partnership did not achieve the performance levels applicable to the partnership under paragraph (2) the Secretary shall—

(A) provide technical assistance to the partnership and

(B) develop a performance improvement plan for the partnership.

(g) EVALUATIONS AND REPORTS.—

(1) IN GENERAL.—Not later than 5 years after the date on which the first grant is made under this section, the Secretary shall design and conduct an evaluation to determine the overall effectiveness of the community college and industry partnerships funded under this section.

(2) ELEMENTS.—The evaluation conducted under paragraph (1) shall include an assessment of the general effectiveness of programs and activities supported by grants awarded under this section, including the extent to which the programs and activities—

(A) developed new or expanded existing successful industry sector strategies, including the extent to which such partnerships deepened employer engagement and developed education and training programs that met industry skill needs;

(B) created, expanded, or enhanced career pathways, including the extent to which the partnerships developed or improved competency-based education and assessment, credit for prior learning, modularized and self-paced curricula, integrated education and career training, dual enrollment in secondary and postsecondary career pathways, stacked and latticed credentials, and online and distance learning;

(C) created alignment between community colleges and the workforce development system;

(D) assisted individuals with finding, retaining, or advancing in employment;

(E) assisted individuals with earning recognized postsecondary credentials; and

(F) served various demographic groups, including people of different geographic locations, ages, races, national origins, and sex.

(3) DESIGN REQUIREMENTS.—The evaluation under this subsection shall—

(A) be designed by the Secretary (acting through the Chief Evaluation Officer) in conjunction with the partnerships being evaluated;

(B) include analysis of participant feedback and outcome and process measures; and

(C) use designs that employ the most rigorous analytical and statistical methods that are reasonably feasible, such as the use of control groups.

(4) DATA ACCESSIBILITY.—The Secretary shall make available on a publicly accessible website of the Department of Labor any data collected as part of the evaluation under this subsection. Such data shall be made available in an aggregated format that does not reveal personally identifiable information.

(5) PUBLICATION AND REPORTING OF EVALUATION FINDINGS.—The Secretary (acting through the Chief Evaluation Officer) shall—

(A) in accordance with the timeline determined to be appropriate by the Chief Evaluation Officer, publish an interim report on the preliminary results of the evaluation conducted under this subsection;

(B) not later than 60 days after the date on which the evaluation is completed under this subsection, submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on such evaluation; and

(C) not later than 90 days after such completion date, publish and make the results of the evaluation available on a publicly accessible website of the Department of Labor.

(h) ANNUAL REPORTS.—The Secretary shall make available on a publicly accessible website of the Department of Labor, in transparent, linked, open, and interoperable data formats, the following information:

(1) The performance of partnerships on the capacity-building performance indicator set forth under subsection (f)(1)(B).

(2) The performance of partnerships on the participant outcome performance indicators set forth under subsection (f)(1)(C)).

(3) The number of individuals enrolled in employment and training activities funded with a grant under this section.

(i) DEFINITIONS.—In this section:

(1) COMMUNITY COLLEGE.—The term "community college" means—

(A) a public institution of higher education (as defined in section 101(a) of the Higher Education Act (20 U.S.C. 1001(a)), at which—

(i) the highest degree awarded is an associate degree; or

(ii) an associate degree is the most frequently awarded degree;

(B) a branch campus of a 4-year public institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)), if, at such branch campus—

(i) the highest degree awarded is an associate degree; or

(ii) an associate degree is the most frequently awarded degree;

(C) a 2-year Tribal College or University (as defined in section 316(b)(3) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)(3))); or

(D) a degree-granting Tribal College or University (as defined in section 316(b)(3) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)(3))) at which—

(i) the highest degree awarded is an associate degree; or

(ii) an associate degree is the most frequently awarded degree.

(2) ELIGIBLE INSTITUTION.—The term "eligible institution" means—

(A) a community college;

(B) a postsecondary vocational institution (as defined in section 102(c) of the Higher Education Act of 1965 (20 U.S.C. 1002(c))); or

(C) a consortium of such colleges or institutions.

(j) SUPPLEMENT NOT SUPPLANT.—Funds made available under this section shall be used to supplement, and not supplant other Federal, State, and local public funds made available for carrying out the activities described in this section.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $100,000,000 for fiscal year 2023;
(2) $110,000,000 for fiscal year 2024;
(3) $121,000,000 for fiscal year 2025;
(4) $133,000,000 for fiscal year 2026;
(5) $146,000,000 for fiscal year 2027; and
(6) $161,000,000 for fiscal year 2028.

SEC. 173. REENTRY EMPLOYMENT OPPORTUNITIES.

(a) PURPOSES.—The purposes of this section are—

(1) to improve the employment, earnings, and skill attainment, and reduce recidivism, of adults and youth who have been involved with the justice system;

(2) to prompt innovation and improvement in the reentry of justice-involved individuals into the workforce so that successful initiatives can be established or continued and replicated; and

(3) to further develop the evidence on how to improve employment, earnings, and skill attainment, and reduce recidivism of justice-involved individuals, through rigorous evaluations of specific services provided, including how they affect different populations and how they are best combined and sequenced.

(b) REENTRY EMPLOYMENT COMPETITIVE GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS AUTHORIZED.—

(1) IN GENERAL.—From the amounts appropriated under subsection (h)(1) and not reserved under subsection (h)(2), the Secretary—

(A) shall, on a competitive basis, make grants to, or enter into contracts or cooperative agreements with, eligible entities to implement reentry projects that serve eligible adults or eligible youth; and

(B) may use not more than 30 percent of such amounts to award funds under subparagraph (A) to eligible entities that are national or regional intermediaries to—

(i) implement the reentry projects described in subparagraph (A); or

(ii) provide such funds to other eligible entities—

(I) to implement such reentry projects; and

(II) to monitor and support such entities.

(2) AWARD PERIODS.—The Secretary shall award funds under this section for an initial period of not more than 4 years, and may renew such awards for additional 4-year periods.

(3) PRIORITY.—In awarding funds under this section, the Secretary shall give priority to eligible entities whose applications submitted under subsection (c) demonstrate a commitment to use such funds to implement reentry projects—

(A) that will serve high-crime or high-poverty areas;

(B) that will enroll in such reentry projects eligible youth or eligible adults—

(i) prior to the release of such individuals from incarceration in a correctional institution; or

(ii) not later than 90 days after such release;

(C) whose strategy and design are evidence-based;

(D) that establish partnerships with—

(i) businesses; or

(ii) institutions of higher education to provide project participants with programs of study leading to recognized postsecondary credentials in in-demand occupations;

(E) that provide training services that are designed to meet the basic requirements of an employer (including a group of employers) and are conducted with a commitment by the employer to employ individuals upon successful completion of the training; or

(F) that demonstrate a track record and ongoing commitment of developing, implementing, and refining reentry programs that include employment, education, training, and support services for adults and youth with current or prior justice system involvement.

(c) APPLICATION.—

(1) FORM AND PROCEDURE.—To be qualified to receive funds under this section, an eligible entity shall submit an application at such time, and in such manner, as determined by the Secretary, and containing the information described in paragraph (2).

(2) CONTENTS.—An application submitted by an eligible entity under paragraph (1) shall contain the following:

(A) A description of the eligible entity, including the experience of the eligible entity in providing employment and training services for justice-involved individuals.

(B) A description of the needs that will be addressed by the reentry project supported by the funds received under this section, and the target participant population and the geographic area to be served.

(C) A description of the proposed employment and training activities and supportive services, if applicable, to be provided under such reentry project, and how such activities and services will prepare participants for employment

in in-demand industry sectors and occupations within the geographic area to be served by such reentry project.

(D) The anticipated schedule for carrying out the activities proposed under the reentry project.

(E) A description of—

(i) the partnerships the eligible entity will establish with agencies and entities within the criminal justice system, local boards and one-stops, community-based organizations, and employers (including local businesses) to provide participants of the reentry project with work-based learning, job placement, and recruitment (if applicable); and

(ii) how the eligible entity will coordinate its activities with other services and benefits available to justice-involved individuals in the geographic area to be served by the reentry project.

(F) A description of the manner in which individuals will be recruited and selected for participation for the reentry project.

(G) A detailed budget and a description of the system of fiscal controls, and auditing and accountability procedures, that will be used to ensure fiscal soundness for the reentry project.

(H) A description of the expected levels of performance to be achieved with respect to the performance measures described in subsection (e).

(I) A description of the evidence-based practices the eligible entity will use in administration of the reentry project.

(J) An assurance that the eligible entity will collect, disaggregate by race, ethnicity, gender, and other participant characteristics, and report to the Secretary the data required with respect to the reentry project carried out by the eligible entity for purposes of the evaluation under this section.

(K) Any other information required by the Secretary.

(d) USES OF FUNDS.—

(1) IN GENERAL.—An eligible entity that receives funds under this section shall use such funds to implement a reentry project for eligible adults, eligible youth, or both that provides one or more of the following services:

(A) Supportive services.

(B) For participants who are eligible youth, one or more of the program elements listed in subparagraphs (A) through (N) of section 129(c)(2).

(C) One or more of the individualized career services listed in subclause (I) through (IX) of section 134(c)(2)(A)(xii).

(D) Follow-up services after placement in unsubsidized employment as described in section 134(c)(2)(A)(xiii).

(E) One or more of the training services listed in clauses (i) through (x)(i) in section 134(c)(3)(D), including subsidized employment opportunities through transitional jobs.

(F) Apprenticeship programs.

(G) Education in digital literacy skills.

(H) Mentoring.

(I) Provision of or referral to evidence-based mental health treatment by licensed practitioners.

(J) Assistance in obtaining employment as a result of the establishment and development by the eligible entity of relationships and networks with large and small employers.

(K) Assistance with driver's license reinstatement and fees for driver's licenses and other necessary documents for employment.

(L) Provision of or referral to substance abuse treatment services, provided that funds awarded under this section are only used to provide such services to participants who are unable to obtain such services through other programs providing such services.

(M) Assistance in obtaining employment as a result of the coordination by the eligible entity with employers to develop customized training programs and on-the-job training.

(2) ADMINISTRATIVE COST LIMIT.—An eligible entity may not use more than 10 percent of the funds received under this section for administrative costs, including for costs related to collecting information, analysis, and coordination for purposes of subsection (e) or (f).

(e) LEVELS OF PERFORMANCE.—

(1) ESTABLISHMENT OF LEVELS.—

(A) IN GENERAL.—The Secretary shall establish expected levels of performance for reentry projects funded this section for—

(i) each of the primary indicators of performance for adults and youth described in section 116(b); and

(ii) the additional performance indicators described in paragraph (2).

(B) UPDATES.—The levels established under subparagraph (A) shall be updated for each 4-year award period.

(2) ADDITIONAL INDICATORS OF PERFORMANCE.—In addition to the indicators described in paragraph (1)(A)(i), the Secretary—

(A) shall establish an indicator of performance for projects funded under this section with respect participant recidivism; and

(B) may establish other performance indicators for such projects as the Secretary determines appropriate.

(3) AGREEMENT ON PERFORMANCE LEVELS.—In establishing and updating performance levels under paragraph (1), the Secretary shall reach agreement on such levels with the eligible entities receiving awards under this section that will be subject to such levels, based on factors including—

(A) the expected performance levels of each such eligible entity described in the application submitted under subsection (c)(2)(H);

(B) local economic conditions of the geographic area to be served by each such eligible entity, including differences in unemployment rates and job losses or gains in particular industries; and

(C) the characteristics of the participants of the projects when the participants enter the project involved, including—

(i) criminal records and indicators of poor work history;

(ii) lack of work experience;

(iii) lack of educational or occupational skills attainment;

(iv) low levels of literacy or English proficiency;

(v) disability status;

(vi) homelessness; and

(vii) receipt of public assistance.

(4) FAILURE TO MEET PERFORMANCE LEVELS.—In the case of an eligible entity that fails to meet the performance levels established under paragraph (1) for the reentry project involved for any award year, the Secretary shall provide technical assistance to the eligible entity, including the development of a performance improvement plan.

(f) EVALUATION OF REENTRY PROJECTS.—

(1) IN GENERAL.—Not later than 5 years after the first award of funds under this section is made, the Secretary (acting through the Chief Evaluation Officer) shall meet the following requirements:

(A) DESIGN AND CONDUCT OF EVALUATION.—Design and conduct an evaluation to evaluate the effectiveness of the reentry projects funded under this section, which meets the requirements of paragraph (2), and includes an evaluation of each of the following:

(i) The effectiveness of such projects in assisting individuals with finding employment and maintaining employment at the second quarter and fourth quarter after unsubsidized employment is obtained.

(ii) The effectiveness of such projects in assisting individuals with earning recognized postsecondary credentials.

(iii) The effectiveness of such projects in relation to their cost, including the extent to which the projects improve reentry outcomes, including in wages earned, benefits provided by employers, career advancement, measurable skills gains, credentials earned, housing, health, and recidivism of participants in comparison to comparably situated individuals who did not participate in such projects.

(iv) The effectiveness of specific services and interventions provided and of the overall project design.

(v) If applicable, the extent to which such projects meet the needs of various demographic groups, including people of different geographic locations, ages, races, national origins, sex, and criminal records, and individuals with disabilities.

(vi) If applicable, the appropriate sequencing, combination, or concurrent structure, of services for each subpopulation of individuals who are participants of such projects, such as the order, combination, or concurrent structure and services in which transitional jobs and occupational skills training are provided, to ensure that such participants are prepared to fully ben-

efit from employment and training services provided under the project.

(vii) Limitations or barriers to education and employment as a result of occupational or educational licensing restrictions, access to financial aid, and access to housing.

(viii) The quality and effectiveness of technical assistance provided by the Secretary for implementing such projects.

(ix) Other elements that the Chief Evaluation Officer may determine to be appropriate.

(B) DATA ACCESSIBILITY.—Make available, on the publicly accessible website of the Department of Labor, data collected during the course of evaluation under this subsection, in an aggregated format that does not provide personally identifiable information.

(2) DESIGN REQUIREMENTS.—An evaluation under this subsection—

(A) shall—

(i) be designed by the Secretary (acting through the Chief Evaluation Officer) in conjunction with the eligible entities carrying out the reentry projects being evaluated;

(ii) include analysis of participant feedback and outcome and process measures; and

(iii) use designs that employ the most rigorous analytical and statistical methods that are reasonably feasible, such as the use of control groups; and

(B) may not—

(i) collect personally identifiable information, except to the extent such information is necessary to conduct the evaluation; or

(ii) reveal or share personally identifiable information.

(3) PUBLICATION AND REPORTING OF EVALUATION FINDINGS.—The Secretary (acting through the Chief Evaluation Officer) shall—

(A) in accordance with the timeline determined to be appropriate by the Chief Evaluation Officer, publish an interim report on such evaluation;

(B) not later than 90 days after the date on which any evaluation is completed under this subsection, publish and make publicly available such evaluation; and

(C) not later than 60 days after the completion date described in subparagraph (B), submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on such evaluation.

(g) ANNUAL REPORT.—

(1) CONTENTS.—Subject to paragraph (2), the Secretary shall post, using transparent, linked, open, and interoperable data formats, on its publicly accessible website an annual report on—

(A) the number of individuals who participated in projects assisted under this section for the preceding year;

(B) the percentage of such individuals who successfully completed the requirements of such projects; and

(C) the performance of eligible entities on such projects as measured by the performance indicators set forth in subsection (e).

(2) DISAGGREGATION.—The information provided under subparagraphs (A) through (C) of paragraph (1) with respect to a year shall be disaggregated by each project assisted under this section for such year.

(h) AUTHORIZATION OF APPROPRIATIONS; RESERVATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(A) $250,000,000 for fiscal year 2023;

(B) $300,000,000 for fiscal year 2024;

(C) $350,000,000 for fiscal year 2025;

(D) $400,000,000 for fiscal year 2026;

(E) $450,000,000 for fiscal year 2027; and

(F) $500,000,000 for fiscal year 2028.

(2) RESERVATION OF FUNDS.—Of the funds appropriated under paragraph (1) for a fiscal year, the Secretary—

(A) may reserve not more than 5 percent for the administration of grants, contracts, and cooperative agreements awarded under this section, of which not more than 2 percent may be reserved for the provision of—

(i) technical assistance to eligible entities that receive funds under this section; and

(ii) outreach and technical assistance to eligible entities desiring to receive such funds, including assistance with application development and submission; and

(B) shall reserve not less than 1 percent and not more than 2.5 percent for the evaluation activities under subsection (f) or to support eligible entities with any required data collection, analysis, and coordination related to such evaluation activities.

(i) DEFINITIONS.—In this section:

(1) CHIEF EVALUATION OFFICER.—The term "Chief Evaluation Officer" means the head of the independent evaluation office located organizationally in the Office of the Assistant Secretary for Policy of the Department of Labor.

(2) COMMUNITY SUPERVISION.—The term "community supervision" means mandatory oversight (including probation and parole) of a formerly incarcerated person—

(A) who was convicted of a crime by a judge or parole board; and

(B) who is living outside a secure facility.

(3) CORRECTIONAL INSTITUTION.—The term "correctional institution" has the meaning given the term in section 225(e).

(4) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) a private nonprofit organization under section 501(c)(3) of the Internal Revenue Code of 1986, including a community-based or faith-based organization;

(B) a local board;

(C) a State or local government;

(D) an Indian or Native American entity eligible for grants under section 166;

(E) a labor organization or joint labor-management organization; or

(F) a consortium of the entities described in subparagraphs (A) through (E).

(5) ELIGIBLE ADULT.—The term "eligible adult" means a justice-involved individual who—

(A) is age 25 or older; and

(B) in the case of an individual that was previously incarcerated, was released from incarceration not more than 3 years prior to enrollment in a project funded under this section.

(6) ELIGIBLE YOUTH.—The term "eligible youth" means a justice-involved individual who is not younger than age 14 or older than age 24.

(7) HIGH-CRIME.—The term "high-crime", when used with respect to a geographic area, means an area with crime rates that are higher than the rate for the overall city (for urban areas) or of non-metropolitan area in the State (for rural areas), as such terms are used by the Bureau of Labor Statistics.

(8) HIGH-POVERTY.—The term "high-poverty", when used with respect to a geographic area, means an area with a poverty rate of at least 25 percent as determined based on the most recently available data from the American Community Survey conducted by the Bureau of the Census.

SEC. 174. SECTORAL EMPLOYMENT THROUGH CAREER TRAINING FOR OCCUPATIONAL READINESS (SECTOR) PROGRAM.

(a) IN GENERAL.—From amounts appropriated under subsection (e)(1), and not reserved under subsection (e)(2), the Secretary shall—

(1) use not less than 80 percent of such amounts to award grants under subsection (b) to each State to develop, convene, or expand industry or sector partnerships; and

(2) use not less than 20 percent of such amounts to award grants under subsection (c), on a competitive basis, to eligible industry or sector partnerships for the purposes of expanding workforce development and employment opportunities for high-skill, high-wage, or in-demand industry sectors or occupations, as determined by the Secretary.

(b) FORMULA GRANTS.—

(1) DISTRIBUTION OF FUNDS.—

(A) STATE ALLOTMENT.—From the amount determined by the Secretary under subsection (a)(1), the Secretary shall allot funds to each State on the basis of the relative allotment the State received under section 132(b) for such fiscal year, compared to the total amount allotted to all States under section 132(b) for such fiscal year.

(B) LOCAL AREA ALLOCATIONS.—The Secretary shall use the amounts allotted under subparagraph (A) to distribute funds in the State to carry out the activities described in paragraph (2) by—

(i) allocating funds to each local area of the State on the basis of the relative allocation the local area received under section 133(b) for such fiscal year, compared to the total amount allocated to all local areas in the State under section 133(b) for such fiscal year; or

(ii) allocating funds to local areas of the State that have the highest rates of unemployment or poverty, or the highest numbers of individuals with barriers to employment in the State.

(C) TRANSFER AUTHORITY.—A local board may transfer, if such a transfer is approved by the Governor, up to and including 100 percent of the funds allocated to the local area under section 133(b), and up to and including 100 percent of the funds allocated to the local area under this subsection for a fiscal year between—

(i) adult employment and training activities; and

(ii) activities under this section.

(2) USE OF FUNDS.—The funds awarded under paragraph (1) may be used to—

(A) regularly convene stakeholders in a collaborative structure to identify, develop, improve, or expand training, employment, and growth opportunities for high-skill, high-wage, or in-demand industry sectors or occupations;

(B) form, expand, and improve training programs, to be managed by eligible industry and sector partnerships that include attainment of industry-recognized credentials, the integration of work-based learning activities with training curricula and occupational certification programs, and that address specific workforce issues and needs of groups of workers, with a priority on individuals with a barrier to employment, within regional labor markets in the State;

(C) strengthen the coordination of eligible industry and sector partnerships and programs with the programs administered under subtitle B of this title and with the one-stop partners described in section 121; and

(D) to directly provide, or arrange for the provision of, services to help individuals with barriers to employment and other participants complete and successfully transition out of training described in subparagraph (B), which services shall include career services, supportive services, or the provision of needs-related payments.

(c) COMPETITIVE GRANTS.—

(1) GRANTS AUTHORIZED.—From the amount determined by the Secretary under subsection (a)(2), the Secretary shall award grants, on a competitive basis, to eligible industry or sector partnerships for the purposes described in subsection (a)(2).

(2) APPLICATION.—

(A) FORM AND PROCEDURE.—To receive a grant under this subsection, the lead applicant on behalf of an eligible industry or sector partnership shall submit to the Secretary an application at such time, in such manner, and containing such information as specified by the Secretary.

(B) CONTENTS.—An application submitted under paragraph (1) shall contain at a minimum the following:

(i) Identification of the high-skill, high-wage, or in-demand industry sector or occupation on which such partnership is focused.

(ii) A description of the activities to be carried out under the grant.

(iii) A description of the workers that will be targeted for recruitment as program participants, how a priority of service under the grant will be provided to individuals with barriers to employment, and how the activities will be designed to maximize access and eliminate barriers to entry to training and other activities for such individuals.

(iv) A description of other Federal or non-Federal resources that will be leveraged in support of the eligible industry or sector partnership (including cash or in-kind contributions from private-sector partners).

(3) USES OF FUNDS.—An eligible industry or sector partnership awarded a grant under this subsection shall use such grant funds—

(A) to engage and regularly convene stakeholders in a collaborative structure to identify, develop, improve, or expand training, employment, and growth opportunities for the high-skill, high-wage, or in-demand industry sector or occupation on which such partnership is focused;

(B) to directly provide, or arrange for the provision of, high-quality, evidence-based training for high-skill, high-wage, or in-demand industry sectors or occupations on which such partnership is focused, which shall include training that leads to the attainment of nationally or regionally portable and stackable recognized postsecondary credentials for the industry sector or occupations described in paragraph (A), including—

(i) training provided through apprenticeship programs, or pre-apprenticeship programs that articulate to apprenticeship programs, labor organizations, or joint labor-management partnerships;

(ii) on-the job training, customized training, and paid internships and work experience;

(iii) incumbent worker training to support lower wage workers in upgrading skills and advancing along a career pathway; and

(iv) training services, in addition to those described in clauses (i) through (iii), that are authorized under section 134(c)(3)(D), including occupational skills training; and

(C) to directly provide, or arrange for the provision of, services to help individuals with barriers to employment and other participants complete and successfully transition out of training described in subparagraph (B), which services shall include career services, supportive services, or the provision of needs-related payments authorized under subsections (c)(2), (c)(4), and (d)(3) of section 134.

(4) PRIORITY IN SELECTION OF GRANTS.—The Secretary shall give priority consideration in applications that demonstrate the ability to serve eligible individuals in targeted economic regions that are experiencing high-poverty, have traditionally been underserved by regional economic development and sector partnership activities (including rural areas), or is facing or at risk of facing significant worker dislocation due to a disruption or change in the regional or State economy or labor market.

(d) PROGRAM ACCOUNTABILITY AND EVALUATION.—

(1) IN GENERAL.—The grants awarded under this section are subject to—

(A) the primary indicators of performance under section 116(b)(2)(A) and expected levels of performance relating to such indicators; and

(B) such additional measures as the Secretary deems appropriate, which may include skills attainment, wage or career progression, training-related employment, and additional job quality measures.

(2) EVALUATION.—Not later than 5 years after the first award of funds under this section is made the Secretary (acting through the chief evaluation officer) shall design and conduct an evaluation to evaluate the effectiveness of the program carried out this section.

(3) PUBLICATION.—The Secretary shall publish the outcomes of grantees under the indicators and measures described in paragraph (1) and the evaluation described in paragraph (2) on a publicly accessible website, and submit the evaluation findings to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate.

(e) AUTHORIZATION OF APPROPRIATIONS; RESERVATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(A) $1,000,000,000 for fiscal year 2023;

(B) $1,100,000,000 for fiscal year 2024;

(C) $1,210,000,000 for fiscal year 2025;

(D) $1,331,000,000 for fiscal year 2026;

(E) $1,464,100,000 for fiscal year 2027; and

(F) $1,610,510,000 for fiscal year 2028.

(2) RESERVATION OF FUNDS.—Of the funds appropriated under paragraph (1) for a fiscal year, the Secretary may reserve not more than 5 percent which—

(A) may be used for administration of the program described in this section, in addition to any other funds available for these activities, including providing comprehensive technical assistance, targeted outreach to eligible partnerships serving local areas with high unemployment rates or high percentages of low-income individuals or individuals with barriers to employment; and oversight to support eligible partnerships; and

(B) shall be used to conduct an evaluation of the activities carried out under this section and for reporting on the performance and impact of programs funded under this section.

(f) DEFINITIONS.—In this section:

(1) ELIGIBLE INDUSTRY OR SECTOR PARTNERSHIP.—The term "eligible industry or sector partnership" means—

(A) an industry or sector partnership, which shall include multiple representatives described in each of clauses (i) through (iii) of paragraph (26)(A) of section 3; or

(B) a partnership of multiple entities described in section 3(26) and a State board or local board, that is in the process of establishing an industry or sector partnership.

(2) LEAD APPLICANT.—The term "lead applicant" means an applicant for a grant under this section that is a State board, local board, institution of higher education, labor-management partnership, labor organization, industry association, or other State and regional nonprofit organizations with experience in designing, convening, and expanding industry or sector partnerships.

SEC. 175. WORKFORCE DATA QUALITY INITIATIVE GRANTS.

(a) AUTHORITY.—The Secretary is authorized to award grants, on a competitive basis, to States to create workforce longitudinal administrative databases and associated resources for the purpose of strengthening workforce development program quality, protecting privacy, and improving transparency.

(b) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to States that—

(1) have not previously received such a grant;

(2) have the greatest need to improve their data infrastructure;

(3) will use non-Federal contributions to improve State data infrastructure and related resources;

(4) support co-enrollment in workforce related programs;

(5) participate and contribute data to the State's linked longitudinal data system, including submitting data that when linked with elementary and secondary school and postsecondary data, provides the State the ability to create more data tools and analytics; and

(6) enable research and program improvement activities.

(c) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall be used to supplement, and not supplant, other Federal, State, or local funds used for developing State data systems.

(d) ADMINISTRATIVE COSTS.—The Secretary shall reserve not more than 10 percent of funds made available to carry out this section for each fiscal year for the provision of technical assistance to support the implementation of grants awarded under this section.

(e) PRIVACY.—Nothing in this section shall require the disaggregation of data when the number of individuals in a category is insufficient to yield statistically reliable information or when the results would reveal personally identifiable information about an individual, or would reveal such information when combined with other released information.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $40,000,000 for fiscal year 2023;

(2) $35,000,000 for fiscal year 2024;

(3) $30,000,000 for fiscal year 2025;

(4) $25,000,000 for fiscal year 2026;

(5) $20,000,000 for fiscal year 2027; and

(6) $15,000,000 for fiscal year 2028.

(g) DEFINITION.—In this section, the term "State" has the meaning given the term in section 3, except such term also includes each of the outlying areas (as defined in section 3).

[SEC. 172. AUTHORIZATION OF APPROPRIATIONS.

[(a) NATIVE AMERICAN PROGRAMS.—There are authorized to be appropriated to carry out section 166 (not including subsection (k) of such section)—

[(1) $46,082,000 for fiscal year 2015;
[(2) $49,641,000 for fiscal year 2016;
[(3) $50,671,000 for fiscal year 2017;
[(4) $51,795,000 for fiscal year 2018;
[(5) $53,013,000 for fiscal year 2019; and
[(6) $54,137,000 for fiscal year 2020.

[(b) MIGRANT AND SEASONAL FARMWORKER PROGRAMS.—There are authorized to be appropriated to carry out section 167—

[(1) $81,896,000 for fiscal year 2015;
[(2) $88,222,000 for fiscal year 2016;
[(3) $90,052,000 for fiscal year 2017;
[(4) $92,050,000 for fiscal year 2018;
[(5) $94,214,000 for fiscal year 2019; and
[(6) $96,211,000 for fiscal year 2020.

[(c) TECHNICAL ASSISTANCE.—There are authorized to be appropriated to carry out section 168—

[(1) $3,000,000 for fiscal year 2015;
[(2) $3,232,000 for fiscal year 2016;
[(3) $3,299,000 for fiscal year 2017;
[(4) $3,372,000 for fiscal year 2018;
[(5) $3,451,000 for fiscal year 2019; and
[(6) $3,524,000 for fiscal year 2020.

[(d) EVALUATIONS AND RESEARCH.—There are authorized to be appropriated to carry out section 169—

[(1) $91,000,000 for fiscal year 2015;
[(2) $98,029,000 for fiscal year 2016;
[(3) $100,063,000 for fiscal year 2017;
[(4) $102,282,000 for fiscal year 2018;
[(5) $104,687,000 for fiscal year 2019; and
[(6) $106,906,000 for fiscal year 2020.

[(e) ASSISTANCE FOR VETERANS.—If, as of the date of enactment of this Act, any unobligated funds appropriated to carry out section 168 of the Workforce Investment Act of 1998, as in effect on the day before the date of enactment of this Act, remain available, the Secretary of Labor shall continue to use such funds to carry out such section, as in effect on such day, until all of such funds are expended.

[(f) ASSISTANCE FOR ELIGIBLE WORKERS.—If, as of the date of enactment of this Act, any unobligated funds appropriated to carry out subsections (f) and (g) of section 173 of the Workforce Investment Act of 1998, as in effect on the day before the date of enactment of this Act, remain available, the Secretary of Labor shall continue to use such funds to carry out such subsections, as in effect on such day, until all of such funds are expended.]

SEC. 176. AUTHORIZATION OF APPROPRIATIONS.

(a) NATIVE AMERICAN PROGRAMS.—There are authorized to be appropriated to carry out section 166 (not including subsection (k) of such section)—

(1) $66,400,000 for fiscal year 2023;
(2) $73,000,000 for fiscal year 2024;
(3) $80,300,000 for fiscal year 2025;

(4) $88,300,000 for fiscal year 2026;
(5) $97,100,000 for fiscal year 2027; and
(6) $106,800,000 for fiscal year 2028.

(b) MIGRANT AND SEASONAL FARMWORKER PROGRAMS.—There are authorized to be appropriated to carry out section 167—

(1) $109,100,000 for fiscal year 2023;
(2) $114,600,000 for fiscal year 2024;
(3) $120,300,000 for fiscal year 2025;
(4) $126,300,000 for fiscal year 2026;
(5) $132,600,000 for fiscal year 2027; and
(6) $139,200,000 for fiscal year 2028.

(c) TECHNICAL ASSISTANCE.—There are authorized to be appropriated to carry out section 168—

(1) $3,600,000 for fiscal year 2023;
(2) $3,800,000 for fiscal year 2024;
(3) $4,000,000 for fiscal year 2025;
(4) $4,200,000 for fiscal year 2026;
(5) $4,400,000 for fiscal year 2027; and
(6) $4,600,000 for fiscal year 2028.

(d) EVALUATIONS AND RESEARCH.—There are authorized to be appropriated to carry out section 169—

(1) $116,700,000 for fiscal year 2023;
(2) $122,500,000 for fiscal year 2024;
(3) $128,600,000 for fiscal year 2025;
(4) $135,000,000 for fiscal year 2026;
(5) $141,800,000 for fiscal year 2027; and
(6) $148,900,000 for fiscal year 2028.

Subtitle E—Administration

* * * * * * *

SEC. 188. NONDISCRIMINATION.

(a) IN GENERAL.—

(1) FEDERAL FINANCIAL ASSISTANCE.—For the purpose of applying the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), on the basis of disability under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), on the basis of sex under title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), or on the basis of race, color, or national origin under title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), programs and activities funded or otherwise financially assisted in whole or in part under this Act are considered to be programs and activities receiving Federal financial assistance.

(2) PROHIBITION OF DISCRIMINATION REGARDING PARTICIPATION, BENEFITS, AND EMPLOYMENT.—No individual shall be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with, any such program or activity because of race, color, religion, sex (except as otherwise permitted under title IX of the Education Amendments of 1972), national origin, age, disability, or political affiliation or belief.

(3) PROHIBITION ON ASSISTANCE FOR FACILITIES FOR SECTARIAN INSTRUCTION OR RELIGIOUS WORSHIP.—Participants shall not be employed under this title to carry out the construction, operation, or maintenance of any part of any facility that is used or to be used for sectarian instruction or as a place for religious worship (except with respect to the maintenance of a facility that is not primarily or inherently devoted to sectarian instruction or religious worship, in a case in which the organization operating the facility is part of a program or activity providing services to participants).

(4) PROHIBITION ON DISCRIMINATION ON BASIS OF PARTICIPANT STATUS.—No person may discriminate against an individual who is a participant in a program or activity that receives funds under this title, with respect to the terms and conditions affecting, or rights provided to, the individual, solely because of the status of the individual as a participant.

(5) PROHIBITION ON DISCRIMINATION AGAINST CERTAIN NONCITIZENS.—Participation in programs and activities or receiving funds under this title shall be available to citizens and nationals of the United States, lawfully admitted permanent resident aliens, refugees, asylees, and parolees, and other immigrants authorized by the Attorney General to work in the United States. *Provided that it shall not be a violation of this paragraph to exclude any individual from participation or employment in programs or activities receiving Federal financial assistance where such participation or employment, or access to the premises upon which any part of such program, activity, or employment is performed, is subject to any requirements imposed in the interest of the national security of the United States under any security program in effect pursuant to or administered under any statute or regulation of the United States, Executive Order of the President, or other Federal contractual requirement, and such individual does not meet such requirements.*

(b) ACTION OF SECRETARY.—Whenever the Secretary finds that a State or other recipient of funds under this title has failed to comply with a provision of law referred to in subsection (a)(1), or with paragraph (2), (3), (4), or (5) of subsection (a), including an applicable regulation prescribed to carry out such provision or paragraph, the Secretary shall notify such State or recipient and shall request that the State or recipient comply. If within a reasonable period of time, not to exceed 60 days, the State or recipient fails or refuses to comply, the Secretary may—

(1) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted; or

(2) take such other action as may be provided by law.

(c) ACTION OF ATTORNEY GENERAL.—When a matter is referred to the Attorney General pursuant to subsection (b)(1), or whenever the Attorney General has reason to believe that a State or other recipient of funds under this title is engaged in a pattern or practice of discrimination in violation of a provision of law referred to in subsection (a)(1) or in violation of paragraph (2), (3), (4), or (5) of subsection (a), the Attorney General may bring a civil action in any appropriate district court of the United States for such relief as may be appropriate, including injunctive relief.

(d) JOB CORPS.—For the purposes of this section, Job Corps members shall be considered to be the ultimate beneficiaries of Federal financial assistance.

(e) REGULATIONS.—The Secretary shall issue regulations necessary to implement this section not later than 1 year after the date of enactment of the [Workforce Innovation and Opportunity Act] *Workforce Innovation and Opportunity Act of 2022*. Such regulations shall adopt standards for determining discrimination and procedures for enforcement that are consistent with the Acts referred to in subsection (a)(1), as well as procedures to ensure that complaints filed under this section and such Acts are processed in a manner that avoids duplication of effort.

SEC. 189. SECRETARIAL ADMINISTRATIVE AUTHORITIES AND RESPONSIBILITIES.

(a) IN GENERAL.—In accordance with chapter 5 of title 5, United States Code, the Secretary may prescribe rules and regulations to carry out this title, only to the extent necessary to administer and ensure compliance with the requirements of this title. Such rules and regulations may include provisions making adjustments authorized by section 6504 of title 31, United States Code. All such rules and regulations shall be published in the Federal Register at least 30 days prior to their effective dates. Copies of each such rule or regulation shall be transmitted to the appropriate committees of Congress on the date of such publication and shall contain, with respect to each material provision of such rule or regulation, a citation to the particular substantive section of law that is the basis for the provision.

(b) ACQUISITION OF CERTAIN PROPERTY AND SERVICES.—The Secretary is authorized, in carrying out this title, to accept, purchase, or lease in the name of the Department of Labor, and employ or dispose of in furtherance of the purposes of this title, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise, and to accept voluntary and uncompensated services notwithstanding the provisions of section 1342 of title 31, United States Code.

(c) AUTHORITY TO ENTER INTO CERTAIN AGREEMENTS AND TO MAKE CERTAIN EXPENDITURES.—The Secretary may make such grants, enter into such contracts or agreements, establish such procedures, and make such payments, in installments and in advance or by way of reimbursement, or otherwise allocate or expend such funds under this title, as may be necessary to carry out this title, including making expenditures for construction, repairs, and capital improvements, and including making necessary adjustments in payments on account of over-payments or underpayments.

(d) ANNUAL REPORT.—The Secretary shall prepare and submit to the Committee on Education and [the Workforce] *Labor* of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate an annual report regarding the programs and activities funded under this title. The Secretary shall include in such report—

(1) a summary of the achievements, failures, and challenges of the programs and activities in meeting the objectives of this title;

(2) a summary of major findings from research, evaluations, pilot projects, and experiments conducted under this title in the fiscal year prior to the submission of the report;

(3) recommendations for modifications in the programs and activities based on analysis of such findings; and

(4) such other recommendations for legislative or administrative action as the Secretary determines to be appropriate.

(e) UTILIZATION OF SERVICES AND FACILITIES.—The Secretary is authorized, in carrying out this title, under the same procedures as are applicable under subsection (c) or to the extent permitted by law other than this title, to accept and use the services and facilities of departments, agencies, and establishments of the United States. The Secretary is also authorized, in carrying out this title, to accept and use the services and facilities of the agencies of any State or political subdivision of a State, with the consent of the State or political subdivision.

(f) OBLIGATIONAL AUTHORITY.—Notwithstanding any other provision of this title, the Secretary shall have no authority to enter into contracts, grant agreements, or other financial assistance agreements under this title, except to such extent and in such amounts as are provided in advance in appropriations Acts.

(g) PROGRAM YEAR.—

(1) IN GENERAL.—

(A) PROGRAM YEAR.—Except as provided in subparagraph (B), appropriations for any fiscal year for programs and activities funded under this title shall be available for obligation only on the basis of a program year. The program year shall begin on July 1 in the fiscal year for which the appropriation is made.

(B) YOUTH WORKFORCE INVESTMENT ACTIVITIES.—The Secretary may make available for obligation, beginning April 1 of any fiscal year, funds appropriated for such fiscal year to carry out youth workforce investment activities under subtitle B and activities under section 171.

(2) AVAILABILITY.—

(A) IN GENERAL.—Funds obligated for any program year for a program or activity funded under subtitle B may be expended by each State receiving such funds during that program year and the 2 succeeding program years. Funds received by local areas from States under subtitle B during a program year may be expended during that program year and the succeeding program year.

(B) CERTAIN NATIONAL ACTIVITIES.—

(i) IN GENERAL.—Funds obligated for any program year for any program or activity carried out under section 169 shall remain available until expended.

(ii) INCREMENTAL FUNDING BASIS.—A contract or arrangement entered into under the authority of **[**subsection (a) or (b) of section 169 (relating to evaluations, research projects, studies and reports, and multistate projects)**]** *subsection (a), (b), or (c) of section 169 relating to evaluations, research projects, studies and reports, multistate projects, and the workforce development innovation fund*, including a long-term, nonseverable services contract, may be funded on an in-

cremental basis with annual appropriations or other available funds.

(C) SPECIAL RULE.—No amount of the funds obligated for a program year for a program or activity funded under this title shall be deobligated on account of a rate of expenditure that is consistent with a State plan, an operating plan described in section 151, or a plan, grant agreement, contract, application, or other agreement described in subtitle D, as appropriate.

(D) FUNDS FOR PAY-FOR-PERFORMANCE CONTRACT STRATEGIES.—Funds used to carry out pay-for-performance contract strategies by local areas shall remain available until expended.

[(h) ENFORCEMENT OF MILITARY SELECTIVE SERVICE ACT.—The Secretary shall ensure that each individual participating in any program or activity established under this title, or receiving any assistance or benefit under this title, has not violated section 3 of the Military Selective Service Act (50 U.S.C. App. 453) by not presenting and submitting to registration as required pursuant to such section. The Director of the Selective Service System shall cooperate with the Secretary to enable the Secretary to carry out this subsection.]

[(i)] *(h)* WAIVERS.—

(1) SPECIAL RULE REGARDING DESIGNATED AREAS.—A State that has enacted, not later than December 31, 1997, a State law providing for the designation of service delivery areas for the delivery of workforce investment activities, may use such areas as local areas under this title, notwithstanding section 106.

(2) SPECIAL RULE REGARDING SANCTIONS.—A State that has enacted, not later than December 31, 1997, a State law providing for the sanctioning of such service delivery areas for failure to meet performance accountability measures for workforce investment activities, may use the State law to sanction local areas for failure to meet State performance accountability measures under this title.

(3) GENERAL WAIVERS OF STATUTORY OR REGULATORY REQUIREMENTS.—

(A) GENERAL AUTHORITY.—Notwithstanding any other provision of law, the Secretary may waive for a State, or a local area in a State, pursuant to a request submitted by the Governor of the State (in consultation with appropriate local elected officials) with a plan that meets the requirements of subparagraph (B)—

(i) any of the statutory or regulatory requirements of subtitle A, subtitle B, or this subtitle (except for requirements relating to wage and labor standards, including nondisplacement protections, worker rights, participation and protection of workers and participants, grievance procedures and judicial review, nondiscrimination, allocation of funds to local areas, eligibility of providers or participants, the establishment and functions of local areas and local boards, the funding of infrastructure costs for one-stop centers, and procedures for review and approval of plans, and other

requirements relating to the basic purposes of this title); and

[(ii) any of the statutory or regulatory requirements of sections 8 through 10 of the Wagner-Peyser Act (29 U.S.C. 49g through 49i) (excluding requirements relating to the provision of services to unemployment insurance claimants and veterans, and requirements relating to universal access to basic labor exchange services without cost to jobseekers).]

(ii) any of the statutory or regulatory requirements of the Wagner-Peyser Act (29 U.S.C. 49 et seq.) (excluding requirements relating to the provision of services to unemployment insurance claimants and veterans, the colocation of employment service offices with one-stop centers, the designation of a cooperating State agency, and requirements relating to universal access to basic labor exchange services without cost to jobseekers).

(B) REQUESTS.—A Governor requesting a waiver under subparagraph (A) shall submit a plan to the Secretary to improve the statewide workforce development system that—

(i) identifies the statutory or regulatory requirements that are requested to be waived and the goals that the State or local area in the State, as appropriate, intends to achieve as a result of the waiver;

(ii) describes the actions that the State or local area, as appropriate, has undertaken to remove State or local statutory or regulatory barriers;

(iii) describes the goals of the waiver and the expected programmatic outcomes if the request is granted;

(iv) describes the individuals impacted by the waiver; and

(v) describes the process used to monitor the progress in implementing such a waiver, and the process by which notice and, in the case of a waiver for a local area, an opportunity to comment on such request has been provided to the local board for the local area for which the waiver is requested.

(C) CONDITIONS.—Not later than 90 days after the date of the original submission of a request for a waiver under subparagraph (A), the Secretary shall provide a waiver under this subsection if and only to the extent that—

(i) the Secretary determines that the requirements requested to be waived impede the ability of the State or local area, as appropriate, to implement the plan described in subparagraph (B); and

(ii) the State has executed a memorandum of understanding with the Secretary requiring such State to meet, or ensure that the local area for which the waiver is requested meets, agreed-upon outcomes and to implement other appropriate measures to ensure accountability.

(D) EXPEDITED DETERMINATION REGARDING PROVISION OF WAIVERS.—If the Secretary has approved a waiver of statu-

tory or regulatory requirements for a State or local area pursuant to this subsection, the Secretary shall expedite the determination regarding the provision of that waiver, for another State or local area if such waiver is in accordance with the approved State or local plan, as appropriate.

* * * * * * *

SEC. 194. GENERAL PROGRAM REQUIREMENTS.

Except as otherwise provided in this title, the following conditions apply to all programs under this title:

(1) Each program under this title shall provide employment and training opportunities to those who can benefit from, and who are most in need of, such opportunities. In addition, the recipients of Federal funding for programs under this title shall make efforts to develop programs that contribute to occupational development, upward mobility, development of new careers, and opportunities for nontraditional employment.

(2) Funds provided under this title shall only be used for activities that are in addition to activities that would otherwise be available in the local area in the absence of such funds.

(3)(A) Any local area may enter into an agreement with another local area (including a local area that is a city or county within the same labor market) to pay or share the cost of educating, training, or placing individuals participating in programs assisted under this title, including the provision of supportive services.

(B) Such agreement shall be approved by each local board for a local area entering into the agreement and shall be described in the local plan under section 108.

(4) On-the-job training contracts under this title, shall not be entered into with employers who have received payments under previous contracts under this Act or the Workforce Investment Act of 1998 and have exhibited a pattern of failing to provide on-the-job training participants with continued long-term employment as regular employees with wages and employment benefits (including health benefits) and working conditions at the same level and to the same extent as other employees working a similar length of time and doing the same type of work.

(5) No person or organization may charge an individual a fee for the placement or referral of the individual in or to a workforce investment activity under this title.

(6) The Secretary shall not provide financial assistance for any program under this title that involves political activities.

(7)(A) Income under any program administered by a public or private nonprofit entity may be retained by such entity only if such income is used to continue to carry out the program.

(B) Income subject to the requirements of subparagraph (A) shall include—

(i) receipts from goods or services (including conferences) provided as a result of activities funded under this title;

(ii) funds provided to a service provider under this title that are in excess of the costs associated with the services provided; and

(iii) interest income earned on funds received under this title.

(C) For purposes of this paragraph, each entity receiving financial assistance under this title shall maintain records sufficient to determine the amount of such income received and the purposes for which such income is expended.

(8)(A) The Secretary shall notify the Governor and the appropriate local board and chief elected official of, and consult with the Governor and such board and official concerning, any activity to be funded by the Secretary under this title within the corresponding State or local area.

(B) The Governor shall notify the appropriate local board and chief elected official of, and consult with such board and official concerning, any activity to be funded by the Governor under this title within the corresponding local area.

(9)(A) All education programs for youth supported with funds provided under chapter 2 of subtitle B shall be consistent with applicable State and local educational standards.

(B) Standards and procedures with respect to awarding academic credit and certifying educational attainment in programs conducted under such chapter shall be consistent with the requirements of applicable State and local law, including regulation.

(10) No funds available under this title may be used for public service employment except as specifically authorized under this title.

(11) The Federal requirements governing the title, use, and disposition of real property, equipment, and supplies purchased with funds provided under this title shall be the corresponding Federal requirements generally applicable to such items purchased through Federal grants to States and local governments.

(12) Nothing in this title shall be construed to provide an individual with an entitlement to a service under this title.

(13) Services, facilities, or equipment funded under this title may be used, as appropriate, on a fee-for-service basis, by employers in a local area in order to provide employment and training activities to incumbent workers—

(A) when such services, facilities, or equipment are not in use for the provision of services for eligible participants under this title;

(B) if such use for incumbent workers would not have an adverse effect on the provision of services to eligible participants under this title; and

(C) if the income derived from such fees is used to carry out the programs authorized under this title.

(14) Funds provided under this title shall not be used to establish or operate a stand-alone fee-for-service enterprise in a situation in which a private sector employment agency (as defined in section 701 of the Civil Rights Act of 1964 (42 U.S.C. 2000e)) is providing full access to similar or related services in such a manner as to fully meet the identified need. For purposes of this paragraph, such an enterprise does not include a one-stop delivery system described in section 121(e).

(15)(A) None of the funds available under this title shall be used by a recipient or subrecipient of such funds to pay the salary and bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of the annual rate of basic pay prescribed for level II of the Executive Schedule under section 5313 of title 5, United States Code.

(B) The limitation described in subparagraph (A) shall not apply to vendors providing goods and services as defined in Office of Management and Budget Circular A-133. In a case in which a State is a recipient of such funds, the State may establish a lower limit than is provided in subparagraph (A) for salaries and bonuses of those receiving salaries and bonuses from a subrecipient of such funds, taking into account factors including the relative cost of living in the State, the compensation levels for comparable State or local government employees, and the size of the organizations that administer the Federal programs involved.

(16) An institution of higher education that is a proprietary institution of higher education (as defined in section 102(a)(1)(A) of the Higher Education Act of 1965 (20 U.S.C. 1002(a)(1)(A)) may not be—

(A) designated or certified as a one-stop operator under section 121(d), or awarded funds under this title to operate a one-stop center; or

(B) appointed to a State board or local board under section 101 or 107, respectively.

* * * * * * *

TITLE II—ADULT EDUCATION AND *FAMILY* LITERACY

* * * * * * *

SEC. 202. PURPOSE.

It is the purpose of this title to create a partnership among the Federal Government, States, and localities to provide, on a voluntary basis, adult education and *family* literacy activities, in order to—

[(1) assist adults to become literate and obtain the knowledge and skills necessary for employment and economic self-sufficiency;]

(1) assist adults to become literate and obtain the knowledge and skills (including digital skills) necessary for employment, economic self-sufficiency, and full participation in all aspects of adult life;

(2) assist adults who are parents or family members to obtain the education and skills that—

(A) are necessary to becoming full partners in the educational development of their children; and

(B) lead to sustainable improvements in the economic opportunities for their family;

(3) assist adults in attaining a secondary school diploma and in the transition to postsecondary education and training, including through career pathways; and

(4) assist immigrants and other individuals who are English language learners in—

(A) improving their—

(i) reading, writing, speaking, and comprehension skills in English; [and]

(ii) mathematics skills; and

(iii) digital skills; and

(B) acquiring an understanding of the American system of Government, individual freedom, and the responsibilities of citizenship.

SEC. 203. DEFINITIONS.

In this title:

(1) ADULT EDUCATION.—The term "adult education" means academic instruction and education services below the postsecondary level that increase an individual's ability to—

(A) read, write, and speak in English and perform mathematics or other activities necessary for the attainment of a secondary school diploma or its recognized equivalent;

(B) transition to postsecondary education and training; [and]

(C) develop and use digitial technology skills; and

[(C)] *(D)* obtain employment.

(2) ADULT EDUCATION AND LITERACY ACTIVITIES.—The term "adult education and literacy activities" means programs, activities, and services that include adult education, literacy, workplace adult education and literacy activities, family literacy activities*, digital skills activities offered in conjunction with other adult education and literacy activities*, English language acquisition activities, integrated English literacy and civics education, workforce preparation activities, or integrated education and training.

(3) ELIGIBLE AGENCY.—The term "eligible agency" means the sole entity or agency in a State or an outlying area responsible for administering or supervising policy for adult education and *family* literacy activities in the State or outlying area, respectively, consistent with the law of the State or outlying area, respectively.

(4) ELIGIBLE INDIVIDUAL.—The term "eligible individual" means an individual—

(A) who has attained 16 years of age;

(B) who is not enrolled or required to be enrolled in secondary school under State law; and

(C) who—

(i) [is basic skills deficient] *has foundational skills needs*;

(ii) does not have a secondary school diploma or its recognized equivalent, and has not achieved an equivalent level of education; or

(iii) is an English language learner.

(5) ELIGIBLE PROVIDER.—The term "eligible provider" means an organization that has demonstrated effectiveness in providing adult education and literacy activities that may include—

(A) a local educational agency;

(B) a community-based organization or faith-based organization;

(C) a volunteer literacy organization;

(D) an institution of higher education;

(E) a public or private nonprofit agency;

(F) a library;

(G) a public housing authority;

(H) a nonprofit institution that is not described in any of subparagraphs (A) through (G) and has the ability to provide adult education and literacy activities to eligible individuals;

(I) a consortium or coalition of the agencies, organizations, institutions, libraries, or authorities described in any of subparagraphs (A) through (H); and

(J) a partnership between an employer and an entity described in any of subparagraphs (A) through (I).

(6) ENGLISH LANGUAGE ACQUISITION PROGRAM.—The term "English language acquisition program" means a program of instruction—

(A) designed to help eligible individuals who are English language learners achieve competence in reading, writing, speaking, and comprehension of the English language; and

(B) that leads to—

(i)(I) attainment of a secondary school diploma or its recognized equivalent; and

(II) transition to postsecondary education and training; or

(ii) employment.

(7) ENGLISH LANGUAGE LEARNER.—The term "English language learner" when used with respect to an eligible individual, means an eligible individual who has limited ability in reading, writing, speaking, or comprehending the English language, and—

(A) whose native language is a language other than English; or

(B) who lives in a family or community environment where a language other than English is the dominant language.

(8) ESSENTIAL COMPONENTS OF READING INSTRUCTION.—The term "essential components of reading instruction" means explicit and systematic instruction in—

(A) phonemic awareness;

(B) phonics;

(C) vocabulary development;

(D) reading fluency, including oral reading skills; and

(E) reading comprehension strategies.

(9) FAMILY LITERACY ACTIVITIES.—The term "family literacy activities" means activities that are of sufficient intensity and quality, to make sustainable improvements in the **[**economic prospects**]** *economic and educational prospects* for a family and that better enable parents or family members to support their children's learning needs, and that integrate all of the following activities:

(A) Parent or family adult education and literacy activities that lead to readiness for postsecondary education or

training, career advancement, and economic self-sufficiency.

(B) Interactive literacy activities between parents or family members and their children.

(C) Training for parents or family members regarding how to be the primary teacher for their children and full partners in the education of their children.

(D) An age-appropriate education to prepare children for success in school and life experiences.

(E) Digital literacy activities to enable parents or family members to develop and use digital literacy skills to support their children's learning.

(10) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

[(11) INTEGRATED EDUCATION AND TRAINING.—The term "integrated education and training" means a service approach that provides adult education and literacy activities concurrently and contextually with workforce preparation activities and workforce training for a specific occupation or occupational cluster for the purpose of educational and career advancement.

[(12) INTEGRATED ENGLISH LITERACY AND CIVICS EDUCATION.—The term "integrated English literacy and civics education" means education services provided to English language learners who are adults, including professionals with degrees and credentials in their native countries, that enables such adults to achieve competency in the English language and acquire the basic and more advanced skills needed to function effectively as parents, workers, and citizens in the United States. Such services shall include instruction in literacy and English language acquisition and instruction on the rights and responsibilities of citizenship and civic participation, and may include workforce training.]

(11) INTEGRATED EDUCATION AND TRAINING.—The term "integrated education and training" means a service approach that provides adult education and family literacy activities concurrently and contextually with workforce preparation activities and workforce training (and which may be provided concurrently with other adult education activities and services, such as adult basic education) for a specific high-wage, high demand occupation or occupational cluster (including, as appropriate, for apprenticeship and pre-apprenticeship programs) for the purpose of educational and career advancement.

(12) INTEGRATED ENGLISH LITERACY AND CIVICS EDUCATION.—The term "integrated English literacy and civics education" means instruction in literacy and English and other education services provided to English language learners who are adults, including professionals with degrees and credentials in their native countries—

(A) that enables such adults—

(i) to achieve competency in the English language;

(ii) to build knowledge of United States history and civics;

(iii) to prepare for United States citizenship and the naturalization process;

(iv) to use digital technology at levels of proficiency necessary to function effectively as a worker, a parent or a family member, and a member of society;

(v) to apply for Federal and other student financial aid and enroll in postsecondary education or other further learning; and

(vi) to locate and apply for registered apprenticeship or pre-apprenticeship programs; and

(B) which may include—

(i) preparation for a high school equivalency diploma or postsecondary training or education;

(ii) preparation for employment;

(iii) preparation for apprenticeship or pre-apprenticeship programs, or the provision of information regarding where to acquire that preparation; or

(iv) instruction in—

(I) navigating the early childhood, elementary and secondary, and postsecondary education systems;

(II) financial literacy;

(III) the housing market in the United States; or

(IV) accessing Federal, State, and local health care systems.

(13) LITERACY.—The term "literacy" means an individual's ability to read, write, and speak in English, compute, [and solve problems, at levels of proficiency necessary to function on the job, in the family of the individual, and in society.] *solve problems, and use digital technology at levels of proficiency necessary to function effectively as an employee, a parent or a family member, and a member of society.*

(14) POSTSECONDARY EDUCATIONAL INSTITUTION.—The term "postsecondary educational institution" means—

(A) an institution of higher education that provides not less than a 2-year program of instruction that is acceptable for credit toward a bachelor's degree;

(B) a tribally controlled college or university; or

(C) a nonprofit educational institution offering certificate or apprenticeship programs at the postsecondary level.

(15) SECRETARY.—The term "Secretary" means the Secretary of Education.

(16) UNIVERSAL DESIGN FOR LEARNING.—The term "universal design for learning" has the meaning given the term in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).

[(16)] *(17)* WORKPLACE ADULT EDUCATION AND LITERACY ACTIVITIES.—The term "workplace adult education and literacy activities" means adult education and literacy activities offered by an eligible provider in collaboration with an employer or employee organization at a workplace or an off-site location that is designed to improve the productivity of the workforce.

[(17)] *(18)* WORKFORCE PREPARATION ACTIVITIES.—The term "workforce preparation activities" means activities, programs, or services designed to help an individual acquire a combination of basic academic skills, critical thinking skills, digital lit-

eracy skills, and self-management skills, including competencies in utilizing resources, [using information] *using and acquiring information*, working with others, understanding systems, and obtaining skills necessary for successful transition into and completion of postsecondary [education or training] *education or training (including registered apprenticeship and pre-apprenticeship programs)*, or employment.

* * * * * * *

SEC. 206. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title [$577,667,000 for fiscal year 2015, $622,286,000 for fiscal year 2016, $635,198,000 for fiscal year 2017, $649,287,000 for fiscal year 2018, $664,552,000 for fiscal year 2019, and $678,640,000 for fiscal year 2020.] *$785,100,000 for fiscal year 2023, $824,400,000 for fiscal year 2024, $865,600,000 for fiscal year 2025, $908,900,000 for fiscal year 2026, $954,300,000 for fiscal year 2027, and $1,002,000,000 for fiscal year 2028.*

Subtitle A—Federal Provisions

* * * * * * *

[SEC. 212. PERFORMANCE ACCOUNTABILITY SYSTEM.

[Programs and activities authorized in this title are subject to the performance accountability provisions described in section 116.]

SEC. 212. PERFORMANCE ACCOUNTABILITY SYSTEM.

(a) IN GENERAL.—Programs and activities authorized in this title are subject to the performance accountability provisions described in section 116.

(b) INNOVATIVE PERFORMANCE ACCOUNTABILITY SYSTEM DEMONSTRATION PROGRAM.—

(1) IN GENERAL.—The Secretary may authorize one or more eligible entities to implement an innovative performance accountability system that uses alternative primary indicators of performance that reflect the objectives and activities of the entity's adult education and family literacy programs and measure the attainment of the education and employment goals of the participants in such programs. The innovative performance accountability system may include—

(A) performance indicators attained while an individual is enrolled in an adult education and family literacy program; and

(B) performance indicators attained after an individual exits such a program.

(2) DEMONSTRATION PERIOD.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the period during which an eligible entity may carry out an innovative accountability system authorized under this subsection shall be a period determined by the Secretary that does not exceed five years.

(B) EXTENSION.—The Secretary may extend, by up to one year, the demonstration period determined under subparagraph (A) for an eligible entity if—

(i) the Secretary determines that the innovative accountability system implemented by the entity is successfully meeting the objectives of this subsection; and

(ii) the total period during which the entity implements such system under the demonstration program, inclusive of such extension, does not exceed six years.

(3) APPLICATION.—

(A) IN GENERAL.—Subject to subparagraph (C), an eligible entity that seeks authorization to implement an innovative performance accountability system under this subsection shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(B) CONTENTS.—At a minimum, each application under this paragraph shall include—

(i) a description of the objectives of the innovative performance accountability system proposed by the eligible entity;

(ii) a description of such accountability system, including a description of the performance indicators to be used;

(iii) the duration of the period over which the entity intends to carry out the proposed accountability system;

(iv) an explanation of why the entity believes the alternative indicators of performance proposed by the entity would more accurately measure the attainment of the objectives of the entity's adult education and family literacy programs compared to the indicators of performance described in section 116(b)(2)(A)(i);

(v) an explanation of how the proposed performance indicators are expected to provide a valid and reliable measurement of the effectiveness of the entity's adult education and family literacy programs with respect to the individuals served by such programs;

(vi) a description of how the entity will report to the Secretary and make publicly available the proposed indicators of performance on a timely basis;

(vii) an assurance that the entity will prepare and submit the final report required under paragraph (4); and

(viii) a description of how the innovative accountability system may be relevant to and replicated by States and outlying areas.

(C) REVIEW OF CERTAIN APPLICATIONS.—In a case in which an eligible entity that is a consortium of eligible providers seeks authorization to implement an innovative performance accountability system under this subsection—

(i) the consortium shall submit the application described in subparagraph (A) to the eligible agency of the State or outlying area in which the consortium intends to implement the system;

(ii) the eligible agency shall review the application; and

(iii) if the eligible agency approves the application, the agency shall forward the application to the Sec-

retary together with any comments of the agency regarding the content of the application.

(4) PROGRESS REPORT.—

(A) IN GENERAL.—Not later than 180 days before the end of the initial demonstration period applicable to an eligible entity under paragraph (2)(A), and before the Secretary authorizes any extension of the demonstration period under paragraph (2)(B) for such entity, the eligible entity shall submit to the Secretary a report on the initial progress (in this paragraph referred to as the "progress report") of the innovative accountability system implemented by the eligible entity under this section.

(B) ELEMENTS.—The progress report under subparagraph (A) shall be based on the annual information submitted by participating local providers and shall include an assessment of the following:

(i) The burden placed on the local programs to implement and carry out the innovative accountability system.

(ii) Whether and to what extent—

(I) the eligible entity has solicited feedback from local program directors and instructors about their satisfaction with the innovative accountability system;

(II) local program instructors and directors have demonstrated a commitment and capacity to implement or continue to implement the system;

(III) the system was used to measure the performance indicators for all students participating in the system; and

(IV) the innovative accountability system can be used across States.

(C) PEER REVIEW.—

(i) IN GENERAL.—The eligible entity shall conduct a peer review of the innovative performance accountability system implemented by the eligible entity under this section.

(ii) PEER REVIEW TEAM.—For purposes of conducting the peer review under clause (i), the eligible entity shall assemble a team of subject matter experts who—

(I) are knowledgeable about innovative accountability systems; and

(II) have demonstrated experience developing and implementing such systems.

(iii) METHODOLOGY.—The methodology of the peer review shall meet requirements to be jointly established by the Secretary of Labor and Secretary of Education.

(iv) ELEMENTS.—The peer review shall determine the extent to which the innovative accountability system includes primary indicators that reflect the objectives and activities of the State's adult education and family literacy programs.

(D) COMMENTS.—The eligible entity shall provide a response to the findings of the progress report.

(E) PUBLIC AVAILABILITY.—The progress report under this paragraph, including any comments provided under subparagraph (D), shall be made available on a publicly accessible website of the eligible entity.

(5) FINAL REPORT.—Not later than one year after the conclusion of the demonstration period applicable to an eligible entity under paragraph (2), the entity shall submit to the Secretary a report on the results of the innovative performance accountability system implemented by the entity under this subsection. Each such report shall include the entity's assessment of whether, and to what extent, the innovative performance accountability system achieved its objectives.

(6) CONTINUED REPORTING.—An eligible entity shall continue to report to the State, or the Secretary, as applicable, on the indicators of performance described in section 116(b)(2)(A)(i) during the demonstration period.

(7) DEVELOPMENT AND DISSEMINATION OF BEST PRACTICES.—The Secretary shall—

(A) based on the results of the demonstration programs authorized under this subsection and in consultation with the Director of the Institute of Education Sciences and the Secretary of Labor, identify best practices for the development and implementation of innovative performance accountability systems; and

(B) disseminate information on those practices, including by making such information available on a publicly accessible website of the Department of Education.

(8) RELATIONSHIP TO OTHER REQUIREMENTS.—Nothing in this subsection shall be construed to supersede the requirements of section 116 or to authorize the Secretary to modify or replace the performance accountability measures required under section 116. An eligible entity participating in a demonstration program under this subsection shall be subject to the applicable requirements of section 116 while participating in such program.

(9) ELIGIBLE ENTITY DEFINED.—In this subsection, the term "eligible entity" means—

(A) an eligible agency;

(B) a consortium of eligible agencies; or

(C) a consortium of eligible providers within a State or outlying area.

Subtitle B—State Provisions

* * * * * * *

SEC. 222. STATE DISTRIBUTION OF FUNDS; MATCHING REQUIREMENT.

(a) STATE DISTRIBUTION OF FUNDS.—Each eligible agency receiving a grant under section 211(b) for a fiscal year—

(1) shall use not less than 82.5 percent of the grant funds to award grants and contracts under section 231 and to carry out section 225, of which not more than 20 percent of such amount shall be available to carry out section 225;

(2) shall use not more than 12.5 percent of the grant funds to carry out State leadership activities under section 223; and

(3) shall use not more than 5 percent of the grant funds, or $85,000, whichever is greater, for the administrative expenses of the eligible agency.

(b) MATCHING REQUIREMENT.—

(1) IN GENERAL.—In order to receive a grant from the Secretary under section 211(b) each eligible agency shall provide, for the costs to be incurred by the eligible agency in carrying out the adult education and literacy activities for which the grant is awarded, a non-Federal contribution in an amount that is not less than—

(A) in the case of an eligible agency serving an outlying area, 12 percent of the total amount of funds expended for adult education and literacy activities in the outlying area, except that the Secretary may decrease the amount of funds required under this subparagraph for an eligible agency; and

(B) in the case of an eligible agency serving a State, 25 percent of the total amount of funds expended for adult education and literacy activities in the State.

(2) NON-FEDERAL CONTRIBUTION.—An eligible agency's non-Federal contribution required under paragraph (1) may be provided in cash or in kind, fairly evaluated, and shall include only non-Federal funds that are used for adult education and literacy activities in a manner that is consistent with the purpose of this title.

(3) PUBLIC AVAILABILITY OF INFORMATION ON MATCHING FUNDS.—Each eligible agency shall maintain, on a publicly accessible website of such agency and in an easily accessible format, information documenting the non-Federal contributions made available to adult education and family literacy programs pursuant to this subsection, including—

(A) the sources of such contributions; and

(B) in the case of funds made available by a State or outlying area, an explanation of how such funds are distributed to eligible providers.

SEC. 223. STATE LEADERSHIP ACTIVITIES.

(a) ACTIVITIES.—

(1) REQUIRED.—Each eligible agency shall use funds made available under section 222(a)(2) for the following adult education and literacy activities to develop or enhance the adult education system of the State or outlying area:

(A) The alignment of adult education and literacy activities with other core programs and one-stop partners, including eligible providers, to implement the strategy identified in the unified State plan under section 102 or the combined State plan under section 103, including the development of career pathways to provide access to employment and training services for individuals in adult education and literacy activities.

(B) The establishment or operation of high quality professional development programs to improve the instruction provided pursuant to local activities required under section 231(b), including instruction incorporating the essential components of reading instruction as such components relate to adults, instruction related to the specific needs of

adult learners, instruction provided by volunteers or by personnel of a State or outlying area, and dissemination of information about models and promising practices related to such programs.

(C) The provision of technical assistance to eligible providers of adult education and literacy activities receiving funds under this title, including—

(i) the development and dissemination of instructional and programmatic practices based on the most rigorous or scientifically valid research available and appropriate, in reading, writing, speaking, mathematics, English language acquisition programs, distance education, and staff training;

[(ii) the role of eligible providers as a one-stop partner to provide access to employment, education, and training services; and**]**

(ii) the role of eligible providers as a one-stop partner to provide access to employment, education (including apprenticeship and pre-apprenticeship programs), and training services;

(iii) assistance in the use of technology, including for staff training, to eligible providers, especially the use of technology to improve system efficiencies**[**.**]***; and*

(iv) assistance for students to be able to locate and apply for apprenticeship and pre-apprenticeship programs.

(D) The monitoring and evaluation of the quality of, and the improvement in, adult education and literacy activities and the dissemination of information about models and proven or promising practices within the State.

(2) PERMISSIBLE ACTIVITIES.—Each eligible agency may use funds made available under section 222(a)(2) for 1 or more of the following adult education and literacy activities:

(A) The support of State or regional networks of literacy resource centers.

(B) The development and implementation of technology applications, translation technology, or distance education, including professional development to support the use of instructional technology.

(C) Developing and disseminating curricula, including curricula incorporating the essential components of reading instruction as such components relate to adults.

(D) Developing content and models for integrated education and training and career pathways.

(E) The provision of assistance to eligible providers in developing and implementing programs that achieve the objectives of this title and in measuring the progress of those programs in achieving such objectives, including meeting the State adjusted levels of performance described in section 116(b)(3).

(F) The development and implementation of a system to assist in the transition from adult education to postsecondary education, including linkages with postsecondary educational institutions or institutions of higher education.

(G) Integration of literacy and English language instruction with occupational skill training, including promoting linkages with employers.

(H) Activities to promote workplace adult education and literacy activities.

(I) Identifying curriculum frameworks and aligning rigorous content standards that—

(i) specify what adult learners should know and be able to do in the areas of reading and language arts, mathematics, and English language acquisition; and

(ii) take into consideration the following:

(I) State adopted academic standards.

(II) The current adult skills and literacy assessments used in the State or outlying area.

(III) The primary indicators of performance described in section 116.

(IV) Standards and academic requirements for enrollment in nonremedial, for-credit courses in postsecondary educational institutions or institutions of higher education supported by the State or outlying area.

(V) Where appropriate, the content of occupational and industry skill standards widely used by business and industry in the State or outlying area.

(J) Developing and piloting of strategies for improving teacher quality and retention**[**.**]***, such as the development and maintenance of policies for the credentialing of adult educators who demonstrate effectiveness.*

(K) The development and implementation of programs and services to meet the needs of adult learners with learning disabilities or English language learners, which may include new and promising assessment tools and strategies that are based on scientifically valid research, where appropriate, and identify the needs and capture the gains of such students at the lowest achievement levels.

(L) Outreach to instructors, students, and employers.

(M) Strengthening the quality of adult education and family literacy programs in the State through support for improved credentials, program quality standards, and certification and accreditation requirements.

[(M)**]** *(N)* Other activities of statewide significance that promote the purpose of this title.

(b) COLLABORATION.—In carrying out this section, eligible agencies shall collaborate where possible, and avoid duplicating efforts, in order to maximize the impact of the activities described in subsection (a).

(c) STATE-IMPOSED REQUIREMENTS.—Whenever a State or outlying area implements any rule or policy relating to the administration or operation of a program authorized under this title that has the effect of imposing a requirement that is not imposed under Federal law (including any rule or policy based on a State or outlying area interpretation of a Federal statute, regulation, or guide-

line), the State or outlying area shall identify, to eligible providers, the rule or policy as being imposed by the State or outlying area.

* * * * * * *

Subtitle C—Local Provisions

SEC. 231. GRANTS AND CONTRACTS FOR ELIGIBLE PROVIDERS.

(a) GRANTS AND CONTRACTS.—From grant funds made available under section 222(a)(1), each eligible agency shall award multiyear grants or contracts, on a competitive basis, to eligible providers within the State or outlying area to enable the eligible providers to develop, implement, and improve adult education and literacy activities within the State.

(b) REQUIRED LOCAL ACTIVITIES.—The eligible agency shall require that each eligible provider receiving a grant or contract under subsection (a) use the grant or contract to establish or operate programs that provide adult education and literacy activities, including programs that provide such activities concurrently.

(c) DIRECT AND EQUITABLE ACCESS; SAME PROCESS.—Each eligible agency receiving funds under this title shall ensure that—

(1) all eligible providers have direct and equitable access to apply and compete for grants or contracts under this section; and

(2) the same grant or contract announcement process and application process is used for all eligible providers in the State or outlying area.

(d) SPECIAL RULE.—Each eligible agency awarding a grant or contract under this section shall not use any funds made available under this title for adult education and literacy activities for the purpose of supporting or providing programs, services, or activities for individuals who are not individuals described in subparagraphs (A) and (B) of section 203(4), except that such agency may use such funds for such purpose if such programs, services, or activities are related to family literacy activities. In providing family literacy activities under this title, an eligible provider shall attempt to coordinate with programs and services that are not assisted under this title prior to using funds for adult education and literacy activities under this title for activities other than activities for eligible individuals.

(e) CONSIDERATIONS.—In awarding grants or contracts under this section, the eligible agency shall consider—

(1) the degree to which the eligible provider would be responsive to—

(A) regional needs as identified in the local plan under section 108; and

(B) serving individuals in the community who were identified in such plan as most in need of adult education and literacy activities, including individuals—

(i) who have low levels of literacy skills; or

(ii) who are English language learners;

(2) the ability of the eligible provider to serve eligible individuals with disabilities, including eligible individuals with learning disabilities;

(3) past effectiveness of the eligible provider in improving the literacy of eligible individuals, to meet State-adjusted levels of performance for the primary indicators of performance described in section 116, especially with respect to eligible individuals who have low levels of literacy;

(4) the extent to which the eligible provider demonstrates alignment between proposed activities and services and the strategy and goals of the local plan under section 108, as well as the activities and services of the one-stop partners;

(5) whether the eligible provider's program—

(A) is of sufficient intensity and quality, and based on the most rigorous research available so that participants achieve substantial learning gains; and

(B) uses instructional practices that include the essential components of reading instruction;

(6) whether the eligible provider's activities, including whether reading, writing, speaking, mathematics, and English language acquisition instruction delivered by the eligible provider, are based on the best practices derived from the most rigorous research available and appropriate, **[**including scientifically valid research and effective educational practice**]** *including the application of the principles of universal design for learning, scientifically valid research, and effective educational practice*;

(7) whether the eligible provider's activities effectively use technology, services, and delivery systems, including distance education in a manner sufficient to increase the amount and quality of learning and how such technology, services, and systems lead to improved performance;

(8) whether the eligible provider's activities provide learning in context, including through integrated education and training, so that an individual acquires the skills needed to transition to and complete postsecondary education and training programs, obtain and advance in employment leading to economic self-sufficiency, and to exercise the rights and responsibilities of citizenship;

(9) whether the eligible provider's activities are delivered by well-trained instructors, counselors, and administrators who meet any minimum qualifications established by the State, where applicable, and who have access to high quality professional development, including through electronic means;

(10) whether the eligible provider's activities coordinate with other available education, training, and social service resources in the community, such as by establishing strong links with elementary schools and secondary schools, postsecondary educational institutions, institutions of higher education, local workforce investment boards, one-stop centers, job training programs, and social service agencies, business, industry, labor organizations, community-based organizations, nonprofit organizations, and intermediaries, for the development of career pathways;

(11) whether the eligible provider's activities offer flexible schedules and coordination with Federal, State, and local support services (such as child care, transportation, mental health services, and career planning) that are necessary to enable in-

dividuals, including individuals with disabilities or other special needs, to attend and complete programs;

(12) whether the eligible provider maintains a high-quality information management system that has the capacity to report measurable participant outcomes (consistent with section 116) and to monitor program performance; and

(13) whether the local areas in which the eligible provider is located have a demonstrated need for additional English language acquisition programs and civics education programs.

* * * * * * *

SEC. 233. LOCAL ADMINISTRATIVE COST LIMITS.

(a) IN GENERAL.—Subject to subsection (b), of the amount that is made available under this title to an eligible provider—

(1) not less than **[**95 percent**]** *85 percent* shall be expended for carrying out adult education and literacy activities; and

[(2) the remaining amount, not to exceed 5 percent, shall be used for planning, administration (including carrying out the requirements of section 116), professional development, and the activities described in paragraphs (3) and (5) of section 232.**]**

(2) of the remaining amount—

(A) not more than 10 percent may be used for professional development for adult educators; and

(B) not more than 5 percent may be used for planning, administration (including carrying out the requirements of section 116), and the activities described in paragraphs (3) and (5) of section 232.

(b) SPECIAL RULE.—In cases where the cost limits described in subsection (a) are too restrictive to allow for the activities described in subsection (a)(2), the eligible provider shall negotiate with the eligible agency in order to determine an adequate level of funds to be used for noninstructional purposes.

Subtitle D—General Provisions

* * * * * * *

SEC. 242. NATIONAL LEADERSHIP ACTIVITIES.

(a) IN GENERAL.—The Secretary shall establish and carry out a program of national leadership activities to enhance the quality and outcomes of adult education and literacy activities and programs nationwide.

(b) REQUIRED ACTIVITIES.—The national leadership activities described in subsection (a) shall include technical assistance, including—

[(1) assistance to help States meet the requirements of section 116;**]**

(1) assistance to help States meet the requirements of section 116, including assistance to ensure that—

(A) the outcomes and other data required pursuant to that section are collected and reported in a timely and accessible manner; and

(B) such data are reported consistently across States and eligible providers and are reviewed for quality and consistency by the Department of Education;

(2) upon request by a State, assistance provided to eligible providers in using performance accountability measures based on indicators described in section 116, and data systems for the improvement of adult education and literacy activities;

(3) carrying out rigorous research and evaluation on effective adult education and literacy activities, as well as estimating the number of adults functioning at the lowest levels of literacy proficiency, which shall be coordinated across relevant Federal agencies, including the Institute of Education Sciences; and

(4) carrying out an independent evaluation at least once every 4 years of the programs and activities under this title, taking into consideration the evaluation subjects referred to in section 169(a)(2).

(c) ALLOWABLE ACTIVITIES.—The national leadership activities described in subsection (a) may include the following:

(1) Technical assistance, including—

(A) assistance related to professional development activities, and assistance for the purposes of developing, improving, identifying, and disseminating the most successful methods and techniques for providing adult education and literacy activities, based on scientifically valid research where available;

(B) assistance in distance education and promoting and improving the use of technology in the classroom, including instruction in English language acquisition for English language learners;

(C) assistance in the development and dissemination of proven models for addressing the digital literacy needs of adults, including older adults; **[**and**]**

(D) supporting efforts aimed at strengthening programs at the State and local levels, such as technical assistance in program planning, assessment, evaluation, and monitoring of activities carried out under this title**[**.**]***; and*

(E) assistance in the dissemination or provision of information for apprenticeship and pre-apprenticeship programs.

(2) Funding national leadership activities either directly or through grants, contracts, or cooperative agreements awarded on a competitive basis to or with postsecondary educational institutions, institutions of higher education, public or private organizations or agencies (including public libraries), or consortia of such institutions, organizations, or agencies, which may include—

(A) developing, improving, and identifying the most successful methods and techniques for addressing the education needs of adults, including instructional practices using the essential components of reading instruction based on the work of the National Institute of Child Health and Human Development;

(B) supporting national, regional, or local networks of private nonprofit organizations, public libraries, or institutions of higher education to strengthen the ability of such

networks' members to meet the performance requirements described in section 116 of eligible providers;

(C) increasing the effectiveness, and improving the quality, of adult education and literacy activities, which may include—

(i) carrying out rigorous research;

(ii) carrying out demonstration programs;

(iii) accelerating learning outcomes for eligible individuals with the lowest literacy levels;

(iv) developing and promoting career pathways for eligible individuals;

(v) promoting concurrent enrollment programs in adult education and credit bearing postsecondary coursework;

(vi) developing high-quality professional development activities for eligible providers; and

(vii) developing, replicating, and disseminating information on best practices and innovative programs, such as—

(I) the identification of effective strategies for working with adults with learning disabilities and with adults who are English language learners;

(II) integrated education and training programs;

(III) workplace adult education and literacy activities; and

(IV) postsecondary education and training transition programs;

(D) providing for the conduct of an independent evaluation and assessment of adult education and literacy activities through grants and contracts awarded on a competitive basis, which shall include descriptions of—

(i) the effect of performance accountability measures and other measures of accountability on the delivery of adult education and literacy activities;

(ii) the extent to which the adult education and literacy activities increase the literacy skills of eligible individuals, lead to involvement in education and training, enhance the employment and earnings of such participants, and, if applicable, lead to other positive outcomes, such as success in re-entry and reductions in recidivism in the case of prison-based adult education and literacy activities;

(iii) the extent to which the provision of support services to eligible individuals enrolled in adult education and literacy activities increase the rate of enrollment in, and successful completion of, such programs; and

(iv) the extent to which different types of providers measurably improve the skills of eligible individuals in adult education and literacy activities;

(E) collecting data, such as data regarding the improvement of both local and State data systems, through technical assistance and development of model performance data collection systems;

(F) determining how participation in adult education and literacy activities prepares eligible individuals for entry into postsecondary education and employment and, in the case of programs carried out in correctional institutions, has an effect on recidivism; [and]

(G) developing and rigorously evaluating model programs for the preparation of effective adult educators;

(H) carrying out initiatives to support the professionalization of adult education through—

(i) the creation and implementation of full-time staffing models; and

(ii) improved credentials, program quality standards, and certification and accreditation requirements that States may adopt on a voluntary basis;

(I) carrying out initiatives to support the professionalization of adult education through the creation and implementation of full-time staffing models;

(J) providing professional development and technical assistance to adult educators;

(K) incorporating the principles of universal design for learning for any activity carried out under subsection (b); and

[(G)] *(L)* other activities designed to enhance the quality of adult education and literacy activities nationwide.

SEC. 243. INTEGRATED ENGLISH LITERACY AND CIVICS EDUCATION.

[(a) IN GENERAL.—From funds made available under section 211(a)(2) for each fiscal year, the Secretary shall award grants to States, from allotments under subsection (b), for integrated English literacy and civics education, in combination with integrated education and training activities.]

(a) IN GENERAL.—From funds made available under section 211(a)(2) for each fiscal year, the Secretary shall award grants to States, from allotments under subsection (b), for English literacy and civics education, in combination with workforce preparation activities, workplace adult education and family literacy activities, apprenticeship and pre-apprenticeship programs, integrated education and training activities, or work-based learning.

(b) ALLOTMENT.—

(1) IN GENERAL.—Subject to paragraph (2), from amounts made available under section 211(a)(2) for a fiscal year, the Secretary shall allocate—

(A) 65 percent to the States on the basis of a State's need for integrated English literacy and civics education, as determined by calculating each State's share of a 10-year average of the data of the Office of Immigration Statistics of the Department of Homeland Security for immigrants admitted for legal permanent residence for the 10 most recent years; and

(B) 35 percent to the States on the basis of whether the State experienced growth, as measured by the average of the 3 most recent years for which the data of the Office of Immigration Statistics of the Department of Homeland Security for immigrants admitted for legal permanent residence are available.

(2) MINIMUM.—No State shall receive an allotment under paragraph (1) in an amount that is less than $60,000.

(c) GOAL.—Each program that receives funding under this section shall be designed to—

(1) prepare adults who are English language learners for[, and place such adults in,] unsubsidized employment in in-demand industries and occupations that lead to economic self-sufficiency; and

(2) integrate with the local workforce development system and its functions to carry out the activities of the program*, including the identification of in-demand industries and the placement of adult English language learners in unsubsidized employment within these industries*.

(d) REPORT.—The Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate and make available to the public, a report on the activities carried out under this section.

(e) STATE DEFINED.—In this section, the term "State" has the meaning given the term in section 3, except that such term also includes each of the outlying areas (as defined in section 3).

* * * * * * *

TITLE V—GENERAL PROVISIONS

Subtitle A—Workforce Investment

SEC. 501. PRIVACY.

(a) SECTION 444 OF THE GENERAL EDUCATION PROVISIONS ACT.—Nothing in this Act (including the amendments made by this Act) shall be construed to supersede the privacy protections afforded parents and students under section 444 of the General Education Provisions Act (20 U.S.C. 1232g).

[(b) PROHIBITION ON DEVELOPMENT OF NATIONAL DATABASE.—

[(1) IN GENERAL.—Nothing in this Act (including the amendments made by this Act) shall be construed to permit the development of a national database of personally identifiable information on individuals receiving services under title I or under the amendments made by title IV.

[(2) LIMITATION.—Nothing in paragraph (1) shall be construed to prevent the proper administration of national programs under subtitles C and D of title I, or the amendments made by title IV (as the case may be), or to carry out program management activities consistent with title I or the amendments made by title IV (as the case may be).]

(b) PROHIBITION OF NATIONAL DATABASE MANAGEMENT.—Nothing in this Act (or the amendments to other laws made by the Workforce Innovation and Opportunity Act of 2022) shall be construed to permit the development, management, analysis, or maintenance by a private entity (whether for-profit or non-profit) of a national database of personally identifiable information of individuals receiving

services under title I, or the amendments to other laws made by the Workforce Innovation and Opportunity Act of 2022.

* * * * * * *

SEC. 507. ACCESSIBILITY.

Any uses of digital technology for the purpose of delivery of service under this Act shall ensure that the website or electronic communication conform to Level AA of the Web Content Accessibility Guidelines 2.0 of the Web Accessibility Initiative (or any successor guidelines).

* * * * * * *

EVERY STUDENT SUCCEEDS ACT

* * * * * * *

TITLE IX—EDUCATION FOR THE HOMELESS AND OTHER LAWS

* * * * * * *

PART B—MISCELLANEOUS; OTHER LAWS

* * * * * * *

SEC. 9215. ADDITIONAL CONFORMING AMENDMENTS TO OTHER LAWS.

(a) ACT OF APRIL 16, 1934 (POPULARLY KNOWN AS THE JOHNSON-O'MALLEY ACT).—Section 5(a) of the Act of April 16, 1934 (popularly known as the Johnson-O'Malley Act) (25 U.S.C. 456(a)) is amended by striking "section 7114(c)(4) of the Elementary and Secondary Education Act of 1965" and inserting "section 6114(c)(4) of the Elementary and Secondary Education Act of 1965".

(b) ADAM WALSH CHILD PROTECTION AND SAFETY ACT OF 2006.—Section 153(h) of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16962(h)) is amended by striking "section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965".

(c) ⟦ADULT EDUCATION AND LITERACY ACT⟧ *ADULT EDUCATION AND FAMILY LITERACY ACT*.—Paragraph (8) of section 203 of ⟦the Adult Education and Literacy Act⟧ *the Adult Education and Family Literacy Act* (29 U.S.C. 3272) is amended to read as follows:

"(8) ESSENTIAL COMPONENTS OF READING INSTRUCTION.—The term 'essential components of reading instruction' means explicit and systematic instruction in—

"(A) phonemic awareness;

"(B) phonics;

"(C) vocabulary development;

"(D) reading fluency, including oral reading skills; and

"(E) reading comprehension strategies.".

(d) AGE DISCRIMINATION ACT OF 1975.—Section 309(4)(B)(ii) of the Age Discrimination Act of 1975 (42 U.S.C. 6107(4)(B)(ii)) is amended by striking "section 9101 of the Elementary and Sec-

ondary Education Act of 1965" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965".

(e) AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967.—Section 4(l)(1)(B)(i)(I) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 623(l)(1)(B)(i)(I)) is amended by striking "section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965)".

(f) AGRICULTURAL ACT OF 2014.—Section 7606(a) of the Agricultural Act of 2014 (7 U.S.C. 5940(a)) is amended by striking "the Safe and Drug-Free Schools and Communities Act (20 U.S.C. 7101 et seq.),".

(g) AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION REFORM ACT OF 1998.—Section 413(b)(4) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7633(b)(4)) is amended by striking "section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801))" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965)".

(h) ALBERT EINSTEIN DISTINGUISHED EDUCATOR FELLOWSHIP ACT OF 1994.—Each of paragraphs (1), (2), and (3) of section 514 of the Albert Einstein Distinguished Educator Fellowship Act of 1994 (42 U.S.C. 7838b) are amended by striking "section 9101 of the Elementary and Secondary Education Act of 1965" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965".

(i) AMERICA COMPETES ACT.—The America COMPETES Act (Public Law 110-69) is amended as follows:

(1) Section 6002(a) (20 U.S.C. 9802(a)) is amended by striking "section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)." and inserting "section 8101 of the Elementary and Secondary Education Act of 1965.".

(2) Section 6122 (20 U.S.C. 9832) is amended—

(A) in paragraph (3), by striking "The term'low-income student'has the meaning given the term'low-income individual'in section 1707(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6537(3))." and inserting "The term'low-income student'means an individual who is determined by a State educational agency or local educational agency to be a child ages 5 through 19, from a low-income family, on the basis of data used by the Secretary to determine allocations under section 1124 of the Elementary and Secondary Education Act of 1965, data on children eligible for free or reduced-price lunches under the Richard B. Russell National School Lunch Act, data on children in families receiving assistance under part A of title IV of the Social Security Act, or data on children eligible to receive medical assistance under the Medicaid program under title XIX of the Social Security Act, or through an alternate method that combines or extrapolates from those data."; and

(B) in paragraph (4), by striking "The term'high concentration of low-income students'has the meaning given the term in section 1707(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6537(2))." and inserting "The term'high concentration of low-income stu-

dents', used with respect to a school, means a school that serves a student population 40 percent or more of who are low-income students.".

(3) Section 6123 (20 U.S.C. 9833) is amended—

(A) in subsection (c), by striking "the activities carried out under section 1705 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6535)." and inserting the following:" any activities carried out under section 4104 or 4107 of the Elementary and Secondary Education Act of 1965 that provide students access to accelerated learning programs that provide—

"(1) postsecondary level courses accepted for credit at institutions of higher education, including dual or concurrent enrollment programs, and early college high schools; or

"(2) postsecondary level instruction and examinations that are accepted for credit at institutions of higher education, including Advanced Placement and International Baccalaureate programs."; and

(B) in subsection (j)(2)(B), by striking "section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(1)(C)(i))" and inserting "section 1111(b)(2)(B)(xi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(B)(xi))".

(4) Section 6401(e)(2)(D)(ii)(I) (20 U.S.C. 9871(e)(2)(D)(ii)(I)) is amended by striking "yearly test records of individual students with respect to assessments under section 1111(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b))" and inserting "yearly test records of individual students with respect to assessments under section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2))".

(5) Section 7001 (42 U.S.C. 1862o note) is amended—

(A) in paragraph (4), by striking "section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965"; and

(B) in paragraph (7), by striking "section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965".

(j) AMERICAN HISTORY AND CIVICS EDUCATION ACT OF 2004.—Section 2(d) of the American History and Civics Education Act of 2004 (20 U.S.C. 6713 note) is amended by striking "to carry out part D of title V of the Elementary and Secondary Education Act of 1965" and inserting "to carry out section 2232 of the Elementary and Secondary Education Act of 1965".

(k) ANTI-DRUG ABUSE ACT OF 1988.—Section 3521(d)(8)(A) of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11841(d)(8)(A)) is amended by striking "education and instruction consistent with title IV of the Elementary and Secondary Education Act of 1965" and inserting "education and instruction consistent with part A of title IV of the Elementary and Secondary Education Act of 1965".

(l) ASSETS FOR INDEPENDENCE ACT.—Section 404(11) of the Assets for Independence Act (42 U.S.C. 604 note) is amended by strik-

ing "section 7207 of the Native Hawaiian Education Act" and inserting "section 6207 of the Native Hawaiian Education Act".

(m) ASSISTIVE TECHNOLOGY ACT OF 1998.—Section 4(c)(2)(B)(i)(V) of the Assistive Technology Act of 1998 (29 U.S.C. 3003(c)(2)(B)(i)(V)) is amended by striking "section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965".

(n) CARL D. PERKINS CAREER AND TECHNICAL EDUCATION ACT OF 2006.—The Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.) is amended as follows:

(1) Section 3 (20 U.S.C. 2302) is amended—

(A) in paragraph (8), by striking "section 5210 of the Elementary and Secondary Education Act of 1965" and inserting "section 4310 of the Elementary and Secondary Education Act of 1965";

(B) in paragraph (11), by striking "section 9101 of the Elementary and Secondary Education Act of 1965" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965";

(C) in paragraph (19), by striking "section 9101 of the Elementary and Secondary Education Act of 1965" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965"; and

(D) in paragraph (27), by striking "section 9101 of the Elementary and Secondary Education Act of 1965" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965".

(2) Section 8(e) (20 U.S.C. 2306a(e)) is amended by striking "section 1111(b)(1)(D) of the Elementary and Secondary Education Act of 1965" and inserting "section 1111(b)(1) of the Elementary and Secondary Education Act of 1965".

(3) Section 113(b) (20 U.S.C. 2323(b)) is amended—

(A) in paragraph (2)(A)—

(i) by striking clause (i) and inserting the following:

"(i) Student attainment of the challenging State academic standards, as adopted by a State in accordance with section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 and measured by the State determined levels of achievement on the academic assessments described in section 1111(b)(2) of such Act."; and

(ii) in clause (iv), by striking "(as described in section 1111(b)(2)(C)(vi) of the Elementary and Secondary Education Act of 1965)" and inserting "(as described in section 1111(c)(4)(A)(i)(I)(bb) of the Elementary and Secondary Education Act of 1965)"; and

(B) in paragraph (4)(C)(ii)(I), by striking "categories" and inserting "subgroups".

(4) Section 114(d)(4)(A)(iii)(I)(aa) (20 U.S.C. 2324(d)(4)(A)(iii)(I)(aa)) is amended by striking "integrating those programs with academic content standards and student academic achievement standards, as adopted by States under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965;" and inserting the following: "integrating those

programs with challenging State academic standards, as adopted by States under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965;".

(5) Section 116(a)(5) (20 U.S.C. 2326(a)(5)) is amended by striking "section 7207 of the Native Hawaiian Education Act (20 U.S.C. 7517)" and inserting "section 6207 of the Native Hawaiian Education Act".

(6) Section 122(c)(20 U.S.C. 2342(c)) is amended—

(A) in paragraph (1)(I)(i), by striking "aligned with rigorous and challenging academic content standards and student academic achievement standards adopted by the State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965" and inserting "aligned with challenging State academic standards adopted by the State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965"; and

(B) in paragraph (7)(A)(i), by striking "the core academic subjects (as defined in section 9101 of the Elementary and Secondary Education Act of 1965)" and inserting "a well-rounded education (as defined in section 8101 of the Elementary and Secondary Education Act of 1965)".

(7) Section 124(b)(4)(A) (20 U.S.C. 2344(b)(4)(A)) is amended in paragraph (4)(A), by striking "the core academic subjects (as defined in section 9101 of the Elementary and Secondary Education Act of 1965)" and inserting "a well-rounded education (as defined in section 8101 of the Elementary and Secondary Education Act of 1965)".

(8) Section 134(b)(3) (20 U.S.C. 2354(b)(3)) is amended—

(A) in subparagraph (B)(i), by striking "the core academic subjects (as defined in section 9101 of the Elementary and Secondary Education Act of 1965)" and inserting "a well-rounded education (as defined in section 8101 of the Elementary and Secondary Education Act of 1965)"; and

(B) in subparagraph (E), by striking "in core academic subjects (as defined in section 9101 of the Elementary and Secondary Education Act of 1965)" and inserting "in order to provide a well-rounded education (as defined in section 8101 of the Elementary and Secondary Education Act of 1965)".

(9) Section 135(b)(1)(A) (20 U.S.C. 2355(b)(1)(A)) is amended by striking "the core academic subjects (as defined in section 9101 of the Elementary and Secondary Education Act of 1965)" and inserting "a well-rounded education (as defined in section 8101 of the Elementary and Secondary Education Act of 1965)".

(10) Section 203(c)(2)(D) (20 U.S.C. 2373(c)(2)(D)) is amended by striking "in core academic subjects (as defined in section 9101 of the Elementary and Secondary Education Act of 1965)" and inserting "as part of a well-rounded education (as defined in section 8101 of the Elementary and Secondary Education Act of 1965)".

(o) CHILD ABUSE PREVENTION AND TREATMENT ACT.—Section 111(3) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106g(3)) is amended by striking "section 7207 of the Elementary

and Secondary Education Act of 1965 (20 U.S.C. 7517);" and inserting "section 6207 of the Elementary and Secondary Education Act of 1965;".

(p) CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT OF 1990.—The Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) is amended as follows:

(1) Section 658E(c)(2)(G)(ii)(V)(dd) (42 U.S.C. 9858c(c)(2)(G)(ii)(V)(dd)) is amended by striking "(as defined in section 7207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7517))" and inserting "(as defined in section 6207 of the Elementary and Secondary Education Act of 1965)".

(2) Section 658P(5) (42 U.S.C. 9858n(5)) is amended by striking "an individual who is limited English proficient, as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801) or section 637 of the Head Start Act (42 U.S.C. 9832)" and inserting "an individual who is an English learner, as defined in section 8101 of the Elementary and Secondary Education Act of 1965, or who is limited English proficient, as defined in section 637 of the Head Start Act (42 U.S.C. 9832)".

(q) CHILDREN'S INTERNET PROTECTION ACT.—Section 1721(g) of the Children's Internet Protection Act (20 U.S.C. 9134 note; 114 Stat. 2763A-350), as enacted into law by section 1(a)(4) of the Consolidated Appropriations Act, 2001 (Public Law 106-554; 114 Stat. 2763), is amended by striking "Notwithstanding any other provision of law, funds available under section 3134 or part A of title VI of the Elementary and Secondary Education Act of 1965, or under section 231 of the Library Services and Technology Act, may be used for the purchase or acquisition of technology protection measures that are necessary to meet the requirements of this title and the amendments made by this title." and inserting "Notwithstanding any other provision of law, funds available under part B of title I of the Elementary and Secondary Education Act of 1965, or under section 231 of the Library Services and Technology Act, may be used for the purchase or acquisition of technology protection measures that are necessary to meet the requirements of this title and the amendments made by this title.".

(r) CIVIL RIGHTS ACT OF 1964.—Section 606(2)(B) of the Civil Rights Act of 1964 (42 U.S.C. 2000d-4a(2)(B)) is amended by striking "a local educational agency (as defined in section 9101 of the Elementary and Secondary Education Act of 1965)," and inserting "a local educational agency (as defined in section 8101 of the Elementary and Secondary Education Act of 1965),".

(s) COMMUNICATIONS ACT OF 1934.—Section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h)) is amended—

(1) in paragraph (5)(A)(iii), by striking "an elementary or secondary school as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)" and inserting "an elementary school or a secondary school as defined in section 8101 of the Elementary and Secondary Education Act of 1965"; and

(2) in paragraph (7)(A), by striking "section 9101 of the Elementary and Secondary Education Act of 1965" and inserting

"section 8101 of the Elementary and Secondary Education Act of 1965".

(t) COMMUNITY SERVICES BLOCK GRANT ACT.—Section 682(b)(4) of the Community Services Block Grant Act (42 U.S.C. 9923(b)(4)) is amended by striking "section 9101 of the Elementary and Secondary Education Act of 1965)" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965)".

(u) CONGRESSIONAL AWARD ACT.—Section 203(3)(A) of the Congressional Award Act (2 U.S.C. 812(3)(A)) is amended by striking "section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965".

(v) DEPARTMENT OF EDUCATION ORGANIZATION ACT.—Section 215(b)(2)(A) of the Department of Education Organization Act (20 U.S.C. 3423c) is amended by striking "be responsible for administering this title" and inserting "be responsible for administering part A of title VI of the Elementary and Secondary Education Act of 1965".

(w) DEPARTMENT OF ENERGY SCIENCE EDUCATION ENHANCEMENT ACT.—Section 3181(a)(1) of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381l(a)(1)) is amended by striking "with a high concentration of low-income individuals (as defined in section 1707 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6537))" and inserting "in which 40 percent or more of the students attending the school are children from low-income families".

(x) DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2001.—Section 303 of the Department of Transportation and Related Agencies Appropriations Act, 2001, (49 U.S.C. 106 note; 114 Stat. 1356A-23), as enacted into law by section 101(a) of the Act entitled "An Act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September, 30, 2001, and for other purposes", approved October 23, 2000 (Public Law 106-346; 114 Stat. 1356), is amended by striking "except as otherwise authorized by title VIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701 et seq.), for expenses of primary and secondary schooling for dependents of Federal Aviation Administration personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents;" and inserting "except as otherwise authorized by title VII of the Elementary and Secondary Education Act of 1965, for expenses of primary and secondary schooling for dependents of Federal Aviation Administration personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents;".

(y) DISTRICT OF COLUMBIA COLLEGE ACCESS ACT OF 1999.—Section 3(c)(5) of the District of Columbia College Access Act of 1999 (sec. 38-2702(c)(5), D.C. Official Code) is amended by striking "section 14101 of the Elementary and Secondary Education Act of 1965

(20 U.S.C. 8801)" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965".

(z) DISTRICT OF COLUMBIA SCHOOL REFORM ACT OF 1995.—Section 2210(a) of the District of Columbia School Reform Act of 1995 (sec. 38-1802.10(a), D.C. Official Code) is amended by striking paragraph (6) and inserting the following:

"(6) INAPPLICABILITY OF CERTAIN ESEA PROVISIONS.—The following provisions of the Elementary and Secondary Education Act of 1965 shall not apply to a public charter school:

"(A) Paragraph (4) of section 1112(b) and paragraph (1) of section 1112(c).

"(B) Section 1113.

"(C) Subsections (d) and (e) of section 1116.

"(D) Section 1117.

"(E) Subsections (c) and (e) of section 1118.".

(aa) EARTHQUAKE HAZARDS.—Section 2(c)(1)(A) of the Act entitled "An Act to authorize appropriations for carrying out the Earthquake Hazards Reduction Act of 1977 for fiscal years 1998 and 1999, and for other purposes", approved October 1, 1997 (42 U.S.C. 7704 note) is amended by striking "section 9101 of the Elementary and Secondary Education Act of 1965" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965".

(bb) EDUCATION AMENDMENTS OF 1972.—Section 908(2)(B) of the Education Amendments of 1972 (20 U.S.C. 1687(2)(B)) is amended by striking "9101 of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;".

(cc) EDUCATION AMENDMENTS OF 1978.—Part B of title XI of the Education Amendments of 1978 (25 U.S.C. 2000 et seq.) is amended as follows:

(1) Section 1139(e) (25 U.S.C. 2019(e)) is amended by striking "part B of title I of the Elementary and Secondary Education Act of 1965" and inserting "subpart 2 of part B of title II of the Elementary and Secondary Education Act of 1965".

(2) Section 1141(9) (25 U.S.C. 2021(9)) is amended by striking "the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)" and inserting "the Elementary and Secondary Education Act of 1965".

(dd) EDUCATION FOR ECONOMIC SECURITY ACT.—The Education for Economic Security Act (20 U.S.C. 3901 et seq.) is amended as follows:

(1) Section 3 (20 U.S.C. 3902) is amended—

(A) in paragraph (3), by striking "section 9101 of the Elementary and Secondary Education Act of 1965." and inserting "section 8101 of the Elementary and Secondary Education Act of 1965.";

(B) in paragraph (7), by striking "section 9101 of the Elementary and Secondary Education Act of 1965" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965";

(C) in paragraph (8), by striking "section 198(a)(7) of the Elementary and Secondary Education Act of 1965" and in-

serting "section 8101 of the Elementary and Secondary Education Act of 1965"; and

(D) in paragraph (12), by striking "section 9101 of the Elementary and Secondary Education Act of 1965." and inserting "section 8101 of the Elementary and Secondary Education Act of 1965.".

(2) Section 511 (20 U.S.C. 4020) is amended—

(A) by striking subparagraph (A) of paragraph (4) and inserting the following:

"(A) any local educational agency as defined in section 8101 of the Elementary and Secondary Education Act of 1965; and"; and

(B) by striking subparagraph (A) of paragraph (5) and inserting the following:

"(A) any elementary school or secondary school as defined in section 8101 of the Elementary and Secondary Education Act of 1965 owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual; and".

(ee) EDUCATION OF THE DEAF ACT OF 1986.—Section 104(b)(5) of the Education of the Deaf Act of 1986 (20 U.S.C. 4304(b)(5)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking "select challenging academic content standards, challenging student academic achievement standards, and academic assessments of a State, adopted and implemented, as appropriate, pursuant to paragraphs (1) and (3) of section 1111(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1) and (3))" and inserting "select challenging State academic content standards, aligned academic achievement standards, and State academic assessments of a State, adopted and implemented, as appropriate, pursuant to paragraphs (1) and (2) of section 1111(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1) and (2))"; and

(B) in clause (ii), by striking "2009-2010 academic year" and inserting "2016-2017 academic year";

(2) by striking subparagraph (B) and inserting the following:

"(B) adopt the accountability system, consistent with section 1111(c) of such Act, of the State from which standards and assessments are selected under subparagraph (A)(i); and"; and

(3) in subparagraph (C), by striking "whether the programs at the Clerc Center are making adequate yearly progress" and inserting "the results of the annual evaluation of the programs at the Clerc Center".

(ff) EDUCATION SCIENCES REFORM ACT OF 2002.—The Education Sciences Reform Act of 2002 (20 U.S.C. 9501 et seq.) is amended as follows:

(1) Paragraph (1) of section 102 (20 U.S.C. 9501) is amended to read as follows:

"(1)(A) IN GENERAL.—The terms 'elementary school', 'secondary school', 'local educational agency', and 'State edu-

cational agency' have the meanings given those terms in section 8101 of the Elementary and Secondary Education Act of 1965.

"(B) OUTLYING AREAS.—The term 'outlying areas' has the meaning given such term in section 1121(c) of such Act.

"(C) FREELY ASSOCIATED STATES.—The term 'freely associated states' means the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.".

(2) Section 173(b) (20 U.S.C. 9563(b)) is amended by striking "part E of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6491 et seq.)" and inserting "section 8601 of the Elementary and Secondary Education Act of 1965".

(gg) EDUCATIONAL TECHNICAL ASSISTANCE ACT OF 2002.—The Educational Technical Assistance Act of 2002 (20 U.S.C. 9601 et seq.) is amended as follows:

(1) Section 202 (20 U.S.C. 9601) is amended by striking "section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965".

(2) Section 203 (20 U.S.C. 9602) is amended—

(A) in subsection (a)(2)(B), by striking "the number of schools identified for school improvement (as described in section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b))" and inserting "the number of schools implementing comprehensive support and improvement activities and targeted support and improvement activities under section 1111(d) of the Elementary and Secondary Education Act of 1965";

(B) in subsection (e)(3), by striking "schools in the region that have been identified for school improvement under section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b))" and inserting "schools in the region that are implementing comprehensive support and improvement activities or targeted support and improvement activities under section 1111(d) of the Elementary and Secondary Education Act of 1965"; and

(C) in subsection (f)(1)(B), by striking "and encouraging and sustaining school improvement (as described in section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)))" and inserting ", and particularly assisting those schools implementing comprehensive support and improvement and targeted support and improvement activities under section 1111(d) of the Elementary and Secondary Education Act of 1965,".

(hh) FAMILY AND MEDICAL LEAVE ACT OF 1993.—Section 108(a)(1)(A) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2618(a)(1)(A)) is amended by striking "section 9101 of the Elementary and Secondary Education Act of 1965)" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965)".

(ii) FAMILY VIOLENCE PREVENTION AND SERVICES ACT.—Section 302(6) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(6)) is amended by striking "section 7207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7517)."

and inserting "section 6207 of the Elementary and Secondary Education Act of 1965.".

(jj) FDA FOOD SAFETY MODERNIZATION ACT.—Section 112(a)(2) of the FDA Food Safety Modernization Act (21 U.S.C. 2205(a)(2)) is amended by striking "section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965".

(kk) FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001.—Section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (20 U.S.C. 7703a) is amended—

(1) in subsection (a), by striking "subparagraph (A)(ii), (B), (D)(i) or (D)(ii) of section 8003(a)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)(1))" and inserting "subparagraph (A)(ii) or (B), or clause (i) or (ii) of subparagraph (D), of section 7003(a)(1)"; and

(2) in subsection (g), by striking "section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9))." and inserting "section 7013 of the Elementary and Secondary Education Act of 1965.".

(ll) FOOD AND AGRICULTURE ACT OF 1977.—Section 1417(j)(1)(B) of the Food and Agriculture Act of 1977 (7 U.S.C. 3152(j)(1)(B)) is amended by striking "section 9101 of the Elementary and Secondary Education Act of 1965" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965".

(mm) GENERAL EDUCATION PROVISIONS ACT.—The General Education Provisions Act (20 U.S.C. 1221 et seq.) is amended as follows:

(1) Section 425(6) (20 U.S.C. 1226c(6)) is amended by striking "section 9601 of the Elementary and Secondary Education Act of 1965" and inserting "section 8601 of the Elementary and Secondary Education Act of 1965".

(2) Section 426 (20 U.S.C. 1228) is amended by striking "title VIII of the Elementary and Secondary Education Act of 1965, but not including any portion of such funds as are attributable to children counted under section 8003(d) of such Act or residing on property described in section 8013(10) of such Act." and inserting "title VII of the Elementary and Secondary Education Act of 1965, but not including any portion of such funds as are attributable to children counted under section 7003(d) of such Act or residing on property described in section 7013(10) of such Act.".

(3) Section 429(d)(2)(B)(i) (20 U.S.C. 1228c(d)(2)(B)(i)) is amended by striking "an elementary or secondary school as defined by the Elementary and Secondary Education Act of 1965" and inserting "an elementary or secondary school (as defined by the terms'elementary school'and'secondary school'in section 8101 of the Elementary and Secondary Education Act of 1965)".

(4) Section 441(a) (20 U.S.C. 1232d(a)) is amended by striking "part C of title V of the Elementary and Secondary Education Act of 1965) to the Secretary a general application" and inserting "part D of title IV of the Elementary and Secondary Education Act of 1965) to the Secretary a general application".

(5) Section 445(c)(5)(D) (20 U.S.C. 1232h(c)(5)(D)) is amended by striking "part A of title V" and inserting "part A of title IV".

(nn) HEAD START ACT.—The Head Start Act (42 U.S.C. 9831 et seq.) is amended as follows:

(1) Section 637 (42 U.S.C. 9832) is amended—

(A) in the paragraph relating to a delegate agency, by striking "section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965"; and

(B) in subparagraph (A)(ii)(I) of the paragraph relating to limited English proficient, by striking "(as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)), an Alaska Native, or a native resident of an outlying area (as defined in such section 9101);" and inserting "(as defined in section 8101 of the Elementary and Secondary Education Act of 1965), an Alaska Native, or a native resident of an outlying area (as defined in such section 8101);".

(2) Section 641(d)(2) (42 U.S.C. 9836(d)(2)) is amended—

(A) in subparagraph (H)—

(i) by striking clause (i);

(ii) by redesignating clauses (ii) through (vii) as clauses (i) through (vi), respectively; and

(iii) in clause (i) (as so redesignated)—

(I) by striking "other"; and

(II) by striking "that Act" and inserting "the Elementary and Secondary Education Act of 1965"; and

(B) in subparagraph (J)(iii), by striking ", such as entities carrying out Even Start programs under subpart 3 of part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6381 et seq.)".

(3) Section 642 (42 U.S.C. 9837) is amended—

(A) in subsection (b)(4), by striking ", such as entities carrying out Even Start programs under subpart 3 of part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6381 et seq.)"; and

(B) in subsection (e)(3), by striking "Even Start programs under subpart 3 of part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6381 et seq.),".

(4) Section 642A(a) (42 U.S.C. 9837a(a)) is amended—

(A) in paragraph (7)(B), by striking "the information provided to parents of limited English proficient children under section 3302 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7012)" and inserting "the information provided to parents of English learners under section 1112(e)(3) of the Elementary and Secondary Education Act of the 1965"; and

(B) in paragraph (8), by striking "parental involvement efforts under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.)" and inserting "parent and family engagement efforts under title I of the Elementary and Secondary Education Act of 1965".

(5) Section 648(a)(3)(A)(iii) (42 U.S.C. 9843(a)(3)(A)(iii)) is amended by striking ", and for activities described in section 1222(d) of the Elementary and Secondary Education Act of 1965),".

(6) Section 657B(c)(1)(B)(vi) (42 U.S.C. 9852b(c)(1)(B)(vi)) is amended—

(A) by striking subclause (III);

(B) by redesignating subclauses (IV) through (VII) as subclauses (III) through (VI), respectively; and

(C) in subclause (III) (as so redesignated)—

(i) by striking "other"; and

(ii) by striking "that Act" and inserting "the Elementary and Secondary Education Act of 1965".

(oo) HIGHER EDUCATION ACT OF 1965.—The Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) is amended as follows:

(1) Section 103 (20 U.S.C. 1003) is amended—

(A) in paragraph (9), by striking "section 9101 of the Elementary and Secondary Education Act of 1965" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965";

(B) in paragraph (10), by striking "section 9101 of the Elementary and Secondary Education Act of 1965" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965";

(C) in paragraph (11), by striking "section 9101 of the Elementary and Secondary Education Act of 1965" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965";

(D) in paragraph (16), by striking "section 9101 of the Elementary and Secondary Education Act of 1965" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965"; and

(E) in paragraph (21), by striking "section 9101 of the Elementary and Secondary Education Act of 1965" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965".

(2) Section 200 (20 U.S.C. 1021) is amended—

(A) in paragraph (3), by striking "The term'core academic subjects'has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965" and inserting "The term'core academic subjects'means English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography";

(B) in paragraph (5), by striking "section 9101 of the Elementary and Secondary Education Act of 1965" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965";

(C) in paragraph (6)(B), by striking "section 5210 of the Elementary and Secondary Education Act of 1965)" and inserting "section 4310 of the Elementary and Secondary Education Act of 1965)";

(D) by striking paragraph (7) and inserting the following:

"(7) ESSENTIAL COMPONENTS OF READING INSTRUCTION.—The term 'essential components of reading instruction' has the meaning given the term in section 1208 of the Elementary and Secondary Education Act of 1965 as such section was in effect on the day before the date of enactment of the Every Student Succeeds Act.";

(E) by striking paragraph (8) and inserting the following:

"(8) EXEMPLARY TEACHER.—The term 'exemplary teacher' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 as such section was in effect on the day before the date of enactment of the Every Student Succeeds Act.";

(F) in paragraph (10)(A)—

(i) in clause (iii), by striking "section 6211(b) of the Elementary and Secondary Education Act of 1965" and inserting "section 5211(b) of the Elementary and Secondary Education Act of 1965"; and

(ii) in clause (iv), by striking "section 6221(b) of the Elementary and Secondary Education Act of 1965" and inserting "section 5221(b) of the Elementary and Secondary Education Act of 1965";

(G) in paragraph (15), by striking "The term'limited English proficient'has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965." and inserting "The term'limited English proficient'has the meaning given the term'English learner'in section 8101 of the Elementary and Secondary Education Act of 1965.";

(H) in paragraph (16), by striking "section 9101 of the Elementary and Secondary Education Act of 1965" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965"; and

(I) in paragraph (19), by striking "section 9101 of the Elementary and Secondary Education Act of 1965." and inserting "section 8101 of the Elementary and Secondary Education Act of 1965.".

(3) Section 202 (20 U.S.C. 1022a) is amended in subsection (b)(6)(E)(ii), by striking "student academic achievement standards and academic content standards under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965," and inserting "challenging State academic standards under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965,".

(4) Section 205(b)(1)(C) (20 U.S.C. 1022d(b)(1)(C)) is amended by striking "are aligned with the State's challenging academic content standards required under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965" and inserting "are aligned with the challenging State academic standards required under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965".

(5) Section 241 (20 U.S.C. 1033)) is amended by striking paragraph (2) and inserting the following:

"(2) SCIENTIFICALLY BASED READING RESEARCH.—The term 'scientifically based reading research'—

"(A) means research that applies rigorous, systemic, and objective procedures to obtain valid knowledge relevant to reading development, reading instruction, and reading difficulties; and

"(B) includes research that—

"(i) employs systemic, empirical methods that draw on observation or experiment;

"(ii) involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;

"(iii) relies on measurements or observational methods that provide valid data across evaluators and observers and across multiple measurements and observations; and

"(iv) has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.".

(6) Section 317(b) (20 U.S.C. 1059d(b)) is amended—

(A) in paragraph (1), by striking "section 7306 of the Elementary and Secondary Education Act of 1965;" and inserting "section 6306 of the Elementary and Secondary Education Act of 1965;"; and

(B) in paragraph (3), by striking "section 7207 of the Elementary and Secondary Education Act of 1965; and" and inserting "section 6207 of the Elementary and Secondary Education Act of 1965; and".

(7) Section 402E(d)(2) (20 U.S.C. 1070a-15(d)(2)) is amended—

(A) in subparagraph (A), by striking "Alaska Natives, as defined in section 7306 of the Elementary and Secondary Education Act of 1965;" and inserting "Alaska Natives, as defined in section 6306 of the Elementary and Secondary Education Act of 1965;"; and

(B) in subparagraph (B), by striking "Native Hawaiians, as defined in section 7207 of such Act" and inserting "Native Hawaiians, as defined in section 6207 of such Act".

(8) Section 428K (20 U.S.C. 1078-11) is amended in subsection (b)—

(A) in paragraph (5)(B)(iv), by striking "section 9101 of the Elementary and Secondary Education Act of 1965" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965"; and

(B) by striking paragraph (8) and inserting the following:

"(8) SCHOOL COUNSELORS.—The individual—

"(A) is employed full-time as a school counselor who has documented competence in counseling children and adolescents in a school setting and who—

"(i) is licensed by the State or certified by an independent professional regulatory authority;

"(ii) in the absence of such State licensure or certification, possesses national certification in school counseling or a specialty of counseling granted by an independent professional organization; or

"(iii) holds a minimum of a master's degree in school counseling from a program accredited by the Council

for Accreditation of Counseling and Related Educational Programs or the equivalent; and

"(B) is so employed in a school that qualifies under section 465(a)(2)(A) for loan cancellation for Perkins loan recipients who teach in such a school.".

(9) Section 469(a) (20 U.S.C. 1087ii(a)) is amended by striking "eligible to be counted under title I of the Elementary and Secondary Education Act of 1965" and inserting "eligible to be counted under section 1124(c) of the Elementary and Secondary Education Act of 1965".

(10) Section 481(f) (20 U.S.C. 1088(f)) is amended by striking "section 9101 of the Elementary and Secondary Education Act of 1965" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965".

(11) Section 819(b) (20 U.S.C. 1161j) is amended—

(A) in paragraph (1), by striking "section 7306 of the Elementary and Secondary Education Act of 1965." and inserting "section 6306 of the Elementary and Secondary Education Act of 1965."; and

(B) in paragraph (4), by striking "section 7207 of the Elementary and Secondary Education Act of 1965." and inserting "section 6207 of the Elementary and Secondary Education Act of 1965.".

(12) Section 861(c)(2)(A) (20 U.S.C. 1161q(c)(2)(A)) is amended by striking "section 9101 of the Elementary and Secondary Education Act of 1965)" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965)".

(pp) IMPACT AID IMPROVEMENT ACT OF 2012.—Section 563(c)(1) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239; 126 Stat. 1748; 20 U.S.C. 7702 note) as amended by section 7001(a), is further amended by striking "Notwithstanding section 8005(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7705(d)), subsection (b)(1), and the amendments made by subsection (b)(1), shall take effect with respect to applications submitted under section 8002 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702) for fiscal year 2010." and inserting "With respect to applications submitted under section 8002 of the Elementary and Secondary Education Act of 1965, as such section was in effect on the day before the date of enactment of the Every Student Succeeds Act, for fiscal year 2010, title VIII of the Elementary and Secondary Education Act of 1965 (including the amendments made by subsection (b)(1)), as in effect on such date, and subsection (b)(1) shall take effect with respect to such applications, notwithstanding section 8005(d) of such Act, as in effect on such date.".

(qq) INDIAN HEALTH CARE IMPROVEMENT ACT.—Section 726(b)(3)(D)(iii) of the Indian Health Care Improvement Act (25 U.S.C. 1667e(b)(3)(D)(iii)) is amended by striking "a school receiving payments under section 8002 or 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702, 7703)." and inserting "a school receiving payments under section 7002 or 7003 of the Elementary and Secondary Education Act of 1965.".

(rr) INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT.—Section 209 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458e) is amended by striking "assistance

provided under title IX of the Elementary and Secondary Education Act of 1965." and inserting "assistance provided under title VI of the Elementary and Secondary Education Act of 1965.".

(ss) INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—The Individuals with Disabilities Education Act is amended as follows:

(1) Section 602 (20 U.S.C. 1401) is amended—

(A) by striking paragraph (4);

(B) in paragraph (8)(a)(3), by striking "under parts A and B of title III of that Act" and inserting "under part A of title III of that Act"; and

(C) by striking paragraph (18) and inserting the following:

"(18) LIMITED ENGLISH PROFICIENT.—The term 'limited English proficient' has the meaning given the term 'English learner' in section 8101 of the Elementary and Secondary Education Act of 1965.".

(2) Section 611(e) (20 U.S.C. 1411(e)) is amended—

(A) in paragraph (2)(C)—

(i) in clause (x), by striking "6111 of the Elementary and Secondary Education Act of 1965" and inserting "1201 of the Elementary and Secondary Education Act of 1965"; and

(ii) in clause (xi)—

(I) by striking "including supplemental educational services as defined in 1116(e) of the Elementary and Secondary Education Act of 1965 to children with disabilities, in schools or local educational agencies identified for improvement under section 1116 of the Elementary and Secondary Education Act of 1965 on the sole basis of the assessment results of the disaggregated subgroup of children with disabilities" and inserting "including direct student services described in section 1003A(c)(3) of the Elementary and Secondary Education Act of 1965 to children with disabilities, to schools or local educational agencies implementing comprehensive support and improvement activities or targeted support and improvement activities under section 1111(d) of the Elementary and Secondary Education Act of 1965 on the basis of consistent underperformance of the disaggregated subgroup of children with disabilities"; and

(II) by striking "to meet or exceed the objectives established by the State under section 1111(b)(2)(G) the Elementary and Secondary Education Act of 1965" and inserting "based on the challenging academic standards described in section 1111(b)(1) of such Act"; and

(B) in paragraph (3)(C)(ii)(I)(bb), by striking "section 9101" and inserting "section 8101".

(3) Section 612(a) (20 U.S.C. 1412(a)) is amended—

(A) in paragraph (15)—

(i) in subparagraph (A), by striking clause (ii) and inserting the following:

"(ii) are the same as the State's long-term goals and measurements of interim progress for children with disabilities under section 1111(c)(4)(A)(i) of the Elementary and Secondary Education Act of 1965;";

(ii) in subparagraph (B), by striking "including measurable annual objectives for progress by children with disabilities under section 1111(b)(2)(C)(v)(II)" and inserting "including measurements of interim progress for children with disabilities under section 1111(c)(4)(A)(i)"; and

(B) in paragraph (16)(C)(ii)—

(i) in subclause (I), by striking "State's challenging academic content standards and challenging student academic achievement standards" and inserting "challenging State academic content standards under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 and alternate academic achievement standards under section 1111(b)(1)(E) of such Act"; and

(ii) in subclause (II), by striking "the regulations promulgated to carry out section 1111(b)(1) of the Elementary and Secondary Education Act of 1965," and inserting "section 1111(b)(1)(E) of the Elementary and Secondary Education Act of 1965,".

(4) Section 613(a) (20 U.S.C. 1413(a)) is amended in paragraph (3), by striking "subject to the requirements of section 612(a)(14) and section 2122 of the Elementary and Secondary Education Act of 1965" and inserting "subject to the requirements of section 612(a)(14) and section 2102(b) of the Elementary and Secondary Education Act of 1965".

(5) Section 614(b)(5)(A) (20 U.S.C. 1414(b)(5)(A)) is amended by inserting ", as such section was in effect on the day before the date of enactment of the Every Student Succeeds Act" after "1965".

(6) Section 651(c)(5)(E) (20 U.S.C. 1451(c)(5)(E)) is amended by striking "and 2112," and inserting "and 2101(d)".

(7) Section 653(b)(3) (20 U.S.C. 1453(b)(3)) is amended by striking "and 2112," and inserting "and 2101(d),".

(8) Section 654 (20 U.S.C. 1454) is amended—

(A) in subsection (a)—

(i) in paragraph (1)(B), by striking "challenging State student academic achievement and functional standards and with the requirements for professional development, as defined in section 9101 of the Elementary and Secondary Education Act of 1965" and inserting "challenging State academic achievement standards and with the requirements for professional development, as defined in section 8101 of such Act"; and

(ii) in paragraph (5)(A), by striking "section 9101 of the Elementary and Secondary Education Act of 1965" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965"; and

(B) in subsection (b)(10), by inserting "(as such section was in effect on the day before the date of enactment of the Every Student Succeeds Act)" after "1965".

(9) Section 662(b)(2)(A)(viii) (20 U.S.C. 1462(b)(2)(A)(viii)) is amended by striking "section 7113(d)(1)(A)(ii)" and inserting "section 6113(d)(1)(A)(ii)".

(10) Section 663(b)(2) (20 U.S.C. 1463(b)(2)) is amended by striking and inserting the following:

"(2) improving the alignment, compatibility, and development of valid and reliable assessments and alternate assessments for assessing student academic achievement, as described under section 1111(b)(2) of the Elementary and Secondary Education Act of 1965;".

(11) Section 681(d)(3)(K) (20 U.S.C. 1481(d)(3)(K)) is amended by striking "payments under title VIII of the Elementary and Secondary Education Act of 1965;" and inserting "payments under title VII of the Elementary and Secondary Education Act of 1965;".

(tt) NATIONAL SECURITY ACT OF 1947.—Section 1015(2)(A) of the National Security Act of 1947 (50 U.S.C. 441j-4(2)(A)) is amended by striking "section 9101(26) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(26)));" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965);".

(uu) INTERNAL REVENUE CODE OF 1986.—The Internal Revenue Code of 1986 is amended as follows:

(1) Section 54E(d)(2) is amended by striking "section 9101 of the Elementary and Secondary Education Act of 1965" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965".

(2) Section 457(e)(11)(D)(ii)(I) is amended by striking "section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965".

(3) Section 1397E(d)(4)(B) is amended by striking "section 9101 of the Elementary and Secondary Education Act of 1965" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965".

(vv) JAMES MADISON MEMORIAL FELLOWSHIP ACT.—Section 815(4) of the James Madison Memorial Fellowship Act (20 U.S.C. 4514(4)) is amended by striking "9101" and inserting "8101".

(ww) JOHN WARNER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007.—Section 572(c) of the National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2226) is amended by striking "section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9))" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965".

(xx) LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1987.—Section 104(3)(B)(ii) of the Legislative Branch Appropriations Act, 1987 (as incorporated by reference in section 101(j) of Public Law 99-500 and Public Law 99-591) (2 U.S.C. 5540(3)(B)(ii)) is amended by striking "given such terms in section 9101" and inserting "given the terms elementary school and secondary school in section 8101".

(yy) LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1997.—Section 5(d)(1) of the Legislative Branch Appropriations Act, 1997 (2 U.S.C.

66319(d)(1)) is amended by striking "public elementary or secondary school as such terms are defined in section 9101" and inserting "elementary school or secondary school, as such terms are defined in section 8101".

(zz) MCKINNEY-VENTO HOMELESS ASSISTANCE ACT.—Section 725(3) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(3)) is amended by striking "section 9101 of the Elementary and Secondary Education Act of 1965" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965".

(aaa) MUSEUM AND LIBRARY SERVICES ACT.—The Museum and Library Services Act (20 U.S.C. 9161 et seq.) is amended as follows:

(1) Section 204(f) (20 U.S.C. 9103(f)) is amended by striking paragraph (1) and inserting the following:

"(1) activities under section 2226 of the Elementary and Secondary Education Act of 1965;".

(2) Section 224(b)(6)(A) (20 U.S.C. 9134(b)(6)(A)) is amended by striking "including coordination with the activities within the State that are supported by a grant under section 1251 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6383)" and inserting "including coordination with the activities within the State that are supported by a grant under section 2226 of the Elementary and Secondary Education Act of 1965".

(3) Section 261 (20 U.S.C. 9161) is amended by striking "represent Native Hawaiians (as the term is defined in section 7207 of the Native Hawaiian Education Act" and inserting "represent Native Hawaiians (as the term is defined in section 6207 of the Native Hawaiian Education Act)".

(4) Section 274(d) (20 U.S.C. 9173(d)) is amended by striking "represent Native Hawaiians (as defined in section 7207 of the Native Hawaiian Education Act (20 U.S.C. 7517))," and inserting "represent Native Hawaiians (as defined in section 6207 of the Native Hawaiian Education Act),".

(bbb) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—The National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) is amended as follows:

(1) Section 101 (42 U.S.C. 12511) is amended—

(A) in paragraph (15), by striking "section 9101 of the Elementary and Secondary Education Act of 1965" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965";

(B) in paragraph (24), by striking "section 9101 of the Elementary and Secondary Education Act of 1965" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965";

(C) in paragraph (39), by striking "section 9101 of the Elementary and Secondary Education Act of 1965" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965"; and

(D) in paragraph (45), by striking "section 9101 of the Elementary and Secondary Education Act of 1965" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965".

(2) Section 112(a)(1)(F) (42 U.S.C. 12523(a)(1)(F)) is amended by striking "not making adequate yearly progress for two or

more consecutive years under section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.)" and inserting "implementing comprehensive support and improvement activities or targeted support and improvement activities under section 1111(d) of the Elementary and Secondary Education Act of 1965".

(3) Section 119(a)(2)(A)(ii)(II) (42 U.S.C. 12563) is amended by striking "the graduation rate (as defined in section 1111(b)(2)(C)(vi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(vi)) and as clarified in applicable regulations promulgated by the Department of Education" and inserting "the four-year adjusted cohort graduation rate (as defined in section 8101 of the Elementary and Secondary Education Act of 1965)".

(4) Section 122(a)(1) (42 U.S.C. 12572(a)(1)) is amended in subparagraph (C)(iii), by striking "secondary school graduation rates as defined in section 1111(b)(2)(C)(vi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(vi)) and as clarified in applicable regulations promulgated by the Department of Education" and inserting "four-year adjusted cohort graduation rate (as defined in section 8101 of the Elementary and Secondary Education Act of 1965)".

(ccc) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006.—Section 572 of the National Defense Authorization Act for Fiscal Year 2006 (20 U.S.C. 7703b) is amended—

(1) in subsection (a)(2), by striking "section 8003(a)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)(1))." and inserting "section 7003(a)(1) of the Elementary and Secondary Education Act of 1965."; and

(2) in subsection (e)(2), by striking "section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9))." and inserting "section 7013(9) of the Elementary and Secondary Education Act of 1965.".

(ddd) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012.—Section 532(a)(1) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81) (10 U.S.C. 503 note; 125 Stat. 1403(a)(1)) is amended by striking "(as defined in section 9101(38) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(38))." and inserting "(as defined in section 8101 of the Elementary and Secondary Education Act of 1965).".

(eee) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2014.—Section 573 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66) (10 U.S.C. 503 note; 127 Stat. 772) is amended—

(1) in subsection (a)(1), by striking "(as defined in section 9101(38) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(38))," and inserting "(as defined in section 8101 of the Elementary and Secondary Education Act of 1965),"; and

(2) in subsection (b), by striking "(as defined in section 9101(38) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(38))" and inserting "(as defined in section 8101 of the Elementary and Secondary Education Act of 1965)".

(fff) NATIONAL ENVIRONMENTAL EDUCATION ACT.—Section 3(5) of the National Environmental Education Act (20 U.S.C. 5502(5)) is amended by striking "'local educational agency'means any education agency as defined in section 9101 of the Elementary and Secondary Education Act of 1965 and shall include any tribal education agency;" and inserting "'local educational agency'means any education agency as defined in section 8101 of the Elementary and Secondary Education Act of 1965 and shall include any tribal education agency;".

(ggg) NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT OF 2002.—The National Science Foundation Authorization Act of 2002 (Public Law 107-368; 116 Stat. 3034) is amended as follows:

(1) Section 4 (42 U.S.C. 1862n note) is amended—

(A) in paragraph (3), by striking "The term'community college'has the meaning given such term in section 3301(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7011(3))" and inserting "The term'community college'means an institution of higher education as defined in section 101 of the Higher Education Act of 1965 that provides not less than a 2-year degree that is acceptable for full credit toward a bachelor's degree, including institutions of higher education receiving assistance under the Tribally Controlled College or University Assistance Act of 1978";

(B) in paragraph (5), by striking "section 9101(18) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(18))" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965";

(C) in paragraph (10), by striking "section 9101(26) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(26))" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965";

(D) in paragraph (13), by striking "section 9101(38) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(38))" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965"; and

(E) in paragraph (15), by striking "section 9101(41) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(41))" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965".

(2) Section 9 (42 U.S.C. 1862n) is amended—

(A) in subsection (a)(10)(A)(iii) in subclause (III), by striking "(as described in section 1114(a)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6314(a)(1))" and inserting "(as described in section 1114(a)(1)(A))"; and

(B) in subsection (c)(4), by striking "the program authorized under part B of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.)" and inserting "other programs with similar purposes".

(hhh) NATIONAL SECURITY ACT OF 1947.—Section 1015(2)(A) of the National Security Act of 1947 (50 U.S.C. 3205(2)(A)) is amended by striking "(as that term is defined in section 9101(26) of the Elementary and Secondary Education Act of 1965 (20 U.S.C.

7801(26)))" and inserting "(as that term is defined in section 8101 of the Elementary and Secondary Education Act of 1965)".

(iii) NATIVE AMERICAN LANGUAGES ACT.—Section 103 of the Native American Languages Act (25 U.S.C. 2902) is amended—

(1) in paragraph (2), by striking "section 7151(3) of the Elementary and Secondary Education Act of 1965" and inserting "section 6151(3) of the Elementary and Secondary Education Act of 1965"; and

(2) in paragraph (3), by striking "section 7207 of the Elementary and Secondary Education Act of 1965" and inserting "section 6207 of the Elementary and Secondary Education Act of 1965".

(jjj) NATIVE HAWAIIAN HEALTH CARE IMPROVEMENT ACT.—Section 6(c)(4) of the Native Hawaiian Health Care Improvement Act (42 U.S.C. 11705(c)(4)) is amended by striking "private educational organization identified in section 7202(16) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7512(16)) to continue to offer its educational programs and services to Native Hawaiians (as defined in section 7207 of that Act (20 U.S.C. 7517)) first and to others" and inserting "private educational organization identified in section 7202(16) of the Elementary and Secondary Education Act of 1965 (as such section was in effect on the day before the date of enactment of the Every Student Succeeds Act) to continue to offer its educational programs and services to Native Hawaiians (as defined in section 6207 of the Elementary and Secondary Education Act of 1965) first and to others".

(kkk) PUBLIC HEALTH SERVICE ACT.—The Public Health Service Act is amended as follows:

(1) Section 319C-1(b)(2)(A)(vii) (42 U.S.C. 247d-3a(b)(2)(A)(vii)) is amended by striking "including State educational agencies (as defined in section 9101(41) of the Elementary and Secondary Education Act of 1965)" and inserting "including State educational agencies (as defined in section 8101 of the Elementary and Secondary Education Act of 1965)".

(2) Section 399L(d)(3)(A) (42 U.S.C. 280g(d)(3)(A)) is amended by striking "section 9101 of the Elementary and Secondary Education Act of 1965" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965".

(3) Section 520E(l)(2) (42 U.S.C. 290bb-36(l)(2)) is amended by striking "elementary or secondary school (as such terms are defined in section 9101 of the Elementary and Secondary Education Act of 1965)" and inserting "elementary school or secondary school (as such terms are defined in section 8101 of the Elementary and Secondary Education Act of 1965)".

(lll) REFUGEE EDUCATION ASSISTANCE ACT OF 1980.—Section 101(1) of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note) is amended by striking "such terms under section 9101 of the Elementary and Secondary Education Act of 1965" and inserting "such terms under section 8101 of the Elementary and Secondary Education Act of 1965".

(mmm) REHABILITATION ACT OF 1973.—The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) is amended as follows:

(1) Section 202(b)(4)(A)(i) (29 U.S.C. 762(b)(4)(A)(i)) is amended by striking "(as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C.

7801)); and" and inserting "(as defined in section 8101 of the Elementary and Secondary Education Act of 1965); and".

(2) Section 206 (29 U.S.C. 766) is amended by striking "(as such terms are defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801))" and inserting "(as such terms are defined in section 8101 of the Elementary and Secondary Education Act of 1965)".

(3) Section 504(b)(2)(B) (29 U.S.C. 794(b)(2)(B)) is amended by striking "(as defined in section 9101 of the Elementary and Secondary Education Act of 1965)" and inserting "(as defined in section 8101 of the Elementary and Secondary Education Act of 1965)".

(4)(A) Section 511(b)(2) (29 U.S.C. 794g(b)(2)), as added by section 458 of the Workforce Innovation and Opportunity Act (Public Law 113-128; 128 Stat. 1676), is amended by striking "local educational agency (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) or a State educational agency (as defined in such section)" and inserting "local educational agency (as defined in section 8101 of the Elementary and Secondary Education Act of 1965) or a State educational agency (as defined in such section)".

(B) The amendment made by subparagraph (A) shall take effect on the same date as section 458(a) of the Workforce Innovation and Opportunity Act (Public Law 113-128; 128 Stat. 1676) takes effect, and as if enacted as part of such section.

(nnn) RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT.—The Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) is amended in section 12(d)(4) (42 U.S.C. 1769a(d)(4)) by striking "section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965".

(ooo) SAFE DRINKING WATER ACT.—Section 1461 of the Safe Drinking Water Act (42 U.S.C. 300j-21(3)) is amended—

(1) in paragraph (3), by striking "section 9101 of the Elementary and Secondary Education Act of 1965" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965"; and

(2) in paragraph (6), by striking "section 9101 of the Elementary and Secondary Education Act of 1965" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965".

(ppp) SCHOLARSHIPS FOR OPPORTUNITY AND RESULTS ACT.—The Scholarships for Opportunity and Results Act (division C of Public Law 112-10; sec. 38-1853.01 et seq., D.C. Official Code) is amended as follows:

(1) In section 3003 (sec. 38-1853.03, D.C. Official Code), by striking "identified for improvement, corrective action, or restructuring under section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316)" and inserting "implementing comprehensive support and improvement activities or targeted support and improvement activities under section 1111(d) of the Elementary and Secondary Education Act of 1965".

(2) In section 3006(1)(A) (sec. 38-1853.06(1)(A), D.C. Official Code), by striking "identified for improvement, corrective action, or restructuring under section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316)" and inserting "implementing comprehensive support and improvement activities or targeted support and improvement activities under section 1111(d) of the Elementary and Secondary Education Act of 1965".

(3) In section 3007 (sec. 38-1853.07, D.C. Official Code)—

(A) in subsection (a)(4)(F), by striking "ensures that, with respect to core academic subjects (as such term is defined in section 9101(11) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(11))" and inserting "ensures that, with respect to core academic subjects (as such term was defined in section 9101(11) of the Elementary and Secondary Act of 1965 (20 U.S.C. 7801(11)) on the day before the date of enactment of the Every Student Succeeds Act)"; and

(B) in subsection (d), by striking "identified for improvement, corrective action, or restructuring under section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316)" and inserting "implementing comprehensive support and improvement activities or targeted support and improvement activities under section 1111(d) of the Elementary and Secondary Education Act of 1965".

(4) In section 3013 (sec. D.C. Code 38-1853.13, D.C. Official Code)—

(A) in paragraph (5), by striking "section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965"; and

(B) in paragraph (8), by striking "section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965".

(qqq) SOCIAL SECURITY ACT.—The Social Security Act (42 U.S.C. 301 et seq.) is amended as follows:

(1) Section 475(1)(G)(ii)(I) (42 U.S.C. 675(1)(G)(ii)(I)) is amended by striking "local educational agencies (as defined under section 9101 of the Elementary and Secondary Education Act of 1965)" and inserting "local educational agencies (as defined under section 8101 of the Elementary and Secondary Education Act of 1965)".

(2) Section 2110(c)(9)(B)(v) (42 U.S.C. 1397jj(c)(9)(B)(v)) is amended by striking "as defined under section 9101 of the Elementary and Secondary Education Act of 1965" and inserting "as defined under section 8101 of the Elementary and Secondary Education Act of 1965".

(rrr) STATE DEPENDENT CARE DEVELOPMENT GRANTS ACT.—Section 670G(6) of the State Dependent Care Development Grants Act (42 U.S.C. 9877(6)) is amended by striking "section 9101 of the Elementary and Secondary Education Act of 1965 of the Elementary and Secondary Education Act of 1965" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965".

(sss) STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT OF 1980.—Section 5(c)(8) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3704(c)(8)) is amended—

(1) in subparagraph (D), by striking "section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965";

(2) in subparagraph (G), by striking "section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965"; and

(3) in subparagraph (H), by striking "section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965".

(ttt) TELECOMMUNICATIONS ACT OF 1996.—Section 706(d)(2) of the Telecommunications Act of 1996 (47 U.S.C. 1302(d)(2)) is amended by striking "section 9101 of the Elementary and Secondary Education Act of 1965" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965".

(uuu) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) Section 503 of title 10, United States Code, is amended by striking "section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965".

(2) Section 1154(a) of title 10, United States Code, is amended—

(A) in paragraph (1), by striking "section 5210(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7221i(1))" and inserting "section 4310 of the Elementary and Secondary Education Act of 1965";

(B) in paragraph (3)(C), by striking "section 6211(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7345(b))" and inserting "section 5211(b) of the Elementary and Secondary Education Act of 1965"; and

(C) in paragraph (8), by striking "section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965".

(3) Section 2008 of title 10, United States Code, is amended by striking "section 8013(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(3)), or to carry out section 8008 of such Act (20 U.S.C. 7708)" and inserting "section 7013(3) of the Elementary and Secondary Education Act of 1965, or to carry out section 7008 of such Act".

(4) Section 2194(f)(2) of title 10, United States Code, is amended by striking "section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965".

(vvv) TITLE 23, UNITED STATES CODE.—Section 504(d)(4) of title 23, United States Code, is amended—

(1) in subparagraph (B), by striking "section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C.

7801)" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965"; and

(2) in subparagraph (C), by striking "section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965".

(www) TITLE 40, UNITED STATES CODE.—Section 502(c)(3)(C) of title 40, United States Code, is amended by striking "section 8013 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713)" and inserting "section 7013 of the Elementary and Secondary Education Act of 1965".

(xxx) TOXIC SUBSTANCES CONTROL ACT.—The Toxic Substances Control Act (15 U.S.C. 2601 et seq.) is amended as follows:

(1) Section 202 (15 U.S.C. 2642) is amended—

(A) in paragraph (7), by striking "section 9101 of the Elementary and Secondary Education Act of 1965" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965";

(B) in paragraph (9), by striking "any elementary or secondary school (as defined in section 9101 of the Elementary and Secondary Education Act of 1965)" and inserting "any elementary school or secondary school (as defined in section 8101 of the Elementary and Secondary Education Act of 1965)"; and

(C) in paragraph (12), by striking "elementary or secondary school as defined in section 9101 of the Elementary and Secondary Education Act of 1965" and inserting "elementary school or secondary school as defined in section 8101 of the Elementary and Secondary Education Act of 1965".

(2) Section 302(1) (15 U.S.C. 2662(1)) is amended by striking "section 9101 of the Elementary and Secondary Education Act of 1965" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965".

(yyy) WORKFORCE INNOVATION AND OPPORTUNITY ACT.—The Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.) is amended as follows:

(1) Section 3 (29 U.S.C. 3102) is amended—

(A) in paragraph (34), by striking "section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965"; and

(B) in paragraph (55), by striking "section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)" and inserting "section 8101 of the Elementary and Secondary Education Act of 1965".

(2) Section 102(b)(2)(D)(ii)(I) (29 U.S.C. 3112(b)(2)(D)(ii)(I)) is amended by striking "with State-adopted challenging academic content standards, as adopted under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1))" and inserting "with challenging State academic standards, as adopted under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1))".

(3) Section 129(c)(1)(C) (29 U.S.C. 3164(c)(1)(C)) is amended by striking "(based on State academic content and student academic achievement standards established under section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311))" and inserting "(based on challenging State academic standards established under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1))".

(4) Section 166(b)(3) (29 U.S.C. 3221(b)(3)) is amended by striking "section 7207 of the Native Hawaiian Education Act (20 U.S.C. 7517)." and inserting "section 6207 of the Native Hawaiian Education Act.".

WAGNER-PEYSER ACT

* * * * * * *

SEC. 2. For purposes of this Act—

(1) the terms "chief elected official", "institution of higher education", "one-stop center", "one-stop partner", "training services", "workforce development activity", and "workplace learning advisor", have the meaning given the terms in section 3 of the Workforce Innovation and Opportunity Act;

(2) the term "local workforce development board" means a local workforce development board established under section 107 of the Workforce Innovation and Opportunity Act;

(3) the term "one-stop delivery system" means a one-stop delivery system described in section 121(e) of the Workforce Innovation and Opportunity Act;

(4) the term "Secretary" means the Secretary of Labor;

(5) the term "State" means any of the several States, the District of Columbia, [the Commonwealth of Puerto Rico] *Puerto Rico*, Guam, *the Commonwealth of the Northern Mariana Islands, American Samoa,* and the Virgin Islands; and

(6) the term "employment service office" means a local office of a State agency; and

(7) except in section 15, the term "State agency", used without further description, means an agency designated or authorized under section 4.

* * * * * * *

SEC. 5. (a) There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such amounts from time to time as the Congress may deem necessary to carry out the purposes of this Act.

(b) The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State which—

(1) except in the case of Guam, *the Commonwealth of the Northern Mariana Islands, and American Samoa,* has an unemployment compensation law approved by the Secretary under the Federal Unemployment Tax Act and is found to be in compliance with section 303 of the Social Security Act, as amended,

(2) is found to have coordinated the public employment services with the provision of unemployment insurance claimant services, and

(3) is found to be in compliance with this Act,

such amounts as the Secretary determines to be necessary for allotment in accordance with section 6.

(c)(1) Beginning with fiscal year 1985 and thereafter appropriations for any fiscal year for programs and activities assisted or conducted under this Act shall be available for obligation only on the basis of a program year. The program year shall begin on July 1 in the fiscal year for which the appropriation is made.

(2) Funds obligated for any program year may be expended by the State during that program year and the two succeeding program years and no amount shall be deobligated on account of a rate of expenditure which is consistent with the program plan.

(3)(A) Appropriations for fiscal year 1984 shall be available both to fund activities for the period between October 1, 1983, and July 1, 1984, and for the program year beginning July 1, 1984.

(B) There are authorized to be appropriated such additional sums as may be necessary to carry out the provisions of this paragraph for the transition to program year funding.

SEC. 6. (a) From the funds appropriated and (except for Guam*, the Commonwealth of the Northern Mariana Islands, and American Samoa*) certified under section 5 and made availablefor allotments under this section for each fiscal year, the Secretary shall first [allot to Guam] *allot to*—

(1) Guam and the Virgin Islands an amount which, in relation to the total amount available for the fiscal year, is equal to the allotment percentage which each received of amounts available under this Act in fiscal year 1983[.]*; and*

(2) the Commonwealth of the Northern Mariana Islands and American Samoa an amount which, in relation to the total amount available for the fiscal year, is equal to the allotment percentage that Guam received of amounts available under this Act in fiscal year 1983.

(b)(1) Subject to paragraphs (2), (3), and (4) of this subsection, after making the allotments required by subsection (a), the Secretary shall allot the remainder of the funds described in subsection (a) for each fiscal year among the States as follows:

(A) two-thirds of such remainder shall be allotted on the basis of the relative number of individuals in the civilian labor force in each State as compared to the total number of such individuals in all States; and

(B) one-third of such remainder shall be allotted on the basis of the relative number of unemployed individuals in each State as compared to the total number of such individuals in all States.

For purposes of this paragraph, the number of individuals in the civilian labor force and the number of unemployed individuals shall be based on data for the most recent calendar year available, as determined by the Secretary. For purposes of this paragraph, the term "State" does not include Guam*, the Commonwealth of the Northern Mariana Islands, American Samoa,* or the Virgin Islands.

* * * * * * *

SEC. 15. WORKFORCE AND LABOR MARKET INFORMATION SYSTEM.

(a) SYSTEM CONTENT.—

(1) IN GENERAL.—The Secretary, in accordance with the provisions of this section, shall oversee the development, maintenance, and continuous improvement of a nationwide workforceand labor market information system that includes—

(A) statistical data from cooperative statistical survey and projection programs and data from administrative reporting systems that, taken together, enumerate, estimate, and project employment opportunities and conditions at national, State, and local levels in a timely manner, including statistics on—

(i) employment and unemployment status of national, State, and local populations, including self-employed, part-time, and seasonal workers;

(ii) industrial distribution of occupations, as well as current and projected employment opportunities, wages, benefits (where data is available), and skill trends by occupation and industry, with particular attention paid to State and local conditions;

(iii) the incidence of, industrial and geographical location of, and number of workers displaced by, permanent layoffs and plant closings; and

(iv) employment and earnings information maintained in a longitudinal manner to be used for research and program evaluation;

(B) information on State and local employment opportunities, and other appropriate statistical data related to labor market dynamics, which—

(i) shall be current and comprehensive;

(ii) shall meet the needs identified through the consultations described in subparagraphs (A) and (B) of subsection (e)(2); and

(iii) shall meet the needs for the information identified in section 134(d);

(C) technical standards (which the Secretary shall publish annually) for data and information described in subparagraphs (A) and (B) that, at a minimum, meet the criteria of chapter 35 of title 44, United States Code;

(D) procedures to ensure compatibility and additivity of the data and information described in subparagraphs (A) and (B) from national, State, and local levels;

(E) procedures to support standardization and aggregation of data from administrative reporting systems described in subparagraph (A) of employment-related programs;

(F) analysis of data and information described in subparagraphs (A) and (B) for uses such as—

(i) national, State, and local policymaking;

(ii) implementation of Federal policies (including allocation formulas);

(iii) program planning and evaluation; and

(iv) researching labor market dynamics;

(G) wide dissemination of such data, information, and analysis in a user-friendly manner and voluntary technical standards for dissemination mechanisms; and

(H) programs of—

(i) training for effective data dissemination;
(ii) research and demonstration; and
(iii) programs and technical assistance.

(2) INFORMATION TO BE CONFIDENTIAL.—

(A) IN GENERAL.—No officer or employee of the Federal Government or agent of the Federal Government may—

(i) use any submission that is furnished for exclusively statistical purposes under the provisions of this section for any purpose other than the statistical purposes for which the submission is furnished;

(ii) make any publication or media transmittal of the data contained in the submission described in clause (i) that permits information concerning individual subjects to be reasonably inferred by either direct or indirect means; or

(iii) permit anyone other than a sworn officer, employee, or agent of any Federal department or agency, or a contractor (including an employee of a contractor) of such department or agency, to examine an individual submission described in clause (i);

without the consent of the individual, agency, or other person who is the subject of the submission or provides that submission.

(B) IMMUNITY FROM LEGAL PROCESS.—Any submission (including any data derived from the submission) that is collected and retained by a Federal department or agency, or an officer, employee, agent, or contractor of such a department or agency, for exclusively statistical purposes under this section shall be immune from the legal process and shall not, without the consent of the individual, agency, or other person who is the subject of the submission or provides that submission, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding.

(C) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to provide immunity from the legal process for such submission (including any data derived from the submission) if the submission is in the possession of any person, agency, or entity other than the Federal Government or an officer, employee, agent, or contractor of the Federal Government, or if the submission is independently collected, retained, or produced for purposes other than the purposes of this Act.

(b) SYSTEM RESPONSIBILITIES.—

(1) IN GENERAL.—

(A) STRUCTURE.—The workforce and labor market information system described in subsection (a) shall be evaluated and improved by the Secretary, in consultation with the Workforce Information Advisory Council established in subsection (d).

(B) GRANTS AND RESPONSIBILITIES.—

(i) IN GENERAL.—The Secretary shall carry out the provisions of this section in a timely manner, through grants to or agreements with States.

(ii) DISTRIBUTION OF FUNDS.—Using amounts appropriated under subsection (g), the Secretary shall provide funds through those grants and agreements. In distributing the funds (relating to workforce and labor market information funding) for fiscal years 2015 through 2020, the Secretary shall continue to distribute the funds to States in the manner in which the Secretary distributed funds to the States under this section for fiscal years 2004 through 2008.

(2) DUTIES.—The Secretary, with respect to data collection, analysis, and dissemination of workforce and labor market information for the system, shall carry out the following duties:

(A) Assign responsibilities within the Department of Labor for elements of the workforce and labor market information system described in subsection (a) to ensure that the statistical and administrative data collected is consistent with appropriate Bureau of Labor Statistics standards and definitions, and that the information is accessible and understandable to users of such data.

(B) Actively seek the cooperation of heads of other Federal agencies to establish and maintain mechanisms for ensuring complementarity and nonduplication in the development and operation of statistical and administrative data collection activities.

(C) Solicit, receive, and evaluate the recommendations from the Workforce Information Advisory Council established in subsection (d) concerning the evaluation and improvement of the workforce and labor market information system described in subsection (a) and respond in writing to the Council regarding the recommendations.

(D) Eliminate gaps and duplication in statistical undertakings.

(E) Through the Bureau of Labor Statistics and the Employment and Training Administration, and in collaboration with States, develop and maintain the elements of the workforce and labor market information system described in subsection (a), including the development of consistent procedures and definitions for use by the States in collecting the data and information described in subparagraphs (A) and (B) of subsection (a)(1).

(F) Establish procedures for the system to ensure that—

(i) such data and information are timely; and

(ii) paperwork and reporting for the system are reduced to a minimum.

(c) TWO-YEAR PLAN.—The Secretary, acting through the Commissioner of Labor Statistics and the Assistant Secretary for Employment and Training, and in consultation with the Workforce Information Advisory Council described in subsection (d) and heads of other appropriate Federal agencies, shall prepare a 2-year plan for the workforce and labor market information system. The plan shall be developed and implemented in a manner that takes into account the activities described in State plans submitted by States under section 102 or 103 of the Workforce Innovation and Opportunity Act and shall be submitted to the Committee on Education and the Workforce of the House of Representatives and the Committee on

Health, Education, Labor, and Pensions of the Senate. The plan shall include—

(1) a description of how the Secretary will work with the States to manage the nationwide workforce and labor market information system described in subsection (a) and the statewide workforce and labor market information systems that comprise the nationwide system;

(2) a description of the steps to be taken in the following 2 years to carry out the duties described in subsection (b)(2);

(3) an evaluation of the performance of the system, with particular attention to the improvements needed at the State and local levels;

(4) a description of the involvement of States in the development of the plan, through consultation by the Secretary with the Workforce Information Advisory Council in accordance with subsection (d); and

(5) a description of the written recommendations received from the Workforce Information Advisory Council established under subsection (d), and the extent to which those recommendations were incorporated into the plan.

(d) WORKFORCE INFORMATION ADVISORY COUNCIL.—

(1) IN GENERAL.—The Secretary, through the Commissioner of Labor Statistics and the Assistant Secretary for Employment and Training, shall formally consult at least twice annually with the Workforce Information Advisory Council established in accordance with paragraph (2). Such consultations shall address the evaluation and improvement of the nationwide workforce and labor market information system described in subsection (a) and the statewide workforce and labor market information systems that comprise the nationwide system and how the Department of Labor and the States will cooperate in the management of such systems. The Council shall provide written recommendations to the Secretary concerning the evaluation and improvement of the nationwide system, including any recommendations regarding the 2-year plan described in subsection (c).

(2) ESTABLISHMENT OF COUNCIL.—

(A) ESTABLISHMENT.—The Secretary shall establish an advisory council that shall be known as the Workforce Information Advisory Council (referred to in this section as the "Council") to participate in the consultations and provide the recommendations described in paragraph (1).

(B) MEMBERSHIP.—The Secretary shall appoint the members of the Council, which shall consist of—

(i) 4 members who are representatives of lead State agencies with responsibility for workforce investment activities, or State agencies described in section 4, who have been nominated by such agencies or by a national organization that represents such agencies;

(ii) 4 members who are representatives of the State workforce and labor market information directors affiliated with the State agencies that perform the duties described in subsection (e)(2), who have been nominated by the directors;

(iii) 1 member who is a representative of providers of training services under section 122 of the Workforce Innovation and Opportunity Act;

(iv) 1 member who is a representative of economic development entities;

(v) 1 member who is a representative of businesses, who has been nominated by national business organizations or trade associations;

(vi) 1 member who is a representative of labor organizations, who has been nominated by a national labor federation;

(vii) 1 member who is a representative of local workforce development boards, who has been nominated by a national organization representing such boards; and

(viii) 1 member who is a representative of research entities that utilize workforce and labor market information.

(C) GEOGRAPHIC DIVERSITY.—The Secretary shall ensure that the membership of the Council is geographically diverse and that no 2 of the members appointed under clauses (i), (ii), and (vii) represent the same State.

(D) PERIOD OF APPOINTMENT; VACANCIES.—

(i) IN GENERAL.—Each member of the Council shall be appointed for a term of 3 years, except that the initial terms for members may be 1, 2, or 3 years in order to establish a rotation in which one-third of the members are selected each year. Any such member may be appointed for not more than 2 consecutive terms.

(ii) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office.

(E) TRAVEL EXPENSES.—The members of the Council shall not receive compensation for the performance of services for the Council, but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Council. Notwithstanding section 1342 of title 31, United States Code, the Secretary may accept the voluntary and uncompensated services of members of the Council.

(F) PERMANENT COUNCIL.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Council.

(e) STATE RESPONSIBILITIES.—

(1) DESIGNATION OF STATE AGENCY.—In order to receive Federal financial assistance under this section, the Governor of a State shall—

(A) designate a single State agency to be responsible for the management of the portions of the workforce and labor

market information system described in subsection (a) that comprise a statewide workforce and labor market information system and for the State's participation in the development of the plan described in subsection (c); and

(B) establish a process for the oversight of such system.

(2) DUTIES.—In order to receive Federal financial assistance under this section, the State agency shall—

(A) consult with State and local employers, participants, and local workforce investment boards about the labor market relevance of the data to be collected and disseminated through the statewide workforce and labor market information system;

(B) consult with eligible agencies (defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302)), State educational agencies, and local educational agencies concerning the provision of workforce and labor market information in order to—

(i) meet the needs of secondary school and postsecondary school students who seek such information; and

(ii) annually inform the development and implementation of programs of study defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302), and career pathways;

(C) collect and disseminate for the system, on behalf of the State and localities in the State, the information and data described in subparagraphs (A) and (B) of subsection (a)(1);

(D) maintain and continuously improve the statewide workforce and labor market information system in accordance with this section;

(E) perform contract and grant responsibilities for data collection, analysis, and dissemination for such system;

(F) conduct such other data collection, analysis, and dissemination activities as will ensure an effective statewide workforce and labor market information system;

(G) actively seek the participation of other State and local agencies in data collection, analysis, and dissemination activities in order to ensure complementarity, compatibility, and usefulness of data;

(H) utilize the quarterly records described in section 116(i)(2) of the Workforce Innovation and Opportunity Act to assist the State and other States in measuring State progress on State performance measures; and

(I) provide, on an annual and timely basis to each eligible agency (defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302)), the data and information described in subparagraphs (A) and (B) of subsection (a)(1).

(3) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as limiting the ability of a State agency to conduct additional data collection, analysis, and dissemination activities with State funds or with Federal funds from sources other than this section.

(f) NONDUPLICATION REQUIREMENT.—None of the functions and activities carried out pursuant to this section shall duplicate the functions and activities carried out under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.).

[(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $60,153,000 for fiscal year 2015,$64,799,000 for fiscal year 2016, $66,144,000 for fiscal year 2017,$67,611,000 for fiscal year 2018, $69,200,000 for fiscal year 2019,and $70,667,000 for fiscal year 2020.]

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $74,400,000 for fiscal year 2023, $78,100,000 for fiscal year 2024, $82,000,000 for fiscal year 2025, $86,100,000 for fiscal year 2026, $90,400,000 for fiscal year 2027, and $94,900,000 for fiscal year 2028.

(h) DEFINITION.—In this section, the term "local area" means the smallest geographical area for which data can be produced with statistical reliability.

* * * * * * *

REHABILITATION ACT OF 1973

* * * * * * *

TITLE I—VOCATIONAL REHABILITATION SERVICES

PART A—GENERAL PROVISIONS

SEC. 100. DECLARATION OF POLICY; AUTHORIZATION OF APPROPRIATIONS.

(a) FINDINGS; PURPOSE; POLICY.—

(1) FINDINGS.—Congress finds that—

(A) work—

(i) is a valued activity, both for individuals and society; and

(ii) fulfills the need of an individual to be productive, promotes independence, enhances self-esteem, and allows for participation in the mainstream of life in the United States;

(B) as a group, individuals with disabilities experience staggering levels of unemployment and poverty;

(C) individuals with disabilities, including individuals with the most significant disabilities, have demonstrated their ability to achieve gainful employment in competitive integrated employment settings if appropriate services and supports are provided;

(D) reasons for significant numbers of individuals with disabilities not working, or working at levels not commensurate with their abilities and capabilities, include—

(i) discrimination;

(ii) lack of accessible and available transportation;

(iii) fear of losing health coverage under the Medicare and Medicaid programs carried out under titles

XVIII and XIX of the Social Security Act (42 U.S.C. 1395 et seq. and 1396 et seq.) or fear of losing private health insurance; and

(iv) lack of education, training, and supports to meet job qualification standards necessary to secure, retain, regain, or advance in employment;

(E) enforcement of title V and of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) holds the promise of ending discrimination for individuals with disabilities;

(F) the provision of workforce development activities and vocational rehabilitation services can enable individuals with disabilities, including individuals with the most significant disabilities, to pursue meaningful careers by securing gainful employment commensurate with their abilities and capabilities; and

(G) linkages between the vocational rehabilitation programs established under this title and other components of the statewide workforce development systems are critical to ensure effective and meaningful participation by individuals with disabilities in workforce development activities.

(2) PURPOSE.—The purpose of this title is to assist States in operating statewide comprehensive, coordinated, effective, efficient, and accountable programs of vocational rehabilitation, each of which is—

(A) an integral part of a statewide workforce development system; and

(B) designed to assess, plan, develop, and provide vocational rehabilitation services for individuals with disabilities, consistent with their strengths, resources, priorities, concerns, abilities, capabilities, interests, informed choice, and economic self-sufficiency, so that such individuals may prepare for and engage in gainful employment.

(3) POLICY.—It is the policy of the United States that such a program shall be carried out in a manner consistent with the following principles:

(A) Individuals with disabilities, including individuals with the most significant disabilities, are generally presumed to be capable of engaging in gainful employment and the provision of individualized vocational rehabilitation services can improve their ability to become gainfully employed.

(B) Individuals with disabilities must be provided the opportunities to obtain competitive integrated employment.

(C) Individuals who are applicants for such programs or eligible to participate in such programs must be active and full partners in the vocational rehabilitation process, making meaningful and informed choices—

(i) during assessments for determining eligibility and vocational rehabilitation needs; and

(ii) in the selection of employment outcomes for the individuals, services needed to achieve the outcomes, entities providing such services, and the methods used to secure such services.

(D) Families and other natural supports can play important roles in the success of a vocational rehabilitation program, if the individual with a disability involved requests, desires, or needs such supports.

(E) Vocational rehabilitation counselors that are trained and prepared in accordance with State policies and procedures as described in section 101(a)(7)(B) (referred to individually in this title as a "qualified vocational rehabilitation counselor"), other qualified rehabilitation personnel, and other qualified personnel should facilitate the accomplishment of the employment outcomes and objectives of an individual.

(F) Individuals with disabilities and the individuals' representatives are full partners in a vocational rehabilitation program and must be involved on a regular basis and in a meaningful manner with respect to policy development and implementation.

(G) Accountability measures must facilitate the accomplishment of the goals and objectives of the program, including providing vocational rehabilitation services to, among others, individuals with the most significant disabilities.

(b) AUTHORIZATION OF APPROPRIATIONS.—

[(1) IN GENERAL.—For the purpose of making grants to States under part B to assist States in meeting the costs of vocational rehabilitation services provided in accordance with State plans under section 101, there are authorized to be appropriated $3,302,053,000 for each of the fiscal years 2015 through 2020, except that the amount to be appropriated for a fiscal year shall not be less than the amount of the appropriation under this paragraph for the immediately preceding fiscal year, increased by the percentage change in the Consumer Price Index determined under subsection (c) for the immediately preceding fiscal year.]

(1) IN GENERAL.—For the purpose of making grants to States under part B to assist States in meeting the costs of vocational rehabilitation services provided in accordance with State plans under section 101, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2023 through 2028, except that—

(A) for fiscal year 2023 the amount to be appropriated shall be not less than $4,052,400,000; and

(B) for fiscal year 2024 and each of the succeeding fiscal years, the amount to be appropriated for such a fiscal year shall not be less than the amount of the appropriation under this paragraph for the immediately preceding fiscal year, increased by the percentage change in the Consumer Price Index determined under subsection (c) for the immediately preceding fiscal year.

(2) REFERENCE.—The reference in paragraph (1) to grants to States under part B shall not be considered to refer to grants under section 112.

(c) CONSUMER PRICE INDEX.—

(1) PERCENTAGE CHANGE.—No later than November 15 of each fiscal year (beginning with fiscal year 1979), the Secretary

of Labor shall publish in the Federal Register the percentage change in the Consumer Price Index published for October of the preceding fiscal year and October of the fiscal year in which such publication is made.

(2) APPLICATION.—

(A) INCREASE.—If in any fiscal year the percentage change published under paragraph (1) indicates an increase in the Consumer Price Index, then the amount to be appropriated under subsection (b)(1) for the subsequent fiscal year shall be at least the amount appropriated under subsection (b)(1) for the fiscal year in which the publication is made under paragraph (1) increased by such percentage change.

(B) NO INCREASE OR DECREASE.—If in any fiscal year the percentage change published under paragraph (1) does not indicate an increase in the Consumer Price Index, then the amount to be appropriated under subsection (b)(1) for the subsequent fiscal year shall be at least the amount appropriated under subsection (b)(1) for the fiscal year in which the publication is made under paragraph (1).

(3) DEFINITION.—For purposes of this section, the term "Consumer Price Index" means the Consumer Price Index for All Urban Consumers, published monthly by the Bureau of Labor Statistics.

(d) EXTENSION.—

(1) IN GENERAL.—

(A) AUTHORIZATION OR DURATION OF PROGRAM.—Unless the Congress in the regular session which ends prior to the beginning of the terminal fiscal year—

(i) of the authorization of appropriations for the program authorized by the State grant program under part B of this title; or

(ii) of the duration of the program authorized by the State grant program under part B of this title;

has passed legislation which would have the effect of extending the authorization or duration (as the case may be) of such program, such authorization or duration is automatically extended for 1 additional year for the program authorized by this title.

(B) CALCULATION.—The amount authorized to be appropriated for the additional fiscal year described in subparagraph (A) shall be an amount equal to the amount appropriated for such program for fiscal year 2003, increased by the percentage change in the Consumer Price Index determined under subsection (c) for the immediately preceding fiscal year, if the percentage change indicates an increase.

(2) CONSTRUCTION.—

(A) PASSAGE OF LEGISLATION.—For the purposes of paragraph (1)(A), Congress shall not be deemed to have passed legislation unless such legislation becomes law.

(B) ACTS OR DETERMINATIONS OF COMMISSIONER.—In any case where the Commissioner is required under an applicable statute to carry out certain acts or make certain determinations which are necessary for the continuation of the program authorized by this title, if such acts or deter-

minations are required during the terminal year of such program, such acts and determinations shall be required during any fiscal year in which the extension described in that part of paragraph (1) that follows clause (ii) of paragraph (1)(A) is in effect.

* * * * * * *

PART B—BASIC VOCATIONAL REHABILITATION SERVICES

* * * * * * *

CLIENT ASSISTANCE PROGRAM

SEC. 112. (a) From funds appropriated under subsection (h), the Secretary shall, in accordance with this section, make grants to States to establish and carry out client assistance programs to provide assistance in informing and advising all clients and client applicants of all available benefits under this Act, including under sections 113 and 511, and, upon request of such clients or client applicants, to assist and advocate for such clients or applicants in their relationships with projects, programs, and services provided under this Act, including assistance and advocacy in pursuing legal, administrative, or other appropriate remedies to ensure the protection of the rights of such individuals under this Act and to facilitate access to the services funded under this Act through individual and systemic advocacy. The client assistance program shall provide information on the available services and benefits under this Act and title I of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq.) to individuals with disabilities in the State, especially with regard to individuals with disabilities who have traditionally been unserved or underserved by vocational rehabilitation programs. In providing assistance and advocacy under this subsection with respect to services under this title, a client assistance program may provide the assistance and advocacy with respect to services that are directly related to facilitating the employment of the individual.

(b) No State may receive payments from its allotment under this Act in any fiscal year unless the State has in effect a client assistance program which—

(1) has the authority to pursue legal, administrative, and other appropriate remedies to ensure the protection of rights of individuals with disabilities who are receiving treatments, services, or rehabilitation under this Act within the State; and

(2) meets the requirements of designation under subsection (c).

(c)(1)(A) The Governor shall designate a public or private agency to conduct the client assistance program under this section. Except as provided in the last sentence of this subparagraph, the Governor shall designate an agency which is independent of any agency which provides treatment, services, or rehabilitation to individuals under this Act. If there is an agency in the State which has, or had, prior to the date of enactment of the Rehabilitation Amendments of 1984, served as a client assistance agency under this section and which received Federal financial assistance under this Act, the Governor may, in the initial designation, designate an agency

which provides treatment, services, or rehabilitation to individuals with disabilities under this Act.

(B)(i) The Governor may not redesignate the agency designated under subparagraph (A) without good cause and unless—

(I) the Governor has given the agency 30 days notice of the intention to make such redesignation, including specification of the good cause for such redesignation and an opportunity to respond to the assertion that good cause has been shown;

(II) individuals with disabilities or the individuals' representatives have timely notice of the redesignation and opportunity for public comment; and

(III) the agency has the opportunity to appeal to the Commissioner on the basis that the redesignation was not for good cause.

(ii) If, after the date of enactment of the Rehabilitation Act Amendments of 1998—

(I) a designated State agency undergoes any change in the organizational structure of the agency that results in the creation of one or more new State agencies or departments or results in the merger of the designated State agency with one or more other State agencies or departments; and

(II) an agency (including an office or other unit) within the designated State agency was conducting a client assistance program before the change under the last sentence of subparagraph (A),

the Governor shall redesignate the agency conducting the program. In conducting the redesignation, the Governor shall designate to conduct the program an agency that is independent of any agency that provides treatment, services, or rehabilitation to individuals with disabilities under this Act.

(2) In carrying out the provisions of this section, the Governor shall consult with the director of the State vocational rehabilitation agency, the head of the developmental disability protection and advocacy agency, and with representatives of professional and consumer organizations serving individuals with disabilities in the State.

(3) The agency designated under this subsection shall be accountable for the proper use of funds made available to the agency.

(d) The agency designated under subsection (c) of this section may not bring any class action in carrying out its responsibilities under this section.

(e)(1)(A) After reserving funds under subparagraphs (E) and (F), the Secretary shall allot the remainder of the sums appropriated for each fiscal year under this section among the States on the basis of relative population of each State, except that no State shall receive less than $50,000.

(B) The Secretary shall allot $30,000 each to American Samoa, Guam, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

(C) For the purpose of this paragraph, the term "State" does not include American Samoa, Guam, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

(D)(i) In any fiscal year that the funds appropriated for such fiscal year exceed $7,500,000, the minimum allotment shall be $100,000 for States and $45,000 for territories.

(ii) For any fiscal year in which the total amount appropriated under subsection (h) exceeds the total amount appropriated under such subsection for the preceding fiscal year, the Secretary shall increase each of the minimum allotments under clause (i) by a percentage that shall not exceed the percentage increase in the total amount appropriated under such subsection between the preceding fiscal year and the fiscal year involved.

(E)(i) The Secretary shall reserve funds appropriated under subsection (h) to make a grant to the protection and advocacy system serving the American Indian Consortium to provide services in accordance with this section. The amount of such a grant shall be the same amount as is provided to a territory under this subsection.

(ii) In this subparagraph:

(I) The term "American Indian Consortium" has the meaning given the term in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002).

(II) The term "protection and advocacy system" means a protection and advocacy system established under subtitle C of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.).

(F) For any fiscal year for which the amount appropriated under subsection (h) equals or exceeds $14,000,000, the Secretary may reserve not less than 1.8 percent and not more than 2.2 percent of such amount to provide a grant for training and technical assistance for the programs established under this section. Such training and technical assistance shall be coordinated with activities provided under section 509(c)(1)(A).

(2) The amount of an allotment to a State for a fiscal year which the Secretary determines will not be required by the State during the period for which it is available for the purpose for which allotted shall be available for reallotment by the Secretary at appropriate times to other States with respect to which such a determination has not been made, in proportion to the original allotments of such States for such fiscal year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Secretary estimates such State needs and will be able to use during such period, and the total of such reduction shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any such amount so reallotted to a State for a fiscal year shall be deemed to be a part of its allotment for such fiscal year.

(3) Except as specifically prohibited by or as otherwise provided in State law, the Secretary shall pay to the agency designated under subsection (c) the amount specified in the application approved under subsection (f).

(f) No grant may be made under this section unless the State submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary deems necessary to meet the requirements of this section.

(g) The Secretary shall prescribe regulations applicable to the client assistance program which shall include the following requirements:

(1) No employees of such programs shall, while so employed, serve as staff or consultants of any rehabilitation project, pro-

gram, or facility receiving assistance under this Act in the State.

(2) Each program shall be afforded reasonable access to policymaking and administrative personnel in the State and local rehabilitation programs, projects, or facilities.

(3)(A) Each program shall contain provisions designed to assure that to the maximum extent possible alternative means of dispute resolution are available for use at the discretion of an applicant or client of the program prior to resorting to litigation or formal adjudication to resolve a dispute arising under this section.

(B) In subparagraph (A), the term "alternative means of dispute resolution" means any procedure, including good faith negotiation, conciliation, facilitation, mediation, factfinding, and arbitration, and any combination of procedures, that is used in lieu of litigation in a court or formal adjudication in an administrative forum, to resolve a dispute arising under this section.

(4) For purposes of any periodic audit, report, or evaluation of the performance of a client assistance program under this section, the Secretary shall not require such a program to disclose the identity of, or any other personally identifiable information related to, any individual requesting assistance under such program.

[(h) There are authorized to be appropriated to carry out the provisions of this section—

[(1) $12,000,000 for fiscal year 2015;

[(2) $12,927,000 for fiscal year 2016;

[(3) $13,195,000 for fiscal year 2017;

[(4) $13,488,000 for fiscal year 2018;

[(5) $13,805,000 for fiscal year 2019; and

[(6) $14,098,000 for fiscal year 2020.**]**

(h) There are authorized to be appropriated to carry out the provisions of this section—

(1) $15,507,800 for fiscal year 2023;

(2) $16,283,190 for fiscal year 2024;

(3) $17,097,350 for fiscal year 2025;

(4) $17,952,217 for fiscal year 2026;

(5) $18,849,828 for fiscal year 2027; and

(6) $19,792,319 for fiscal year 2028.

* * * * * * *

TITLE II—RESEARCH AND TRAINING

* * * * * * *

[SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

[There are authorized to be appropriated to carry out this title $103,970,000 for fiscal year 2015, $112,001,000 for fiscal year 2016, $114,325,000 for fiscal year 2017, $116,860,000 for fiscal year 2018, $119,608,000 for fiscal year 2019, and $122,143,000 for fiscal year 2020.**]**

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $134,357,300 for fiscal year 2023, $141,075,165 for fiscal year 2024, $148,128,923 for fiscal year 2025, $155,535,369 for fiscal year 2026,

$163,312,138 for fiscal year 2027, and $171,477,745 for fiscal year 2028.

* * * * * * *

TITLE III—PROFESSIONAL DEVELOPMENT AND SPECIAL PROJECTS AND DEMONSTRATIONS

* * * * * * *

SEC. 302. TRAINING.

(a) GRANTS AND CONTRACTS FOR PERSONNEL TRAINING.—

(1) AUTHORITY.—The Commissioner shall make grants to, and enter into contracts with, States and public or nonprofit agencies and organizations (including institutions of higher education) to pay part of the cost of projects to provide training, traineeships, and related activities, including the provision of technical assistance, that are designed to assist in increasing the numbers of, and upgrading the skills of, qualified personnel (especially rehabilitation counselors) who are trained in providing vocational, medical, social, and psychological rehabilitation services, who are trained to assist individuals with communication and related disorders, who are trained to provide other services provided under this Act, to individuals with disabilities, and who may include—

(A) personnel specifically trained in providing employment assistance to individuals with disabilities through job development and job placement services;

(B) personnel specifically trained to identify, assess, and meet the individual rehabilitation needs of individuals with disabilities, including needs for rehabilitation technology;

(C) personnel specifically trained to deliver services to individuals who may benefit from receiving independent living services;

(D) personnel specifically trained to deliver services in the client assistance programs;

(E) personnel specifically trained to deliver supported employment services and customized employment services to individuals with the most significant disabilities;

(F) personnel specifically trained to deliver services to individuals with disabilities pursuing self-employment, business ownership, and telecommuting;

(G) personnel trained in performing other functions necessary to the provision of vocational, medical, social, and psychological rehabilitation services, and other services provided under this Act; and

(H) personnel trained in providing assistive technology services.

(2) AUTHORITY TO PROVIDE SCHOLARSHIPS.—Grants and contracts under paragraph (1) may be expended for scholarships and may include necessary stipends and allowances.

(3) RELATED FEDERAL STATUTES.—In carrying out this subsection, the Commissioner may make grants to and enter into

contracts with States and public or nonprofit agencies and organizations, including institutions of higher education, to furnish training regarding provisions of Federal statutes, including section 504, title I of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq.), and the provisions of titles II and XVI of the Social Security Act (42 U.S.C. 401 et seq. and 1381 et seq.), that are related to work incentives for individuals with disabilities.

(4) TRAINING FOR STATEWIDE WORKFORCE SYSTEMS PERSONNEL.—The Commissioner may make grants to and enter into contracts under this subsection with States and public or nonprofit agencies and organizations, including institutions of higher education, to furnish training to personnel providing services to individuals with disabilities under subtitle B of title I of the Workforce Innovation and Opportunity Act. Under this paragraph, personnel may be trained—

(A) in evaluative skills to determine whether an individual with a disability may be served by the State vocational rehabilitation program or another component of a statewide workforce development system; or

(B) to assist individuals with disabilities seeking assistance through one-stop delivery systems described in section 121(e) of the Workforce Innovation and Opportunity Act.

(5) JOINT FUNDING.—Training and other activities provided under paragraph (4) for personnel may be jointly funded with the Department of Labor, using funds made available under subtitle B of title I of the Workforce Innovation and Opportunity Act.

(b) GRANTS AND CONTRACTS FOR ACADEMIC DEGREES AND ACADEMIC CERTIFICATE GRANTING TRAINING PROJECTS.—

(1) AUTHORITY.—

(A) IN GENERAL.—The Commissioner may make grants to, and enter into contracts with, States and public or nonprofit agencies and organizations (including institutions of higher education) to pay part of the costs of academic training projects to provide training that leads to an academic degree or academic certificate. In making such grants or entering into such contracts, the Commissioner shall target funds to areas determined under subsection (e) to have shortages of qualified personnel.

(B) TYPES OF PROJECTS.—Academic training projects described in this subsection may include—

(i) projects to train personnel in the areas of assisting and supporting individuals with disabilities pursuing self-employment, business ownership, and telecommuting, and of vocational rehabilitation counseling, rehabilitation technology, rehabilitation medicine, rehabilitation nursing, rehabilitation social work, rehabilitation psychiatry, rehabilitation psychology, rehabilitation dentistry, physical therapy, occupational therapy, speech pathology and audiology, physical education, therapeutic recreation, community rehabilitation programs, prosthetics and orthotics, vision reha-

bilitation therapy, orientation and mobility instruction, or low vision therapy;

(ii) projects to train personnel to provide—

(I) services to individuals with specific disabilities or individuals with disabilities who have specific impediments to rehabilitation, including individuals who are members of populations that are unserved or underserved by programs under this Act;

(II) job development and job placement services to individuals with disabilities;

(III) supported employment services, including services of employment specialists for individuals with disabilities;

(IV) specialized services for individuals with significant disabilities; or

(V) recreation for individuals with disabilities;

(iii) projects to train personnel in other fields contributing to the rehabilitation of individuals with disabilities; and

(iv) projects to train personnel in the use, applications, and benefits of rehabilitation technology.

(2) APPLICATION.—No grant shall be awarded or contract entered into under this subsection unless the applicant has submitted to the Commissioner an application at such time, in such form, in accordance with such procedures, and including such information as the Secretary may require, including—

(A) a description of how the designated State unit or units will participate in the project to be funded under the grant or contract, including, as appropriate, participation on advisory committees, as practicum sites, in curriculum development, and in other ways so as to build closer relationships between the applicant and the designated State unit and to encourage students to pursue careers in public vocational rehabilitation programs;

(B) the identification of potential employers that provide employment that meets the requirements of paragraph (5)(A)(i); and

(C) an assurance that data on the employment of graduates or trainees who participate in the project is accurate.

(3) LIMITATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), no grant or contract under this subsection may be used to provide any one course of study to an individual for a period of more than 4 years.

(B) EXCEPTION.—If a grant or contract recipient under this subsection determines that an individual has a disability which seriously affects the completion of training under this subsection, the grant or contract recipient may extend the period referred to in subparagraph (A).

(4) AUTHORITY TO PROVIDE SCHOLARSHIPS.—Grants and contracts under paragraph (1) may be expanded to provide services that include the provision of scholarships and necessary stipends and allowances.

(5) AGREEMENTS.—

(A) CONTENTS.—A recipient of a grant or contract under this subsection shall provide assurances to the Commissioner that each individual who receives a scholarship, for any academic year beginning after June 1, 1992, utilizing funds provided under such grant or contract shall enter into an agreement with the recipient under which the individual shall—

(i) maintain employment—

(I) in a nonprofit rehabilitation agency or related agency or in a State rehabilitation agency or related agency, including a professional corporation or professional practice group through which the individual has a service arrangement with the designated State agency;

(II) on a full- or part-time basis; and

(III) for a period of not less than the full-time equivalent of 2 years for each year for which assistance under this section was received by the individual,

within a period, beginning after the recipient completes the training for which the scholarship was awarded, of not more than the sum of the number of years in the period described in subclause (III) and 2 additional years; and

(ii) repay all or part of any scholarship received, plus interest, if the individual does not fulfill the requirements of clause (i),

except as the Commissioner by regulation may provide for repayment exceptions and deferrals.

(B) ENFORCEMENT.—The Commissioner shall be responsible for the enforcement of each agreement entered into under subparagraph (A) upon completion of the training involved under such subparagraph.

(c) GRANTS TO HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.—The Commissioner, in carrying out this section, shall make grants to historically Black colleges and universities and other institutions of higher education whose minority student enrollment is at least 50 percent of the total enrollment of the institution.

(d) APPLICATION.—A grant may not be awarded to a State or other organization under this section unless the State or organization has submitted an application to the Commissioner at such time, in such form, in accordance with such procedures, and containing such information as the Commissioner may require. Any such application shall include a detailed description of strategies that will be utilized to recruit and train individuals so as to reflect the diverse populations of the United States as part of the effort to increase the number of individuals with disabilities, and individuals who are from linguistically and culturally diverse backgrounds, who are available to provide rehabilitation services.

(e) EVALUATION AND COLLECTION OF DATA.—The Commissioner shall evaluate the impact of the training programs conducted under this section, and collect information on the training needs of, and data on shortages of qualified personnel necessary to provide services to individuals with disabilities. The Commissioner shall prepare and submit to Congress, by September 30 of each fiscal year,

a report setting forth and justifying in detail how the funds made available for training under this section for the fiscal year prior to such submission are allocated by professional discipline and other program areas. The report shall also contain findings on such personnel shortages, how funds proposed for the succeeding fiscal year will be allocated under the President's budget proposal, and how the findings on personnel shortages justify the allocations.

(f) GRANTS FOR THE TRAINING OF INTERPRETERS.—

(1) AUTHORITY.—

(A) IN GENERAL.—For the purpose of training a sufficient number of qualified interpreters to meet the communications needs of individuals who are deaf or hard of hearing, and individuals who are deaf-blind, the Commissioner, acting through a Federal office responsible for deafness and communicative disorders, may award grants to public or private nonprofit agencies or organizations to pay part of the costs—

(i) for the establishment of interpreter training programs; or

(ii) to enable such agencies or organizations to provide financial assistance for ongoing interpreter training programs.

(B) GEOGRAPHIC AREAS.—The Commissioner shall award grants under this subsection for programs in geographic areas throughout the United States that the Commissioner considers appropriate to best carry out the objectives of this section.

(C) PRIORITY.—In awarding grants under this subsection, the Commissioner shall give priority to public or private nonprofit agencies or organizations with existing programs that have a demonstrated capacity for providing interpreter training services.

(D) FUNDING.—The Commissioner may award grants under this subsection through the use of—

(i) amounts appropriated to carry out this section; or

(ii) pursuant to an agreement with the Director of the Office of the Special Education Program (established under section 603 of the Individuals with Disabilities Education Act), amounts appropriated under section 686 of the Individuals with Disabilities Education Act.

(2) APPLICATION.—A grant may not be awarded to an agency or organization under paragraph (1) unless the agency or organization has submitted an application to the Commissioner at such time, in such form, in accordance with such procedures, and containing such information as the Commissioner may require, including—

(A) a description of the manner in which an interpreter training program will be developed and operated during the 5-year period following the date on which a grant is received by the applicant under this subsection;

(B) a demonstration of the applicant's capacity or potential for providing training for interpreters for individuals who are deaf or hard of hearing, and individuals who are deaf-blind;

(C) assurances that any interpreter trained or retrained under a program funded under the grant will meet such minimum standards of competency as the Commissioner may establish for purposes of this subsection; and

(D) such other information as the Commissioner may require.

(g) TECHNICAL ASSISTANCE.—

(1) TECHNICAL ASSISTANCE.—The Commissioner is authorized to provide technical assistance to State designated agencies and community rehabilitation programs, directly or through contracts with State designated agencies or nonprofit organizations. Any technical assistance provided to community rehabilitation programs shall be focused on the employment outcome of competitive integrated employment for individuals with disabilities.

(2) COMPENSATION.—An expert or consultant appointed or serving under contract pursuant to this section shall be compensated at a rate, subject to approval of the Commissioner, that shall not exceed the daily equivalent of the rate of pay for level 4 of the Senior Executive Service Schedule under section 5382 of title 5, United States Code. Such an expert or consultant may be allowed travel and transportation expenses in accordance with section 5703 of title 5, United States Code.

(h) PROVISION OF INFORMATION.—The Commissioner, subject to the provisions of section 304, may require that recipients of grants or contracts under this section provide information, including data, with regard to the impact of activities funded under this section.

[(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $33,657,000 for fiscal year 2015, $36,257,000 for fiscal year 2016, $37,009,000 for fiscal year 2017, $37,830,000 for fiscal year 2018, $38,719,000 for fiscal year 2019, and $39,540,000 for fiscal year 2020.]

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $43,494,001 for fiscal year 2023, $45,668,701 for fiscal year 2024, $47,952,136 for fiscal year 2025, $50,349,743 for fiscal year 2026, $52,867,230 for fiscal year 2027, and $55,510,592 for fiscal year 2028.

SEC. 303. DEMONSTRATION AND TRAINING PROGRAMS.

(a) DEMONSTRATION PROJECTS TO INCREASE CLIENT CHOICE.—

(1) GRANTS.—The Commissioner may make grants to States and public or nonprofit agencies and organizations to pay all or part of the costs of projects to demonstrate ways to increase client choice in the rehabilitation process, including the selection of providers of vocational rehabilitation services.

(2) USE OF FUNDS.—An entity that receives a grant under this subsection shall use the grant only—

(A) for activities that are directly related to planning, operating, and evaluating the demonstration projects; and

(B) to supplement, and not supplant, funds made available from Federal and non-Federal sources for such projects.

(3) APPLICATION.—Any eligible entity that desires to receive a grant under this subsection shall submit an application at such time, in such manner, and containing such information and assurances as the Commissioner may require, including—

(A) a description of—

(i) how the entity intends to promote increased client choice in the rehabilitation process, including a description, if appropriate, of how an applicant will determine the cost of any service or product offered to an eligible client;

(ii) how the entity intends to ensure that any vocational rehabilitation service or related service is provided by a qualified provider who is accredited or meets such other quality assurance and cost-control criteria as the State may establish; and

(iii) the outreach activities to be conducted by the applicant to obtain eligible clients; and

(B) assurances that a written plan will be established with the full participation of the client, which plan shall, at a minimum, include—

(i) a statement of the vocational rehabilitation goals to be achieved;

(ii) a statement of the specific vocational rehabilitation services to be provided, the projected dates for their initiation, and the anticipated duration of each such service; and

(iii) objective criteria, an evaluation procedure, and a schedule, for determining whether such goals are being achieved.

(4) AWARD OF GRANTS.—In selecting entities to receive grants under paragraph (1), the Commissioner shall take into consideration—

(A) the diversity of strategies used to increase client choice, including selection among qualified service providers;

(B) the geographic distribution of projects; and

(C) the diversity of clients to be served.

(5) RECORDS.—Entities that receive grants under paragraph (1) shall maintain such records as the Commissioner may require and comply with any request from the Commissioner for such records.

(6) DIRECT SERVICES.—At least 80 percent of the funds awarded for any project under this subsection shall be used for direct services, as specifically chosen by eligible clients.

(7) EVALUATION.—The Commissioner may conduct an evaluation of the demonstration projects with respect to the services provided, clients served, client outcomes obtained, implementation issues addressed, the cost-effectiveness of the project, and the effects of increased choice on clients and service providers. The Commissioner may reserve funds for the evaluation for a fiscal year from the amounts appropriated to carry out projects under this section for the fiscal year.

(8) DEFINITIONS.—For the purposes of this subsection:

(A) DIRECT SERVICES.—The term "direct services" means vocational rehabilitation services, as described in section 103(a).

(B) ELIGIBLE CLIENT.—The term "eligible client" means an individual with a disability, as defined in section 7(20)(A), who is not currently receiving services under an

individualized plan for employment established through a designated State unit.

(b) SPECIAL DEMONSTRATION PROGRAMS.—

(1) GRANTS; CONTRACTS.—The Commissioner, subject to the provisions of section 304, may provide grants to, or enter into contracts with, eligible entities to pay all or part of the cost of programs that expand and improve the provision of rehabilitation and other services authorized under this Act or that further the purposes of the Act, including related research and evaluation activities.

(2) ELIGIBLE ENTITIES; TERMS AND CONDITIONS.—

(A) ELIGIBLE ENTITIES.—To be eligible to receive a grant, or enter into a contract, under paragraph (1), an entity shall be a State vocational rehabilitation agency, community rehabilitation program, Indian tribe or tribal organization, or other public or nonprofit agency or organization, or as the Commissioner determines appropriate, a for-profit organization. The Commissioner may limit competitions to one or more types of organizations described in this subparagraph.

(B) TERMS AND CONDITIONS.—A grant or contract under paragraph (1) shall contain such terms and conditions as the Commissioner may require.

(3) APPLICATION.—An eligible entity that desires to receive a grant, or enter into a contract, under paragraph (1) shall submit an application to the Secretary at such time, in such form, and containing such information and assurances as the Commissioner may require, including, if the Commissioner determines appropriate, a description of how the proposed project or demonstration program—

(A) is based on current research findings, which may include research conducted by the National Institute on Disability, Independent Living, and Rehabilitation Research, the National Institutes of Health, and other public or private organizations; and

(B) is of national significance.

(4) TYPES OF PROJECTS.—The programs that may be funded under this subsection may include—

(A) special projects and demonstrations of service delivery;

(B) model demonstration projects;

(C) technical assistance projects;

(D) systems change projects;

(E) special studies and evaluations; and

(F) dissemination and utilization activities.

(5) PRIORITY FOR COMPETITIONS.—

(A) IN GENERAL.—In announcing competitions for grants and contracts under this subsection, the Commissioner shall give priority consideration to—

(i) initiatives focused on improving transition from education, including postsecondary education, to employment, particularly in competitive integrated employment, for youth who are individuals with significant disabilities;

(ii) supported employment, including community-based supported employment programs to meet the needs of individuals with the most significant disabilities or to provide technical assistance to States and community organizations to improve and expand the provision of supported employment services; and

(iii) increasing competitive integrated employment for individuals with significant disabilities.

(B) ADDITIONAL COMPETITIONS.—In announcing competitions for grants and contracts under this subsection, the Commissioner may require that applicants address one or more of the following:

(i) Age ranges.

(ii) Types of disabilities.

(iii) Types of services.

(iv) Models of service delivery.

(v) Stage of the rehabilitation process.

(vi) The needs of underserved populations, unserved and underserved areas, individuals with significant disabilities, low-incidence disability population or individuals residing in federally designated empowerment zones and enterprise communities.

(vii) Expansion of employment opportunities for individuals with disabilities.

(viii) Systems change projects to promote meaningful access of individuals with disabilities to employment-related services under subtitle B of title I of the Workforce Innovation and Opportunity Act and under other Federal laws.

(ix) Innovative methods of promoting achievement of high-quality employment outcomes.

(x) The demonstration of the effectiveness of early intervention activities in improving employment outcomes.

(xi) Alternative methods of providing affordable transportation services to individuals with disabilities who are employed, seeking employment, or receiving vocational rehabilitation services from public or private organizations and who reside in geographic areas in which public transportation or paratransit service is not available.

(c) PARENT INFORMATION AND TRAINING PROGRAM.—

(1) GRANTS.—The Commissioner is authorized to make grants to private nonprofit organizations for the purpose of establishing programs to provide training and information to enable individuals with disabilities, and the parents, family members, guardians, advocates, or other authorized representatives of the individuals to participate more effectively with professionals in meeting the vocational, independent living, and rehabilitation needs of individuals with disabilities. Such grants shall be designed to meet the unique training and information needs of the individuals described in the preceding sentence, who live in the area to be served, particularly those who are members of populations that have been unserved or underserved by programs under this Act.

(2) USE OF GRANTS.—An organization that receives a grant to establish training and information programs under this subsection shall use the grant to assist individuals with disabilities, and the parents, family members, guardians, advocates, or authorized representatives of the individuals—

(A) to better understand vocational rehabilitation and independent living programs and services;

(B) to provide followup support for transition and employment programs;

(C) to communicate more effectively with transition and rehabilitation personnel and other relevant professionals;

(D) to provide support in the development of the individualized plan for employment;

(E) to provide support and expertise in obtaining information about rehabilitation and independent living programs, services, and resources that are appropriate;

(F) to provide support and guidance in helping individuals with significant disabilities, including students with disabilities, transition to competitive integrated employment; and

(G) to understand the provisions of this Act, particularly provisions relating to employment, supported employment, and independent living.

(3) AWARD OF GRANTS.—The Commissioner shall ensure that grants under this subsection—

(A) shall be distributed geographically to the greatest extent possible throughout all States; and

(B) shall be targeted to individuals with disabilities, and the parents, family members, guardians, advocates, or authorized representatives of the individuals, in both urban and rural areas or on a State or regional basis.

(4) ELIGIBLE ORGANIZATIONS.—In order to receive a grant under this subsection, an organization—

(A) shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require, including information demonstrating the capacity and expertise of the organization—

(i) to coordinate training and information activities with Centers for Independent Living;

(ii) to coordinate and work closely with the parent training and information centers established pursuant to section 671 of the Individuals with Disabilities Education Act, the community parent resource centers established pursuant to section 672 of such Act, and the eligible entities receiving awards under section 673 of such Act; and

(iii) to effectively conduct the training and information activities authorized under this subsection;

(B)(i) shall be governed by a board of directors—

(I) that includes professionals in the field of vocational rehabilitation; and

(II) on which a majority of the members are individuals with disabilities or the parents, family members,

guardians, advocates, or authorized representatives of the individuals; or

(ii)(I) shall have a membership that represents the interests of individuals with disabilities; and

(II) shall establish a special governing committee that meets the requirements specified in subclauses (I) and (II) of clause (i) to operate a training and information program under this subsection; and

(C) shall serve, and demonstrate the capacity for serving, individuals with a full range of disabilities, and the parents, family members, guardians, advocates, or authorized representatives of the individuals.

(5) CONSULTATION.—Each organization carrying out a program receiving assistance under this subsection shall consult with appropriate agencies that serve or assist individuals with disabilities, and the parents, family members, guardians, advocates, or authorized representatives of the individuals, located in the jurisdiction served by the program.

(6) COORDINATION.—The Commissioner shall provide coordination and technical assistance by grant or cooperative agreement for establishing, developing, and coordinating the training and information programs. To the extent practicable, such assistance shall be provided by the parent training and information centers established pursuant to section 671 of the Individuals with Disabilities Education Act.

(7) REVIEW.—

(A) QUARTERLY REVIEW.—The board of directors or special governing committee of an organization receiving a grant under this subsection shall meet at least once in each calendar quarter to review the training and information program, and each such committee shall directly advise the governing board regarding the views and recommendations of the committee.

(B) REVIEW FOR GRANT RENEWAL.—If a nonprofit private organization requests the renewal of a grant under this subsection, the board of directors or the special governing committee shall prepare and submit to the Commissioner a written review of the training and information program conducted by the organization during the preceding fiscal year.

(8) RESERVATION.—From the amount appropriated to carry out this section for a fiscal year, 20 percent of such amount or $500,000, whichever is less, may be reserved to carry out paragraph (6).

(d) BRAILLE TRAINING PROGRAMS.—

(1) ESTABLISHMENT.—The Commissioner shall make grants to, and enter into contracts with, States and public or nonprofit agencies and organizations, including institutions of higher education, to pay all or part of the cost of training in the use of braille for personnel providing vocational rehabilitation services or educational services to youth and adults who are blind.

(2) PROJECTS.—Such grants shall be used for the establishment or continuation of projects that may provide—

(A) development of braille training materials;

(B) in-service or pre-service training in the use of braille, the importance of braille literacy, and methods of teaching braille to youth and adults who are blind; and

(C) activities to promote knowledge and use of braille and nonvisual access technology for blind youth and adults through a program of training, demonstration, and evaluation conducted with leadership of experienced blind individuals, including the use of comprehensive, state-of-the-art technology.

(3) APPLICATION.—To be eligible to receive a grant, or enter into a contract, under paragraph (1), an agency or organization shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require.

[(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section there are authorized to be appropriated $5,796,000 for fiscal year 2015, $6,244,000 for fiscal year 2016, $6,373,000 for fiscal year 2017, $6,515,000 for fiscal year 2018, $6,668,000 for fiscal year 2019, and $6,809,000 for fiscal year 2020.]

(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section there are authorized to be appropriated $7,489,900 for fiscal year 2023, $7,864,395 for fiscal year 2024, $8,257,615 for fiscal year 2025, $8,670,495 for fiscal year 2026, $9,104,020 for fiscal year 2027, and $9,559,221 for fiscal year 2028.

* * * * * * *

TITLE IV—NATIONAL COUNCIL ON DISABILITY

* * * * * * *

[AUTHORIZATION OF APPROPRIATIONS

[SEC. 405. There are authorized to be appropriated to carry out this title $3,186,000 for fiscal year 2015, $3,432,000 for fiscal year 2016, $3,503,000 for fiscal year 2017, $3,581,000 for fiscal year 2018, $3,665,000 for fiscal year 2019, and $3,743,000 for fiscal year 2020.]

SEC. 405. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $4,117,300 for fiscal year 2023, $4,323,165 for fiscal year 2024, $4,539,323 for fiscal year 2025, $4,766,289 for fiscal year 2026, $5,004,604 for fiscal year 2027, and $5,254,834 for fiscal year 2028.

TITLE V—RIGHTS AND ADVOCACY

* * * * * * *

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SEC. 502. (a)(1) There is established within the Federal Government the Architectural and Transportation Barriers Compliance Board (hereinafter referred to as the "Access Board") which shall be composed as follows:

(A) Thirteen members shall be appointed by the President from among members of the general public of whom at least a majority shall be individuals with disabilities.

(B) The remaining members shall be the heads of each of the following departments or agencies (or their designees whose positions are executive level IV or higher):

(i) Department of Health and Human Services.
(ii) Department of Transportation.
(iii) Department of Housing and Urban Development.
(iv) Department of Labor.
(v) Department of the Interior.
(vi) Department of Defense.
(vii) Department of Justice.
(viii) General Services Administration.
(ix) Department of Veterans Affairs.
(x) United States Postal Service.
(xi) Department of Education.
(xii) Department of Commerce.

The chairperson and vice-chairperson of the Access Board shall be elected by majority vote of the members of the Access Board to serve for terms of one year. When the chairperson is a member of the general public, the vice-chairperson shall be a Federal official; and when the chairperson is a Federal official, the vice-chairperson shall be a member of the general public. Upon the expiration of the term as chairperson of a member who is a Federal official, the subsequent chairperson shall be a member of the general public; and vice versa.

(2)(A)(i) The term of office of each appointed member of the Access Board shall be 4 years, except as provided in clause (ii). Each year, the terms of office of at least three appointed members of the Access Board shall expire.

(ii)(I) One member appointed for a term beginning December 4, 1992 shall serve for a term of 3 years.

(II) One member appointed for a term beginning December 4, 1993 shall serve for a term of 2 years.

(III) One member appointed for a term beginning December 4, 1994 shall serve for a term of 1 year.

(IV) Members appointed for terms beginning before December 4, 1992 shall serve for terms of 3 years.

(B) A member whose term has expired may continue to serve until a successor has been appointed.

(C) A member appointed to fill a vacancy shall serve for the remainder of the term to which that member's predecessor was appointed.

(3) If any appointed member of the Access Board becomes a Federal employee, such member may continue as a member of the Access Board for not longer than the sixty-day period beginning on the date the member becomes a Federal employee.

(4) No individual appointed under paragraph (1)(A) of this subsection who has served as a member of the Access Board may be reappointed to the Access Board more than once unless such individual has not served on the Access Board for a period of two years prior to the effective date of such individual's appointment.

(5)(A) Members of the Access Board who are not regular full-time employees of the United States shall, while serving on the business of the Access Board, be entitled to receive compensation at rates fixed by the President, but not to exceed the daily equivalent of the rate of pay for level IV of the Executive Schedule under section

5315 of title 5, United States Code, including travel time, for each day they are engaged in the performance of their duties as members of the Access Board; and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in carrying out their duties under this section.

(B) Members of the Access Board who are employed by the Federal Government shall serve without compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out their duties under this section.

(6)(A) The Access Board shall establish such bylaws and other rules as may be appropriate to enable the Access Board to carry out its functions under this Act.

(B) The bylaws shall include quorum requirements. The quorum requirements shall provide that (i) a proxy may not be counted for purposes of establishing a quorum, and (ii) not less than half the members required for a quorum shall be members of the general public appointed under paragraph (1)(A).

(b) It shall be the function of the Access Board to—

(1) ensure compliance with the standards prescribed pursuant to the Act entitled "An Act to ensure that certain buildings financed with Federal funds are so designed and constructed as to be accessible to the physically handicapped", approved August 12, 1968 (commonly known as the Architectural Barriers Act of 1968; 42 U.S.C. 4151 et seq.) (including the application of such Act to the United States Postal Service), including enforcing all standards under such Act, and ensuring that all waivers and modifications to the standards are based on findings of fact and are not inconsistent with the provisions of this section;

(2) develop advisory information for, and provide appropriate technical assistance to, individuals or entities with rights or duties under regulations prescribed pursuant to this title or titles II and III of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131 et seq. and 12181 et seq.) with respect to overcoming architectural, transportation, and communication barriers;

(3) establish and maintain—

(A) minimum guidelines and requirements for the standards issued pursuant to the Act commonly known as the Architectural Barriers Act of 1968;

(B) minimum guidelines and requirements for the standards issued pursuant to titles II and III of the Americans with Disabilities Act of 1990;

(C) guidelines for accessibility of telecommunications equipment and customer premises equipment under section 255 of the Telecommunications Act of 1934 (47 U.S.C. 255); and

(D) standards for accessible electronic and information technology under section 508;

(4) promote accessibility throughout all segments of society;

(5) investigate and examine alternative approaches to the architectural, transportation, communication, and attitudinal barriers confronting individuals with disabilities, particularly with respect to telecommunications devices, public buildings and monuments, parks and parklands, public transportation

(including air, water, and surface transportation, whether interstate, foreign, intrastate, or local), and residential and institutional housing;

(6) determine what measures are being taken by Federal, State, and local governments and by other public or nonprofit agencies to eliminate the barriers described in paragraph (5);

(7) promote the use of the International Accessibility Symbol in all public facilities that are in compliance with the standards prescribed by the Administrator of General Services, the Secretary of Defense, and the Secretary of Housing and Urban Development pursuant to the Act commonly known as the Architectural Barriers Act of 1968;

(8) make to the President and to the Congress reports that shall describe in detail the results of its investigations under paragraphs (5) and (6);

(9) make to the President and to the Congress such recommendations for legislative and administrative changes as the Access Board determines to be necessary or desirable to eliminate the barriers described in paragraph (5);

(10) ensure that public conveyances, including rolling stock, are readily accessible to, and usable by, individuals with physical disabilities; and

(11) carry out the responsibilities specified for the Access Board in section 508.

(c) The Access Board shall also (1)(A) determine how and to what extent transportation barriers impede the mobility of individuals with disabilities and aged individuals with disabilities and consider ways in which travel expenses in connection with transportation to and from work for individuals with disabilities can be met or subsidized when such individuals are unable to use mass transit systems or need special equipment in private transportation, and (B) consider the housing needs of individuals with disabilities; (2) determine what measures are being taken, especially by public and other nonprofit agencies and groups having an interest in and a capacity to deal with such problems, (A) to eliminate barriers from public transportation systems (including vehicles used in such systems), and to prevent their incorporation in new or expanded transportation systems, and (B) to make housing available and accessible to individuals with disabilities or to meet sheltered housing needs; and (3) prepare plans and proposals for such further actions as may be necessary to the goals of adequate transportation and housing for individuals with disabilities, including proposals for bringing together in a cooperative effort, agencies, organizations, and groups already working toward such goals or whose cooperation is essential to effective and comprehensive action.

(d) Beginning in fiscal year 2000, the Access Board, after consultation with the Secretary, representatives of such public and private entities as the Access Board determines to be appropriate (including the electronic and information technology industry), targeted individuals and entities (as defined in section 3 of the Assistive Technology Act of 1998), and State information technology officers, shall provide training for Federal and State employees on any obligations related to section 508 of the Rehabilitation Act of 1973.

(e)(1) The Access Board shall conduct investigations, hold public hearings, and issue such orders as it deems necessary to ensure

compliance with the provisions of the Acts cited in subsection (b). Except as provided in paragraph (3) of subsection (f), the provisions of subchapter II of chapter 5, and chapter 7 of title 5, United States Code, shall apply to procedures under this subsection, and an order of compliance issued by the Access Board shall be a final order for purposes of judicial review. Any such order affecting any Federal department, agency, or instrumentality of the United States shall be final and binding on such department, agency, or instrumentality. An order of compliance may include the withholding or suspension of Federal funds with respect to any building or public conveyance or rolling stock found not to be in compliance with standards enforced under this section. Pursuant to chapter 7 of title 5, United States Code, any complainant or participant in a proceeding under this subsection may obtain review of a final order issued in such proceeding.

(2) The Executive Director is authorized, at the direction of the Access Board—

(A) to bring a civil action in any appropriate United States district court to enforce, in whole or in part, any final order of the Access Board under this subsection; and

(B) to intervene, appear, and participate, or to appear as amicus curiae, in any court of the United States or in any court of a State in civil actions that relate to this section or to the Architectural Barriers Act of 1968.

Except as provided in section 518(a) of title 28, United States Code, relating to litigation before the Supreme Court, the executive director may appear for and represent the Access Board in any civil litigation brought under this section.

(f)(1) There shall be appointed by the Access Board an executive director and such other professional and clerical personnel as are necessary to carry out its functions under this Act. The Access Board is authorized to appoint as many hearing examiners as are necessary for proceedings required to be conducted under this section. The provisions applicable to hearing examiners appointed under section 3105 of title 5, United States Code, shall apply to hearing examiners appointed under this subsection.

(2) The Executive Director shall exercise general supervision over all personnel employed by the Access Board (other than hearing examiners and their assistants). The Executive Director shall have final authority on behalf of the Access Board, with respect to the investigation of alleged noncompliance and in the issuance of formal complaints before the Access Board, and shall have such other duties as the Access Board may prescribe.

(3) For the purpose of this section, an order of compliance issued by a hearing examiner shall be deemed to be an order of the Access Board and shall be the final order for the purpose of judicial review.

(g)(1)(A) In carrying out the technical assistance responsibilities of the Access Board under this section, the Board may enter into an interagency agreement with another Federal department or agency.

(B) Any funds appropriated to such a department or agency for the purpose of providing technical assistance may be transferred to the Access Board. Any funds appropriated to the Access Board for

the purpose of providing such technical assistance may be transferred to such department or agency.

(C) The Access Board may arrange to carry out the technical assistance responsibilities of the Board under this section through such other departments and agencies for such periods as the Board determines to be appropriate.

(D) The Access Board shall establish a procedure to ensure separation of its compliance and technical assistance responsibilities under this section.

(2) The departments or agencies specified in subsection (a) of this section shall make available to the Access Board such technical, administrative, or other assistance as it may require to carry out its functions under this section, and the Access Board may appoint such other advisers, technical experts, and consultants as it deems necessary to assist it in carrying out its functions under this section. Special advisory and technical experts and consultants appointed pursuant to this paragraph shall, while performing their functions under this section, be entitled to receive compensation at rates fixed by the Chairperson, but not exceeding the daily equivalent of the rate of pay for level 4 of the Senior Executive Service Schedule under section 5382 of title 5, United States Code, including travel time, and while serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of such title 5 for persons in the Government service employed intermittently.

(h)(1) The Access Board shall, at the end of each fiscal year, report its activities during the preceding fiscal year to the Congress. Such report shall include an assessment of the extent of compliance with the Acts cited in subsection (b) of this section, along with a description and analysis of investigations made and actions taken by the Access Board, and the reports and recommendations described in paragraphs (8) and (9) of such subsection.

(2) The Access Board shall, at the same time that the Access Board transmits the report required under section 7(b) of the Act commonly known as the Architectural Barriers Act of 1968 (42 U.S.C. 4157(b)), transmit the report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

(i)(1) The Access Board may make grants to, or enter into contracts with, public or private organizations to carry out its duties under subsections (b) and (c).

(2)(A) The Access Board may accept, hold, administer, and utilize gifts, devises, and bequests of property, both real and personal, for the purpose of aiding and facilitating the functions of the Access Board under paragraphs (2) and (4) of subsection (b). Gifts and bequests of money and proceeds from sales of other property received as gifts, devises, or bequests shall be deposited in the Treasury and shall be disbursed upon the order of the Chairperson. Property accepted pursuant to this section, and the proceeds thereof, shall be used as nearly as possible in accordance with the terms of the gifts, devises, or bequests. For purposes of Federal income, estate, or gift taxes, property accepted under this section shall be considered as a gift, devise, or bequest to the United States.

(B) The Access Board shall publish regulations setting forth the criteria the Board will use in determining whether the acceptance of gifts, devises, and bequests of property, both real and personal, would reflect unfavorably upon the ability of the Board or any employee to carry out the responsibilities or official duties of the Board in a fair and objective manner, or would compromise the integrity of or the appearance of the integrity of a Government program or any official involved in that program.

[(j) There are authorized to be appropriated for the purpose of carrying out the duties and functions of the Access Board under this section $7,448,000 for fiscal year 2015, $8,023,000 for fiscal year 2016, $8,190,000 for fiscal year 2017, $8,371,000 for fiscal year 2018, $8,568,000 for fiscal year 2019, and $8,750,000 for fiscal year 2020.**]**

(j) There are authorized to be appropriated for the purpose of carrying out the duties and functions of the Access Board under this section $10,835,000 for fiscal year 2023, $11,376,750 for fiscal year 2024, $11,945,588 for fiscal year 2025, $12,542,867 for fiscal year 2026, $13,170,010 for fiscal year 2027, and $13,828,511 for fiscal year 2028.

* * * * * * *

SEC. 509. PROTECTION AND ADVOCACY OF INDIVIDUAL RIGHTS.

(a) PURPOSE AND CONSTRUCTION.—

(1) PURPOSE.—The purpose of this section is to support a system in each State to protect the legal and human rights of individuals with disabilities who—

(A) need services that are beyond the scope of services authorized to be provided by the client assistance program under section 112; and

(B)(i) are ineligible for protection and advocacy programs under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 because the individuals do not have a developmental disability, as defined in section 102 of such Act (42 U.S.C. 6002); and

(ii) are ineligible for services under the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et seq.) because the individuals are not individuals with mental illness, as defined in section 102 of such Act (42 U.S.C. 10802).

(2) CONSTRUCTION.—This section shall not be construed to require the provision of protection and advocacy services that can be provided under the Assistive Technology Act of 1998.

(b) APPROPRIATIONS LESS THAN $5,500,000.—For any fiscal year in which the amount appropriated to carry out this section is less than $5,500,000, the Commissioner may make grants from such amount to eligible systems within States to plan for, develop outreach strategies for, and carry out protection and advocacy programs authorized under this section for individuals with disabilities who meet the requirements of subparagraphs (A) and (B) of subsection (a)(1).

(c) APPROPRIATIONS OF $5,500,000 OR MORE.—

(1) RESERVATIONS.—

(A) TECHNICAL ASSISTANCE.—For any fiscal year in which the amount appropriated to carry out this section

equals or exceeds $5,500,000, the Commissioner shall set aside not less than 1.8 percent and not more than 2.2 percent of the amount to provide a grant, contract, or cooperative agreement for training and technical assistance to the systems established under this section.

(B) GRANT FOR THE ELIGIBLE SYSTEM SERVING THE AMERICAN INDIAN CONSORTIUM.—For any fiscal year in which the amount appropriated to carry out this section equals or exceeds $10,500,000, the Commissioner shall reserve a portion, and use the portion to make a grant for the eligible system serving the American Indian consortium. The Commission shall make the grant in an amount of not less than $50,000 for the fiscal year.

(2) ALLOTMENTS.—For any such fiscal year, after the reservations required by paragraph (1) have been made, the Commissioner shall make allotments from the remainder of such amount in accordance with paragraph (3) to eligible systems within States to enable such systems to carry out protection and advocacy programs authorized under this section for individuals referred to in subsection (b).

(3) SYSTEMS WITHIN STATES.—

(A) POPULATION BASIS.—Except as provided in subparagraph (B), from such remainder for each such fiscal year, the Commissioner shall make an allotment to the eligible system within a State of an amount bearing the same ratio to such remainder as the population of the State bears to the population of all States.

(B) MINIMUMS.—Subject to the availability of appropriations to carry out this section, and except as provided in paragraph (4), the allotment to any system under subparagraph (A) shall be not less than $100,000 or ⅓ of 1 percent of the remainder for the fiscal year for which the allotment is made, whichever is greater, and the allotment to any system under this section for any fiscal year that is less than $100,000 or ⅓ of 1 percent of such remainder shall be increased to the greater of the two amounts.

(4) SYSTEMS WITHIN OTHER JURISDICTIONS.—

(A) IN GENERAL.—For the purposes of paragraph (3)(B), Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands shall not be considered to be States.

(B) ALLOTMENT.—The eligible system within a jurisdiction described in subparagraph (A) shall be allotted under paragraph (3)(A) not less than $50,000 for the fiscal year for which the allotment is made.

(5) ADJUSTMENT FOR INFLATION.—For any fiscal year, beginning in fiscal year 1999, in which the total amount appropriated to carry out this section exceeds the total amount appropriated to carry out this section for the preceding fiscal year, the Commissioner shall increase each of the minimum grants or allotments under paragraphs (1)(B), (3)(B), and (4)(B) by a percentage that shall not exceed the percentage increase in the total amount appropriated to carry out this section between the preceding fiscal year and the fiscal year involved.

(d) PROPORTIONAL REDUCTION.—To provide minimum allotments to systems within States (as increased under subsection (c)(5)) under subsection (c)(3)(B), or to provide minimum allotments to systems within States (as increased under subsection (c)(5)) under subsection (c)(4)(B), the Commissioner shall proportionately reduce the allotments of the remaining systems within States under subsection (c)(3), with such adjustments as may be necessary to prevent the allotment of any such remaining system within a State from being reduced to less than the minimum allotment for a system within a State (as increased under subsection (c)(5)) under subsection (c)(3)(B), or the minimum allotment for a State (as increased under subsection (c)(5)) under subsection (c)(4)(B), as appropriate.

(e) REALLOTMENT.—Whenever the Commissioner determines that any amount of an allotment to a system within a State for any fiscal year described in subsection (c)(1) will not be expended by such system in carrying out the provisions of this section, the Commissioner shall make such amount available for carrying out the provisions of this section to one or more of the systems that the Commissioner determines will be able to use additional amounts during such year for carrying out such provisions. Any amount made available to a system for any fiscal year pursuant to the preceding sentence shall, for the purposes of this section, be regarded as an increase in the allotment of the system (as determined under the preceding provisions of this section) for such year.

(f) APPLICATION.—In order to receive assistance under this section, an eligible system shall submit an application to the Commissioner, at such time, in such form and manner, and containing such information and assurances as the Commissioner determines necessary to meet the requirements of this section, including assurances that the eligible system will—

(1) have in effect a system to protect and advocate the rights of individuals with disabilities;

(2) have the same general authorities, including theauthority to access records and program income, as are set forth in subtitle C of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000;

(3) have the authority to pursue legal, administrative, and other appropriate remedies or approaches to ensure the protection of, and advocacy for, the rights of such individuals within the State or the American Indian consortium who are individuals described in subsection (a)(1);

(4) provide information on and make referrals to programs and services addressing the needs of individuals with disabilities in the State or the American Indian consortium;

(5) develop a statement of objectives and priorities on an annual basis, and provide to the public, including individuals with disabilities and, as appropriate, the individuals' representatives, an opportunity to comment on the objectives and priorities established by, and activities of, the system including—

(A) the objectives and priorities for the activities of the system for each year and the rationale for the establishment of such objectives and priorities; and

(B) the coordination of programs provided through the system under this section with the advocacy programs of the client assistance program under section 112, the State long-term care ombudsman program established under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.), the Developmental Disabilities Assistance and Bill of Rights Act of 2000, and the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et seq.);

(6) establish a grievance procedure for clients or prospective clients of the system to ensure that individuals with disabilities are afforded equal opportunity to access the services of the system; and

(7) provide assurances to the Commissioner that funds made available under this section will be used to supplement and not supplant the non-Federal funds that would otherwise be made available for the purpose for which Federal funds are provided.

(g) CARRYOVER AND DIRECT PAYMENT.—

(1) DIRECT PAYMENT.—Notwithstanding any other provision of law, the Commissioner shall pay directly to any system that complies with the provisions of this section, the amount of the allotment of the State or the grant for the eligible system that serves the American Indian consortium involved under this section, unless the State or American Indian consortium provides otherwise.

(2) CARRYOVER.—Any amount paid to an eligible system that serves a State or American Indian consortium for a fiscal year that remains unobligated at the end of such year shall remain available to such system that serves the State or American Indian consortium for obligation during the next fiscal year for the purposes for which such amount was paid.

(h) LIMITATION ON DISCLOSURE REQUIREMENTS.—For purposes of any audit, report, or evaluation of the performance of the program established under this section, the Commissioner shall not require such a program to disclose the identity of, or any other personally identifiable information related to, any individual requesting assistance under such program.

(i) ADMINISTRATIVE COST.—In any State in which an eligible system is located within a State agency, a State may use a portion of any allotment under subsection (c) for the cost of the administration of the system required by this section. Such portion may not exceed 5 percent of the allotment.

(j) DELEGATION.—The Commissioner may delegate the administration of this program to the Commissioner of the Administration on Developmental Disabilities within the Department of Health and Human Services.

(k) REPORT.—The Commissioner shall annually prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report describing the types of services and activities being undertaken by programs funded under this section, the total number of individuals served under this section, the types of disabilities represented by such individuals, and the types of issues being addressed on behalf of such individuals.

[(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $17,650,000 for fiscal

year 2015, $19,013,000 for fiscal year 2016, $19,408,000 for fiscal year 2017, $19,838,000 for fiscal year 2018, $20,305,000 for fiscal year 2019, and $20,735,000 for fiscal year 2020.]

(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $22,808,500 for fiscal year 2023, $23,948,925 for fiscal year 2024, $25,146,371 for fiscal year 2025, $26,403,690 for fiscal year 2026, $27,723,874 for fiscal year 2027, and $29,110,068 for fiscal year 2028.

(m) DEFINITIONS.—As used in this section:

(1) ELIGIBLE SYSTEM.—The term "eligible system" means a protection and advocacy system that is established under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 and that meets the requirements of subsection (f).

(2) AMERICAN INDIAN CONSORTIUM.—The term "American Indian consortium" means a consortium established as described in section 142 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6042).

* * * * * * *

TITLE VI—EMPLOYMENT OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES

* * * * * * *

[SEC. 610. AUTHORIZATION OF APPROPRIATIONS.

[There is authorized to be appropriated to carry out this title $27,548,000 for fiscal year 2015, $29,676,000 for fiscal year 2016, $30,292,000 for fiscal year 2017, $30,963,000 for fiscal year 2018, $31,691,000 for fiscal year 2019, and $32,363,000 for fiscal year 2020.]

SEC. 610. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title $35,599,300 for fiscal year 2023, $37,379,265 for fiscal year 2024, $39,248,228 for fiscal year 2025, $41,210,640 for fiscal year 2026, $43,271,172 for fiscal year 2027, and $45,434,730 for fiscal year 2028.

TITLE VII—INDEPENDENT LIVING SERVICES AND CENTERS FOR INDEPENDENT LIVING

CHAPTER 1—INDIVIDUALS WITH SIGNIFICANT DISABILITIES

* * * * * * *

PART B—INDEPENDENT LIVING SERVICES

* * * * * * *

[SEC. 714. AUTHORIZATION OF APPROPRIATIONS.

[There are authorized to be appropriated to carry out this part $22,878,000 for fiscal year 2015, $24,645,000 for fiscal year 2016, $25,156,000 for fiscal year 2017, $25,714,000 for fiscal year 2018,

$26,319,000 for fiscal year 2019, and $26,877,000 for fiscal year 2020.]

SEC. 714. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this part $29,564,700 for fiscal year 2023, $31,042,935 for fiscal year 2024, $32,595,082 for fiscal year 2025, $34,224,836 for fiscal year 2026, $35,936,078 for fiscal year 2027, and $37,732,882 for fiscal year 2028.

PART C—CENTERS FOR INDEPENDENT LIVING

* * * * * * *

[SEC. 727. AUTHORIZATION OF APPROPRIATIONS.

[There are authorized to be appropriated to carry out this part $78,305,000 for fiscal year 2015, $84,353,000 for fiscal year 2016, $86,104,000 for fiscal year 2017, $88,013,000 for fiscal year 2018, $90,083,000 for fiscal year 2019, and $91,992,000 for fiscal year 2020.]

SEC. 727. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this part $101,191,200 for fiscal year 2023, $106,250,760 for fiscal year 2024, $111,563,298 for fiscal year 2025, $117,141,463 for fiscal year 2026, $122,998,536 for fiscal year 2027, and $129,148,463 for fiscal year 2028.

CHAPTER 2—INDEPENDENT LIVING SERVICES FOR OLDER INDIVIDUALS WHO ARE BLIND

* * * * * * *

[SEC. 753. AUTHORIZATION OF APPROPRIATIONS.

[There are authorized to be appropriated to carry out this chapter $33,317,000 for fiscal year 2015, $35,890,000 for fiscal year 2016, $36,635,000 for fiscal year 2017, $37,448,000 for fiscal year 2018, $38,328,000 for fiscal year 2019, and $39,141,000 for fiscal year 2020.]

SEC. 753. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this chapter $43,055,100 for fiscal year 2023, $45,207,855 for fiscal year 2024, $47,468,248 for fiscal year 2025, $49,841,660 for fiscal year 2026, $52,333,743 for fiscal year 2027, and $54,950,430 for fiscal year 2028.

MINORITY VIEWS

INTRODUCTION

As the nation's primary workforce development law, the *Workforce Innovation and Opportunity Act* (WIOA) is intended to help job seekers obtain the skills they need for successful careers and help employers access the talent they need to grow their businesses. While the 2014 WIOA reauthorization took significant steps to inject positive reform into the workforce development system, more is required to modernize the system so that it achieves these goals. Following the pandemic, the needs of the nation's workforce have drastically changed, and the nation needs a workforce development system that prepares American workers for the job opportunities of today and tomorrow—not those of the past.

Unfortunately, H.R. 7309, the *Workforce Innovation and Opportunity Act of 2022,* lacks the necessary reforms to help America's workers, and even backpedals in several areas. First, the bill expands federal control over the workforce system and diminishes the role of employer; for example, the bill increases the size of the state and local workforce boards to expand the role of organized labor. In the last reauthorization, Congress recognized the need to streamline these boards and give employers more say in how the workforce system operates. Unfortunately, this bill undoes those reforms. The bill also increases costs to taxpayers by requiring Job Corps contractors to comply with onerous local prevailing wage requirements, while doing nothing to increase the program's effectiveness. Additionally, the bill's proposed spending would make the country's inflation crisis even worse.

Second, this legislation takes unprecedented steps to assert federal control over workers' individual employment decisions by introducing federal definitions of job quality throughout the legislation. Job seekers do not need the federal government to increase barriers to employment. They need a workforce development system that can respond quickly to the market and help prepare them for local, in-demand jobs. Decisions about the kind of jobs that meet the needs of job seekers across the country should be left to individuals—not Washington.

Third, the bill reveals Democrats' interest in pursuing a radical progressive agenda at the expense of commonsense reforms. Rather than ensuring the system is upskilling more workers, the legislation adds new bureaucratic hurdles that bog states down in equity reports and unequal outcomes metrics. Every eligible individual should have the opportunity to access services under WIOA to help them obtain the skills they need. Unfortunately, the Democrats' bill will bog down the workforce development system in more layers of bureaucracy and will not help close the skills gap.

Fourth, H.R. 7309 freezes the Job Corps program in time and reduces performance expectations. This is a lose-lose situation for youth and taxpayers. By saying that the only pilot or demonstration model possible is a center-based and operator-run program, the Democrats' bill strangles current and future innovations. Maintaining the existing model of Job Corps service delivery as the only foreseeable model is wrong and tone-deaf to the changing needs of Job Corps-eligible youth. This is particularly true for residential models, which are always expensive (even when no students are in them). Although it may not be in the best interest of Job Corps operators to have additional innovations in the program, it is in the best interest of Job Corps-eligible youth and taxpayers.

Finally, the Democrats' bill reinforces the status quo at the expense of innovation. The bill makes it harder for workers to find education providers they need when the system should work to make it easier, and it doubles down on the Depression-era registered apprenticeship system instead of embracing new models of work-based learning. The bill also rejects proposals to expand employer-driven reskilling and upskilling activities, while failing to make any reforms to the system's decades-old governance model.

REPUBLICAN SUBSTITUTE AMENDMENT

Republicans offered a substitute amendment that would reauthorize WIOA for fiscal years 2023 through 2028 and bring needed innovation and flexibility to the workforce development system. The Republican substitute would make the workforce system employer-driven, which will help strengthen America's economy for decades to come and would empower states and localities to address their unique situations.

The Republican substitute would put taxpayer dollars to work where they are needed most: helping job seekers obtain the skills they need to close the skills gap and get back to work. It does this in several ways. First, it ensures that at least 70 percent of WIOA dollars are dedicated to upskilling workers. Second, it brings more competition into the provider marketplace, which expands the pool of skills development providers that meet employer needs and gives more choices to American workers. Third, it ensures states and localities can use WIOA funds to survey employers to better understand the skills that are most in-demand and respond accordingly. Fourth, it empowers states and localities to address their unique situations by increasing the funds that governors can reserve for innovative ideas within their states. This offers a flexible option for addressing economic changes and the current workforce shortage. Fifth, it allows eligible youth to receive individually tailored skills development opportunities so they will be better prepared to enter the workforce. Finally, the Republican substitute expands the ability of localities to use funds to help current workers get new skills so they can meet the demands of today's rapidly changing economy.

The nation's workforce development system needs more innovation, flexibility, and efficiency. Given the current labor shortage, the workforce system needs to be streamlined to focus funds more effectively on upskilling job seekers rather than on wasteful government bureaucracy. By allowing localities to further pool funding in the delivery of skills development services, the Republican sub-

stitute encourages regional collaboration. This cuts down on bureaucracy and focuses funds on the program's priority: educating American workers.

The Republican substitute adapts WIOA to the changing economic landscape. America just came through a pandemic, and during that time businesses, employers, and workers shifted to remote work and learned to accommodate changing circumstances. Skills development and education programs should adapt to changing circumstances as well. That is why the substitute encourages workforce boards to provide services virtually, which streamlines WIOA and eliminates administrative costs and overhead. Republicans also ensure online skills development providers can be included as providers of skills development services, expanding the number of providers who can address the needs that American workers face.

Additionally, the Republican alternative levels the playing field and encourages innovation by ensuring that WIOA does not favor registered apprenticeships over more innovative apprenticeship models that can address the needs of more employers. This will keep America's labor force at the cutting edge of global competition.

Since competition drives better results, the Republican substitute also encourages programs with a proven track record of successfully helping American workers succeed through pay-for-performance funding. The Republican proposal measures programs based on real outcomes and gives states and localities more flexibility in how they can improve those outcomes. Additionally, the substitute amendment increases transparency by making the process for creating performance metrics available to the American public.

The Republican substitute recognizes a simple reality that decades of bloated government has made abundantly clear: excess bureaucracy can slow progress. That is why the amendment would require the Department of Labor to review federal laws and find the legislative and regulatory bottlenecks that drive excess occupational licensing requirements, so that Congress can correct these problems.

Finally, the Republican alternative brings greater accountability to the Department of Labor's Job Corps program and Reentry Opportunities Program. The substitute amendment injects key reforms into the failed Job Corps program to make it more accountable and safer for participants. To accomplish this, the substitute would help Job Corps-eligible students get technical and career education from community colleges, which would give this program much-needed innovation and better outcomes.

Centers would be required to report whenever any concerning incidents occurred, ensuring proper oversight of the program, and centers would be required to offer productive services—such as tutoring—for students during idle times when they are not in class to cut down on the number of behavioral problems that arise throughout the week at Job Corps centers. The Republican substitute would also improve the security at Job Corps centers by requiring all centers to state clearly their policy on outreach to local law enforcement so they can be better prepared to handle illegal activities on campus when they arise.

The Republican substitute also builds on President Donald Trump's historic criminal justice reform by bringing greater ac-

countability to the Reentry Employment Opportunities program, ensuring that this program will help formerly incarcerated Americans establish a firm economic foundation for their new life.

Together, these reforms will modernize the workforce system so that it works for both job seekers and employers.

ADDITIONAL REJECTED AMENDMENTS THAT WOULD HAVE IMPROVED THE BILL

During consideration of H.R. 7309, Committee Democrats also rejected the following four amendments that would have brought greater accountability and protections for taxpayers:

- Rep. Bob Good (R–VA) offered two amendments.
  - An amendment to require skills development providers and employers that receive funding under WIOA to participate in the E-verify program.
  - An amendment to ensure a broad range of work-based learning opportunities are encouraged in WIOA rather than the law overemphasizing the registered apprenticeship model.
- Rep. Mary Miller (R–IL) offered two amendments.
  - An amendment to strike language from the bill that encourages identity politics in the workforce development system.
  - An amendment to prohibit WIOA funds from being used to reimburse health care services, ensuring that no funding could be used to pay for abortions.

CONCLUSION

It is critical that the Committee take steps to modernize the workforce development system, but the Democrats' decision to advance this legislation on a partisan basis does not improve the status quo. Committee Republicans believe Congress must inject new ideas into the workforce development system to correct its weaknesses. The reforms put forward in the Republican substitute provide the forward-looking changes that the workforce development system needs if it is going to serve job seekers and employers and help grow the American economy.

VIRGINIA FOXX,
Ranking Member.
JOE WILSON.
GLENN "GT" THOMPSON.
TIM WALBERG.
GLENN GROTHMAN.
ELISE M. STEFANIK.
RICK W. ALLEN.
JIM BANKS.
JAMES COMER.
RUSS FULCHER.
FRED KELLER.
MARIANNETTE MILLER-MEEKS, M.D.
BURGESS OWENS.
BOB GOOD.
LISA C. MCCLAIN.

DIANA HARSHBARGER.
MARY E. MILLER.
VICTORIA SPARTZ.
SCOTT FITZGERALD.
MADISON CAWTHORN.
MICHELLE STEEL.
JULIA LETLOW.
CHRIS JACOBS.

○