

114TH CONGRESS
2D SESSION

S. 3151

To enhance investment in education and employment programs by eliminating duplication, cutting red tape, and increasing flexibility, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 7, 2016

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

A BILL

To enhance investment in education and employment programs by eliminating duplication, cutting red tape, and increasing flexibility, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Cutting Administrative
5 Red-tape for Education and Employment Reinvestment
6 Act” or the “CAREER Act”.

7 **SEC. 2. TABLE OF CONTENTS.**

8 The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—GENERAL PROVISIONS

- Sec. 101. Definitions.
- Sec. 102. Powers of Federal Government.

TITLE II—STATEWIDE AND LOCAL WORKFORCE INVESTMENT SYSTEMS

- Sec. 201. Purpose.

Subtitle A—State Provisions

- Sec. 211. State workforce investment boards.
- Sec. 212. State plan.

Subtitle B—Local Provisions

- Sec. 221. Local workforce investment areas.
- Sec. 222. Local workforce investment boards.
- Sec. 223. Local plan.

Subtitle C—One-Stop Delivery System

- Sec. 231. One-stop delivery system.

Subtitle D—Providers of Training Services

- Sec. 241. Providers of training services.

TITLE III—WORKER TRAINING SERVICES AND ACTIVITIES

- Sec. 301. Fiscal year basis.
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Subtitle A—Adult Worker Training Services and Activities

- Sec. 311. Authorization of appropriations.
- Sec. 312. Allotment of funds for adult worker training services and activities.
- Sec. 313. Within State allocation.
- Sec. 314. Use of funds.
- Sec. 315. Adult training services.
- Sec. 316. Supplemental services for individuals eligible for trade adjustment assistance.
- Sec. 317. Supplemental services for designated recipients of supplemental nutrition assistance.
- Sec. 318. Labor exchange system and administration of work test for unemployment compensation.
- Sec. 319. Nationwide employment statistics system.
- Sec. 320. Conforming amendment relating to H-1B nonimmigrant petitioner account.
- Sec. 321. Amendments to the Trade Act of 1974.
- Sec. 322. Conforming amendments relating to the temporary assistance for needy families program.
- Sec. 323. Amendments to the Food and Nutrition Act of 2008.

Subtitle B—Worker Training for Disadvantaged Youth

CHAPTER 1—DISADVANTAGED YOUTH

- Sec. 331. Authorization of appropriations.
- Sec. 332. Allotment of funds for youth training services.
- Sec. 333. Within State allocation.
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CHAPTER 2—JOB CORPS

- Sec. 341. Purposes.
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- Sec. 351. Operations.
- Sec. 352. Standards of conduct.
- Sec. 353. Community participation.
- Sec. 354. Workforce councils.
- Sec. 355. Advisory committees.
- Sec. 356. Experimental projects and technical assistance.
- Sec. 357. Application of provisions of Federal law.
- Sec. 358. Special provisions.
- Sec. 359. Management information.
- Sec. 360. General provisions.
- Sec. 361. Job Corps oversight and reporting.
- Sec. 362. Authorization of appropriations.

Subtitle C—Worker Training for Individuals With Disabilities

- Sec. 371. Declaration of purpose and policy.
- Sec. 372. Authorization of appropriations.
- Sec. 373. Grants to States.
- Sec. 374. Eligible population.
- Sec. 375. Vocational rehabilitation services and information and referral services.

Subtitle D—Worker Training for Indians (Including Alaska Natives) and Native Hawaiians

- Sec. 381. Worker training for Indians (including Alaska Natives) and Native Hawaiians.

Subtitle E—Worker Training for Reintegration of Offenders

- Sec. 391. Reintegration of offenders.

TITLE IV—PERFORMANCE INDICATORS, FISCAL CONTROLS, AND ADMINISTRATIVE PROVISIONS

- Sec. 401. Definition of other direct recipient.
- Sec. 402. Performance accountability system.
- Sec. 403. Fiscal controls; sanctions.
- Sec. 404. Reports; recordkeeping; investigations.
- Sec. 405. Requirements and restrictions.

- Sec. 406. Monitoring.
- Sec. 407. Judicial review.
- Sec. 408. General program requirements.
- Sec. 409. Organization.
- Sec. 410. Budgetary effects.

TITLE V—REPEALS AND TRANSITION PROVISIONS

- Sec. 501. Repealed provisions.
- Sec. 502. Savings provisions for adult programs.
- Sec. 503. Savings provisions for youth programs.
- Sec. 504. Savings provisions for disabilities programs.
- Sec. 505. Savings provisions for programs for Indians (including Alaska Natives) and Native Hawaiians.
- Sec. 506. Obligation and expenditure limitations.
- Sec. 507. Effective date.

1 **TITLE I—GENERAL PROVISIONS**

2 **SEC. 101. DEFINITIONS.**

3 In this Act:

4 (1) ADMINISTRATIVE COSTS.—

5 (A) IN GENERAL.—The term “administra-
6 tive costs” means costs necessary for the proper
7 administration of a program under this Act.

8 (B) EXCLUSIONS.—The term “administra-
9 tive costs” excludes—

10 (i) direct costs of providing worker
11 training services and activities, including
12 costs for contracts devoted entirely to such
13 services and activities;

14 (ii) direct costs of gathering statistics
15 and the data on performance indicators re-
16 quired under sections 319 and 402; and

17 (iii) costs of salaries and benefits for
18 staff providing worker training services

1 and activities and the direct costs associ-
2 ated with providing such services and ac-
3 tivities, such as the costs for supplies,
4 equipment, travel, postage, utilities, and
5 rental of training space associated with
6 that provision.

7 (C) INCLUSIONS.—Except as provided in
8 subparagraph (B), the term “administrative
9 costs” includes costs for general administration
10 and coordination of a program under this Act,
11 including costs for contracts and all indirect (or
12 overhead) costs, such as the costs of—

13 (i) salaries and benefits of staff per-
14 forming administrative and coordination
15 functions;

16 (ii) activities related to eligibility de-
17 terminations;

18 (iii) preparation of program plans,
19 budgets, and schedules;

20 (iv) monitoring of the program;

21 (v) activities of fraud and abuse staff;

22 (vi) procurement activities;

23 (vii) public relations activities;

1 (viii) services related to accounting,
2 litigation, audits, management of property,
3 payroll, and personnel;

4 (ix) costs for the goods and services
5 required for administration of the program
6 such as the costs for supplies, equipment,
7 travel, postage, utilities, and rental of of-
8 fice space and maintenance of office space,
9 required for that administration;

10 (x) operating management informa-
11 tion systems not related to the tracking
12 and monitoring of statistics required under
13 this Act and data on performance indica-
14 tors as required under section 402 (such
15 as for a personnel and payroll system for
16 State staff); and

17 (xi) preparing reports and other docu-
18 ments.

19 (2) ADULT TRAINING SERVICES.—The term
20 “adult training services” means the services de-
21 scribed in section 315(a).

22 (3) ALASKA NATIVE.—The term “Alaska Na-
23 tive” means a Native as such term is defined in sec-
24 tion 3(b) of the Alaska Native Claims Settlement
25 Act (43 U.S.C. 1602(b)).

1 (4) AREA OF SUBSTANTIAL UNEMPLOYMENT.—

2 The term “area of substantial unemployment”
3 means any area that is of sufficient size and scope
4 to sustain a program of worker training services and
5 activities carried out under this Act and that has an
6 average rate of unemployment of at least 6.5 percent
7 for the most recent 12 months, as determined by the
8 Secretary. For purposes of this paragraph, deter-
9 minations of areas of substantial unemployment
10 shall be made once each fiscal year.

11 (5) CAREER AND TECHNICAL EDUCATION.—The
12 term “career and technical education” means orga-
13 nized educational services or activities that—

14 (A) offer a sequence of courses that—

15 (i) provides individuals with coherent
16 and rigorous content aligned with chal-
17 lenging academic standards and relevant
18 technical knowledge and skills needed to
19 prepare for further education and careers
20 in current or emerging professions;

21 (ii) provides technical skill proficiency,
22 an industry-recognized credential, a certifi-
23 cate, or an associate degree; and

24 (iii) may include prerequisite courses
25 (other than a remedial course) that meet

1 the requirements of this subparagraph;
2 and

3 (B) include competency-based applied
4 learning that contributes to the academic
5 knowledge, higher-order reasoning and problem-
6 solving skills, work attitudes, general employ-
7 ability skills, technical skills, and occupation-
8 specific skills, and knowledge of all aspects of
9 an industry, including entrepreneurship, of an
10 individual.

11 (6) CHARTER SCHOOL.—The term “charter
12 school” has the meaning given the term in section
13 5210 of the Elementary and Secondary Education
14 Act of 1965 (20 U.S.C. 7221i).

15 (7) CHIEF ELECTED OFFICIAL.—The term
16 “chief elected official” means—

17 (A) the chief elected executive officer of a
18 unit of general local government in a local area;
19 and

20 (B) in a case in which a local area includes
21 more than one unit of general local government,
22 the individuals designated under the agreement
23 described in section 222(b)(1)(B)(ii).

24 (8) COVERED PROGRAM PROVIDING WORKER
25 TRAINING SERVICES AND ACTIVITIES.—The term

1 “covered program providing worker training services
2 and activities” means any program providing worker
3 training services and activities, except a labor ex-
4 change system under section 318 and an employ-
5 ment statistics system under section 319.

6 (9) DISADVANTAGED ADULT.—The term “dis-
7 advantaged adult”—

8 (A) means an adult who received an in-
9 come, or is a member of a family that received
10 a total family income, for the 6-month period
11 prior to application for the program involved
12 (exclusive of unemployment compensation, child
13 support payments, payments described in para-
14 graph (20)(A), and old-age and survivors insur-
15 ance benefits received under section 202 of the
16 Social Security Act (42 U.S.C. 402)), that, in
17 relation to family size, does not exceed the high-
18 er of—

19 (i) the poverty line, for an equivalent
20 period; or

21 (ii) 70 percent of the lower living
22 standard income level, for an equivalent
23 period; and

1 (B) does not include students enrolled in a
2 2-year or 4-year program of study at an institu-
3 tion of higher education.

4 (10) DISADVANTAGED YOUTH.—The term “dis-
5 advantaged youth”—

6 (A) means—

7 (i) an individual who—

8 (I) is age 14 through age 21; and

9 (II) is a low-income individual,
10 has a disability, or is blind as deter-
11 mined pursuant to title II or title XVI
12 of the Social Security Act (42 U.S.C.
13 401 et seq., 1381 et seq.); or

14 (ii) an individual who—

15 (I) is under age 27;

16 (II) attends—

17 (aa) a secondary school (in-
18 cluding a charter school, or a sec-
19 ondary school, used exclusively or
20 principally for the provision of
21 career and technical education);
22 or

23 (bb) an institution of higher
24 education used exclusively or
25 principally for the provision of

1 career and technical education;
2 and

3 (III) meets the requirements of
4 subclause (II) of clause (i); and

5 (B) does not include students enrolled in a
6 2-year or 4-year program of study at an institu-
7 tion of higher education and members of the
8 armed forces (as defined in section 101 of title
9 10, United States Code) who are serving on ac-
10 tive duty.

11 (11) ELIGIBLE VETERAN.—The term “eligible
12 veteran” has the meaning given the term in section
13 4211(4) of title 38, United States Code.

14 (12) EXCESS NUMBER.—The term “excess
15 number” means, used with respect to the excess
16 number of unemployed individuals within a State,
17 the higher of—

18 (A) the number that represents the num-
19 ber of unemployed individuals in excess of 4.5
20 percent of the civilian labor force in the State;
21 or

22 (B) the number that represents the num-
23 ber of unemployed individuals in excess of 4.5
24 percent of the civilian labor force in areas of
25 substantial unemployment in such State.

1 (13) GOVERNOR.—The term “Governor” means
2 the chief executive of a State.

3 (14) HOMELESS, HOMELESS INDIVIDUAL.—The
4 terms “homeless” and “homeless individual” have
5 the meaning given such terms in section 103(a) of
6 the McKinney-Vento Homeless Assistance Act (42
7 U.S.C. 11302(a)).

8 (15) INDIAN, INDIAN TRIBE, AND TRIBAL ORGA-
9 NIZATION.—The terms “Indian”, “Indian tribe”,
10 and “tribal organization” have the meanings given
11 such terms in subsections (d), (e), and (l), respec-
12 tively, of section 4 of the Indian Self-Determination
13 and Education Assistance Act (25 U.S.C. 450b).

14 (16) INDIVIDUAL WITH A DISABILITY.—The
15 term “individual with a disability” means an indi-
16 vidual who has a physical or mental impairment
17 which for such individual constitutes or results in a
18 substantial impediment to employment, including an
19 individual who has a disability or is blind as deter-
20 mined pursuant to title II or title XVI of the Social
21 Security Act (42 U.S.C. 401 et seq., 1381 et seq.).

22 (17) INDIVIDUALS WITH DISABILITIES.—The
23 term “individuals with disabilities” means more than
24 one individual with a disability.

1 (18) INSTITUTION OF HIGHER EDUCATION.—
2 The term “institution of higher education” has the
3 meaning given the term in section 102 of the Higher
4 Education Act of 1965 (20 U.S.C. 1002).

5 (19) LOCAL AREA.—The term “local area”
6 means a local workforce investment area designated
7 under section 221, except as provided in section 319.

8 (20) LOCAL BOARD.—The term “local board”
9 means a local workforce investment board estab-
10 lished under section 222.

11 (21) LOW-INCOME INDIVIDUAL.—The term
12 “low-income individual” means an individual who—

13 (A) receives, or is a member of a family
14 that receives, cash payments under a Federal,
15 State, or local income-based public assistance
16 program;

17 (B) received an income, or is a member of
18 a family that received a total family income, for
19 the 6-month period prior to application for the
20 program involved (exclusive of unemployment
21 compensation, child support payments, pay-
22 ments described in subparagraph (A), and old-
23 age and survivors insurance benefits received
24 under section 202 of the Social Security Act

1 (42 U.S.C. 402)) that, in relation to family
2 size, does not exceed the higher of—

3 (i) the poverty line, for an equivalent
4 period; or

5 (ii) 70 percent of the lower living
6 standard income level, for an equivalent
7 period;

8 (C) is a member of a household that re-
9 ceives (or has been determined within the 6-
10 month period prior to application for the pro-
11 gram involved to be eligible to receive) supple-
12 mental nutrition assistance program benefits
13 pursuant to the Food and Nutrition Act of
14 2008 (7 U.S.C. 2011 et seq.);

15 (D) is homeless;

16 (E) is a foster child on behalf of whom
17 State or local government payments are made;
18 or

19 (F) in cases permitted by regulations pro-
20 mulgated by the Secretary of Labor, is an indi-
21 vidual with a disability whose own income meets
22 the requirements of a program described in
23 subparagraph (A) or subparagraph (B), but
24 who is a member of a family whose income does
25 not meet such requirements.

1 (22) NATIVE HAWAIIAN AND NATIVE HAWAIIAN
2 ORGANIZATION.—The terms “Native Hawaiian” and
3 “Native Hawaiian organization” have the meanings
4 given such terms in section 7207 of the Native Ha-
5 waiian Education Act (20 U.S.C. 7517).

6 (23) ONE-STOP OPERATOR.—The term “one-
7 stop operator” means an entity that has a designa-
8 tion or certification in effect under section 231.

9 (24) OUTLYING AREA.—The term “outlying
10 area” means the United States Virgin Islands,
11 Guam, American Samoa, the Commonwealth of the
12 Northern Mariana Islands, and the Republic of
13 Palau (except during any period for which the Sec-
14 retary determines that a Compact of Free Associa-
15 tion is in effect and contains provisions for training
16 and education assistance prohibiting the assistance
17 provided under this Act).

18 (25) PARTICIPANT.—The term “participant”
19 means an individual who has been determined to be
20 eligible to participate in services or activities, and
21 who is participating in services or activities, under a
22 program authorized by this Act. Participation shall
23 be deemed to commence on the first day, following
24 determination of eligibility, on which the individual
25 begins participating in subsidized employment, train-

1 ing, or other services or activities provided under
2 this Act.

3 (26) SECONDARY SCHOOL.—The term “sec-
4 ondary school” has the meaning given the term in
5 section 9101 of the Elementary and Secondary Edu-
6 cation Act of 1965 (20 U.S.C. 7801).

7 (27) SECONDARY EDUCATION.—The term “sec-
8 ondary education” means education services pro-
9 vided by a secondary school.

10 (28) SECRETARY.—The term “Secretary”
11 means the Secretary of Labor.

12 (29) STATE.—The term “State” means each of
13 the several States of the United States, the District
14 of Columbia, and the Commonwealth of Puerto Rico.

15 (30) STATE BOARD.—The term “State board”
16 means a State workforce investment board estab-
17 lished under section 211.

18 (31) UNDEREMPLOYED INDIVIDUAL.—The term
19 “underemployed individual” means an individual
20 who wants and is available for full-time work but
21 has had to settle for part-time work.

22 (32) UNEMPLOYED INDIVIDUAL.—The term
23 “unemployed individual” means an individual who is
24 without a job and who wants and is available for
25 work. The determination of whether an individual is

1 without a job, for purposes of this paragraph, shall
2 be made in accordance with the criteria used by the
3 Bureau of Labor Statistics of the Department of
4 Labor in defining individuals as unemployed.

5 (33) UNIT OF GENERAL LOCAL GOVERN-
6 MENT.—The term “unit of general local govern-
7 ment” means any general purpose political subdivi-
8 sion of a State that has the power to levy taxes and
9 spend funds, as well as general corporate and police
10 powers.

11 (34) WORKER TRAINING SERVICES AND ACTIVI-
12 TIES.—The term “worker training services and ac-
13 tivities” means any services provided to, or activities
14 for, jobseekers, employers, or employees under title
15 III.

16 **SEC. 102. POWERS OF FEDERAL GOVERNMENT.**

17 An Executive agency (as defined in section 105 of
18 title 5, United States Code) shall have the power to issue
19 regulations under this Act only when explicitly stated in
20 this Act and only for the purposes and to the extent explic-
21 itly stated in this Act.

1 **TITLE II—STATEWIDE AND**
 2 **LOCAL WORKFORCE INVEST-**
 3 **MENT SYSTEMS**

4 **SEC. 201. PURPOSE.**

5 The purpose of this title is to provide worker training
 6 services and activities, through statewide and local work-
 7 force investment systems, that increase the employment,
 8 retention, and earnings of participants, and increase edu-
 9 cational and occupational skill attainment by participants.

10 **Subtitle A—State Provisions**

11 **SEC. 211. STATE WORKFORCE INVESTMENT BOARDS.**

12 (a) ESTABLISHMENT.—The Governor of a State shall
 13 establish a State workforce investment board.

14 (b) MEMBERSHIP.—

15 (1) COMPOSITION.—The Governor shall, not
 16 less often than once every 3 years, appoint members
 17 of the State board, who shall consist of—

18 (A) representatives of business in the
 19 State;

20 (B) representatives of employees' interests,
 21 such as representatives of labor organizations,
 22 in the State; and

23 (C) other persons that the Governor shall
 24 designate.

1 (2) MAXIMUM NUMBER OF MEMBERS.—The
2 State board shall not have more than 20 members.

3 (3) MAJORITY.—A majority of the members of
4 the State board shall be representatives of business
5 in the State.

6 (4) CHAIRPERSON.—The Governor shall select
7 a Chairperson for the State board from among its
8 members.

9 (5) SERVICE AT WILL OF GOVERNOR.—Service
10 of a member of the State board shall be at the will
11 of the Governor.

12 (6) DECERTIFICATION AND REMOVAL.—The
13 Governor may, without providing notice or an oppor-
14 tunity to appeal, decertify a State board or remove
15 any member of a State board, at any time for—

16 (A) fraud or abuse; or

17 (B) failure to carry out State board func-
18 tions to the Governor's satisfaction.

19 (c) FUNCTIONS.—The functions of the State board
20 shall include:

21 (1) STATE PLAN.—Consistent with section 212,
22 each State board shall develop and submit to the
23 Secretary a State plan.

24 (2) LOCAL AREAS.—Consistent with section
25 221, the State board shall designate local areas.

1 (3) GRANT RECIPIENT.—The State board shall
2 serve as the State grant recipient of Federal funds
3 distributed for the State under this Act.

4 (4) LOCAL BOARDS.—The State board shall—

5 (A) allocate and disburse funds to local
6 boards under title III; and

7 (B) review, and approve or reject, local
8 plans under section 223.

9 (5) EMPLOYMENT STATISTICS SYSTEM, LABOR
10 EXCHANGE SYSTEM AND UNEMPLOYMENT COM-
11 PENSATION.—Consistent with sections 318 and 319,
12 the State board shall—

13 (A) carry out—

14 (i) coordination and development of a
15 labor exchange system (including provision
16 of services through that system) under sec-
17 tion 318; and

18 (ii) cooperative governance of an em-
19 ployment statistics system (including provi-
20 sion of employment statistics information)
21 under section 319; and

22 (B) ensure that the work test for the State
23 unemployment compensation system is adminis-
24 tered at each one-stop center.

1 (6) STATISTICS AND PERFORMANCE DATA.—

2 The State board shall disseminate the information
3 and data and carry out the other functions required
4 by section 319(e) and submit the report required by
5 section 402(c)(1)(B). The State board shall establish
6 a process for—

7 (A) local boards and entities carrying out
8 covered programs providing worker training
9 services and activities, and one-stop operators,
10 to collect and submit the information and data
11 required by section 319(e)(1)(E); and

12 (B) local boards and entities carrying out
13 covered programs providing worker training
14 services and activities to collect and submit,
15 under section 402(c)(1), the statistics and in-
16 formation indicating the levels of performance
17 on all applicable performance indicators de-
18 scribed in section 402(b), in the aggregate and
19 disaggregated by the demographic factors de-
20 scribed in that section.

21 (7) OTHER FUNCTIONS.—The State board shall
22 carry out all other functions required of the State
23 board under this Act.

24 (d) BUDGET AND ADMINISTRATION.—

25 (1) FUNDS FOR STATE BOARDS.—

1 (A) RESERVED FUNDS.—The State board
2 may use funds reserved or retained for State
3 board administrative costs under sections
4 313(c), 333(c), and 373(d) for functions of the
5 State board.

6 (B) DONATIONS.—The State board may
7 solicit and accept gifts and donations from
8 sources other than Federal funds made avail-
9 able under this Act, for functions of the State
10 board.

11 (2) BUDGET.—The State board shall develop a
12 budget for the functions of the State board.

13 (3) STAFF.—The State board may employ staff
14 to assist in carrying out the functions of the State
15 board.

16 (e) CONFLICT OF INTEREST.—A member of a State
17 board may not—

18 (1) vote on a matter under consideration by the
19 State board—

20 (A) regarding the provision of services or
21 activities by such member (or by an entity that
22 such member represents); or

23 (B) that would provide direct financial
24 benefit to such member or the immediate family
25 of such member; or

1 (2) engage in any other activity determined by
2 the Governor to constitute a conflict of interest as
3 specified in the State plan.

4 (f) SUNSHINE PROVISION.—The State board shall
5 make available to the public, on a regular basis through
6 open meetings, information regarding the activities of the
7 State board, including information regarding the State
8 plan prior to submission of the plan, information regard-
9 ing membership, and, on request, minutes of formal meet-
10 ings of the State board. The State board shall provide an
11 opportunity for public comment on and input into develop-
12 ment of the State plan before submission of the plan to
13 the Secretary.

14 **SEC. 212. STATE PLAN.**

15 (a) IN GENERAL.—For a State to be eligible to re-
16 ceive funds under this Act, the State board shall develop
17 and submit to the Secretary a single State plan (referred
18 to in this Act as the “State plan”) that has been approved
19 by the Governor of the State and that outlines a 1- to
20 3-year strategy for the statewide workforce investment
21 system of the State and that meets the requirements of
22 this Act.

23 (b) CONTENTS.—The State plan shall include—

24 (1) a list of members of the State board;

1 (2) an assurance that the State has met the re-
2 quirements of subsections (c), (e), and (f) of section
3 211;

4 (3) information identifying the local areas des-
5 ignated in the State, the rationale for designating
6 those local areas, and the population of unemployed
7 individuals and of underemployed individuals in each
8 local area;

9 (4) an assurance that any grants and contracts
10 for a covered program providing worker training
11 services and activities (other than supplemental serv-
12 ices provided under section 316 or 317) or providers
13 of activities relating to labor exchange or employ-
14 ment statistics system, awarded by the Governor,
15 the State board, and local boards (directly or
16 through one-stop operators) will be awarded on a
17 competitive basis and a description of the State's
18 rules and criteria for the competitive process;

19 (5) a description of the process used by the
20 State consistent with section 211(f) to provide an
21 opportunity for public comment on and input into
22 development of the plan, before submission of the
23 plan;

24 (6) assurances that the State will establish and
25 require all local boards to comply with, in accord-

1 ance with section 403, fiscal control and fund ac-
2 counting procedures in order to ensure the proper
3 disbursement of, and accounting for, Federal funds
4 paid to the State;

5 (7) a description of—

6 (A) the methods and criteria the State will
7 use in allocating funds to local boards under
8 sections 313(e), 333(d), and 373(c);

9 (B) the worker training services and activi-
10 ties that will be carried out with funds received
11 by the State under this Act, and how the State
12 will ensure the State meets the needs of—

13 (i) eligible veterans;

14 (ii) unemployed individuals, and un-
15 deremployed individuals, who are age 16 or
16 older;

17 (iii) required participants in an em-
18 ployment and training program under sec-
19 tion 6(d)(4)(C) of the Food and Nutrition
20 Act of 2008 (7 U.S.C. 2015(d)(4)(C)), as
21 amended by section 323(a);

22 (iv) persons certified by the Secretary
23 under section 223(a) of the Trade Act of
24 1974 (19 U.S.C. 2273(a));

25 (v) disadvantaged youth;

- 1 (vi) individuals with disabilities;
- 2 (vii) Indians (including Alaska Na-
- 3 tives) and Native Hawaiians; and
- 4 (viii) individuals who are age 55 or
- 5 older;
- 6 (C) the requirements and restrictions the
- 7 State board places on local boards in the State
- 8 concerning use of funds under this Act;
- 9 (D) the requirements and restrictions the
- 10 State board places on other recipients of Fed-
- 11 eral funds from the State concerning use of
- 12 funds under this Act;
- 13 (E)(i) the expected levels of performance
- 14 for the State on the performance indicators list-
- 15 ed in section 402(b); and
- 16 (ii) any performance indicators, in addition
- 17 to those listed in section 402(b), that the State
- 18 chooses to apply under section 402(d)(1)(B)
- 19 and the State's expected levels of performance
- 20 for those indicators; and
- 21 (F) how the State will hold local boards
- 22 and other recipients of Federal funds from the
- 23 State accountable for their performance on per-
- 24 formance indicators;

1 (8) information meeting the requirements of
2 sections 334(b) and 375(a)(2); and

3 (9) information specifying any activity deter-
4 mined to be a conflict of interest for purposes of sec-
5 tion 211 or 222.

6 (c) PLAN SUBMISSION AND APPROVAL.—The State
7 board shall submit the State plan to the Secretary for ap-
8 proval. A State plan submitted to the Secretary under this
9 section shall be considered to be approved by the Secretary
10 at the end of the 90-day period beginning on the day the
11 Secretary receives the plan, unless the Secretary makes
12 a written determination, during the 90-day period, that
13 the plan is inconsistent with the provisions of this Act.

14 (d) MODIFICATIONS TO PLAN.—A State may submit
15 modifications to a State plan in accordance with the re-
16 quirements of this section and section 211 as necessary
17 during the 1- to 3-year period covered by the plan.

18 (e) POWERS OF THE SECRETARY.—The Secretary
19 may issue regulations under this section regarding the
20 timing, format, and submission of the State plan and
21 modifications to the State plan, but may not add any re-
22 quirements for matters to be included in the State plan,
23 other than the matters specified in subsection (b).

1 **Subtitle B—Local Provisions**

2 **SEC. 221. LOCAL WORKFORCE INVESTMENT AREAS.**

3 (a) DESIGNATION OF AREAS.—

4 (1) IN GENERAL.—In order for a State to re-
5 ceive funds under this Act, every 3 years, or more
6 often if the State board chooses, the State board
7 shall designate local workforce investment areas
8 within the State. The State board may designate
9 such an area even if no application is received for
10 the area under paragraph (2).

11 (2) APPLICATIONS.—The State board shall es-
12 tablish a process by which one or more units of gen-
13 eral local government may apply for designation as
14 a local area. The State board shall approve any ap-
15 plication for designation as a local area from any
16 unit of general local government with a population
17 of 1,000,000 or more.

18 (3) CONSIDERATIONS.—In making the designa-
19 tion of local areas, the State board shall take into
20 consideration—

21 (A) the extent to which the local areas are
22 consistent with labor market areas;

23 (B) the distance that individuals will need
24 to travel to receive services and activities pro-
25 vided in such local areas;

1 (C) the resources of such local areas that
2 are available to effectively administer the serv-
3 ices and activities carried out under title III;
4 and

5 (D) any other factors that the State board
6 requires.

7 (4) SINGLE LOCAL AREA.—Subject to para-
8 graph (2), the State board may designate the entire
9 State as a single local area.

10 (b) LOCAL BOARD PLANNING AND COOPERATION.—

11 (1) INFORMATION SHARING.—The State may
12 require local boards to share, in feasible cases, em-
13 ployment statistics, information about employment
14 opportunities and trends, and other types of infor-
15 mation that would assist in improving the perform-
16 ance of local boards.

17 (2) COORDINATION OF SERVICES AND ACTIVI-
18 TIES.—The State may require local boards to coordi-
19 nate the provision of worker training services and
20 activities, including the provision of transportation
21 and other supportive services.

22 (3) INTERSTATE REGIONS.—Two or more
23 States that contain an interstate region that is a
24 labor market area, economic development region, or
25 other appropriate contiguous subarea of the States

1 may coordinate or jointly exercise the functions de-
2 scribed in paragraphs (1) and (2) in that region.

3 **SEC. 222. LOCAL WORKFORCE INVESTMENT BOARDS.**

4 (a) ESTABLISHMENT.—The State board shall every
5 3 years, or more often if the State board chooses, establish
6 in each local area a local workforce investment board.

7 (b) MEMBERSHIP.—

8 (1) APPOINTMENT OF MEMBERS.—

9 (A) APPOINTING OFFICIAL.—In this sub-
10 section, the term “appointing official” means—

11 (i) for a member of a local board ap-
12 pointed under subparagraph (C)(i), the
13 chief elected official that appointed the
14 member;

15 (ii) for a member of a local board ap-
16 pointed under subparagraph (C)(ii)(I), the
17 chief elected official or officials designated
18 in the agreement described in that sub-
19 paragraph; and

20 (iii) for a member of a local board ap-
21 pointed under subparagraph (C)(ii)(II), the
22 Governor.

23 (B) STATE BOARD CRITERIA.—The State
24 board shall establish criteria for use by chief
25 elected officials in the local areas for appoint-

1 ment of members of the local boards in such
2 local areas. The criteria shall be consistent with
3 this section.

4 (C) CHIEF ELECTED OFFICIALS.—

5 (i) SINGLE UNIT.—In a case in which
6 a local area includes only 1 unit of general
7 local government, the chief elected official
8 shall appoint the members of the local
9 board for such area, in accordance with
10 this section and the State criteria.

11 (ii) MULTIPLE UNITS.—In a case in
12 which a local area includes more than 1
13 unit of general local government—

14 (I) the chief elected officials of
15 such units may execute an agreement
16 that specifies the respective roles of
17 the individual chief elected officials in
18 the appointment and removal of the
19 members of the local board and the
20 decertification of the local board, in
21 accordance with this section and the
22 State criteria; and

23 (II) if, after a reasonable effort,
24 the chief elected officials are unable to
25 reach agreement as provided under

1 subclause (I), the Governor may ap-
2 point the members of the local board
3 from individuals nominated by the
4 chief elected officials.

5 (2) COMPOSITION.—The members of the local
6 board shall consist of—

7 (A) representatives of business in the local
8 area;

9 (B) representatives of employees' interests,
10 such as representatives of labor organizations,
11 in the local area; and

12 (C) other persons that the appointing offi-
13 cial described in paragraph (1) shall designate.

14 (3) MAXIMUM NUMBER OF MEMBERS.—The
15 local board shall not have more than 20 members.

16 (4) MAJORITY.—A majority of the members of
17 the local board shall be representatives of business
18 in the local area.

19 (5) CHAIRPERSON.—The members of the local
20 board shall, by majority vote, elect a Chairperson for
21 the local board.

22 (6) SERVICE AT WILL OF APPOINTING OFFI-
23 CIAL.—Service of a member of the local board shall
24 be at the will of the appointing official.

1 (7) DECERTIFICATION AND REMOVAL.—An ap-
 2 pointing official may, without providing notice or an
 3 opportunity to appeal, decertify a local board, or re-
 4 move a member of a local board, at any time for—

5 (A) fraud or abuse; or

6 (B) failure to carry out local board func-
 7 tions to the satisfaction of the appointing offi-
 8 cial.

9 (c) SINGLE STATE LOCAL AREA.—Notwithstanding
 10 subsection (b), if a State determines that the State will
 11 be treated as a local area for purposes of the application
 12 of this Act, the Governor may designate the State board
 13 to carry out any or all of the functions of a local board
 14 under this Act.

15 (d) FUNCTIONS OF LOCAL BOARD.—The functions of
 16 the local board shall include the following:

17 (1) LOCAL PLAN.—Consistent with section 223,
 18 each local board shall develop and submit to the
 19 State board a local plan.

20 (2) ONE-STOP OPERATORS AND TRAINING PRO-
 21 VIDERS.—

22 (A) SELECTION OF ONE-STOP OPERA-
 23 TORS.—

24 (i) DESIGNATION OR CERTIFI-
 25 CATION.—Consistent with section 231(b)

1 and any requirements imposed by the
2 State board, the local board shall designate
3 or certify one-stop operators.

4 (ii) TERMINATION.—The local board
5 may terminate at will the designation or
6 certification of such an operator.

7 (B) SELECTION OF ELIGIBLE PROVIDERS
8 OF TRAINING SERVICES.—Consistent with sec-
9 tion 241, the local board shall (directly or
10 through a one-stop operator) select eligible pro-
11 viders of training services.

12 (C) ALLOCATION OF FUNDS AMONG ONE-
13 STOP OPERATORS.—Consistent with this Act,
14 the local board shall allocate among one-stop
15 operators funds allocated by the State board for
16 worker training services and activities under
17 sections 313(e)(1), 333(d)(3), and 373(c), and
18 shall allocate funds for local administrative
19 costs under sections 313(e)(2), 333(d)(2), and
20 373(d).

21 (D) LIMITATION ON SECRETARY'S AU-
22 THORITY.—The Secretary shall not issue regu-
23 lations governing determinations to be made
24 under this paragraph.

1 (3) EMPLOYMENT STATISTICS SYSTEM, LABOR
2 EXCHANGE SYSTEM, AND UNEMPLOYMENT COM-
3 PENSATION.—Consistent with sections 318 and 319,
4 the local board shall assist the State board with the
5 labor exchange system and employment statistics
6 system under sections 318 and 319, and shall ensure
7 that the work test for the State unemployment com-
8 pensation system is administered at each one-stop
9 center.

10 (4) STATISTICS AND PERFORMANCE DATA.—
11 The local board shall comply with the process estab-
12 lished by the State board under section 211(c)(6), as
13 the process applies to local boards, for collecting and
14 submitting the information and data required by
15 section 319(e)(1)(E) and the statistics and informa-
16 tion indicating the levels of performance on all appli-
17 cable performance indicators described in section
18 402(b), in the aggregate and disaggregated by the
19 demographic factors described in that section.

20 (5) DUTIES DESIGNATED BY THE STATE
21 BOARD.—The local board shall carry out all other
22 functions designated by the State board.

23 (e) BUDGET AND ADMINISTRATION.—

24 (1) FUNDS FOR LOCAL BOARDS.—

1 (A) RESERVED FUNDS.—The local board
2 may use funds reserved or retained for local
3 board administrative costs under sections
4 313(e)(2), 333(d)(2), and 373(d) for functions
5 of the local board.

6 (B) DONATIONS.—The local board may so-
7 licit and accept gifts and donations from
8 sources other than Federal funds made avail-
9 able under this Act, for functions of the local
10 board.

11 (2) BUDGET.—The local board shall develop a
12 budget for the functions of the local board.

13 (3) STAFF.—The local board may employ staff
14 to assist in carrying out the functions of the local
15 board.

16 (4) DISBURSAL OF FUNDS TO PROVIDERS.—
17 Consistent with this Act, the local board shall dis-
18 burse (directly or through a one-stop operator) funds
19 allocated by the State board for worker training
20 services and activities, to be carried out in accord-
21 ance with this Act (including the requirements of the
22 local plan).

23 (f) LIMITATION ON LOCAL BOARD'S AUTHORITY.—
24 No local board, in carrying out this Act, shall mandate

1 the curriculum, a standard, or an assessment for an ele-
2 mentary school or secondary school.

3 (g) CONFLICT OF INTEREST.—A member of a local
4 board may not—

5 (1) vote on a matter under consideration by the
6 local board—

7 (A) regarding the provision of services or
8 activities by such member (or by an entity that
9 such member represents); or

10 (B) that would provide direct financial
11 benefit to such member or the immediate family
12 of such member; or

13 (2) engage in any other activity determined by
14 the Governor to constitute a conflict of interest as
15 specified in the State plan.

16 (h) SUNSHINE PROVISION.—The local board shall
17 make available to the public, on a regular basis through
18 open meetings, information regarding the activities of the
19 local board, including information regarding the local plan
20 prior to submission of the plan, information regarding
21 membership, the designation or certification of one-stop
22 operators, and the selection of eligible providers of train-
23 ing services, and on request, minutes of formal meetings
24 of the local board. The local board shall provide an oppor-
25 tunity for public comment on and input into the develop-

1 ment of the local plan before submission of the plan to
2 the State board.

3 **SEC. 223. LOCAL PLAN.**

4 (a) IN GENERAL.—To be eligible to receive funds
5 under this Act, each local board shall develop and submit
6 to the State board a single local plan (referred to in this
7 Act as the “local plan”) that outlines a 1- to 3-year strat-
8 egy for the local workforce investment system of the local
9 area and that meets the requirements of this Act (includ-
10 ing requirements of the State plan).

11 (b) CONTENTS.—The local plan shall include—

12 (1) a list of members of the local board;

13 (2) an assurance that the requirements of sub-
14 sections (d), (f), (g), and (h) of section 222 have
15 been met;

16 (3) an assurance that any grants and contracts
17 involving Federal funds awarded by the local board
18 (directly or through a one-stop operator) to pro-
19 viders of a covered program providing worker train-
20 ing services and activities or providers of activities
21 relating to labor exchange or employment statistics
22 system under section 313(e)(4), section 333(d)(3),
23 and section 373(c) will be awarded on a competitive
24 basis;

1 (4) a description of the process used by the
2 local board consistent with section 222(h) to provide
3 an opportunity for public comment on and input into
4 development of the plan, before submission of the
5 plan;

6 (5) an assurance that the local board will com-
7 ply with all fiscal control and fund accounting proce-
8 dures established by the State board under section
9 403 in order to ensure the proper disbursement of,
10 and accounting for, Federal funds allocated to the
11 local area; and

12 (6) a description of—

13 (A) the needs in the local area for worker
14 training services and activities, including infor-
15 mation on such needs of the unemployed indi-
16 viduals and underemployed individuals in the
17 local area;

18 (B) the one-stop delivery system to be es-
19 tablished in the local area;

20 (C) the division of responsibility between
21 the local board and the one-stop operators in
22 the local area, acting under section 241(a), for
23 awarding any grants or contracts to eligible en-
24 tities to provide worker services training and
25 activities under paragraphs (3) and (4) of sec-

1 tion 313(e), section 333(d)(3), and section
2 373(c);

3 (D) the methods and factors the local
4 board will use in allocating Federal funds for
5 worker training services and activities described
6 in paragraphs (3) and (4) of section 313(e),
7 section 333(d)(3), and section 373(c) among
8 one-stop operators in the local area;

9 (E) the methods and factors the local
10 board will use in allocating Federal funds for
11 administrative costs under sections 313(e)(2),
12 333(d)(2), and 373(d) among one-stop opera-
13 tors in the local area;

14 (F) the competitive process to be used by
15 the local board (directly or through a one-stop
16 operator) to award any grants and contracts re-
17 ferred to in paragraph (3);

18 (G) the worker training services and activi-
19 ties that will be carried out with funds received
20 by the local board under this Act, and how the
21 local board will ensure the local board meets the
22 needs of—

23 (i) eligible veterans;

- 1 (ii) unemployed individuals, and un-
2 deremployed individuals, who are age 16 or
3 older;
- 4 (iii) required participants in an em-
5 ployment and training program under sec-
6 tion 6(d)(4)(C) of the Food and Nutrition
7 Act of 2008 (7 U.S.C. 2015(d)(4)(C)), as
8 amended by section 323(a);
- 9 (iv) persons certified by the Secretary
10 under section 223(a) of the Trade Act of
11 1974 (19 U.S.C. 2273(a));
- 12 (v) disadvantaged youth;
- 13 (vi) individuals with disabilities;
- 14 (vii) Indians (including Alaska Na-
15 tives) and Native Hawaiians; and
- 16 (viii) individuals who are age 55 or
17 older;
- 18 (H) how the local board will hold one-stop
19 operators and other recipients of Federal funds
20 from the local board accountable for their per-
21 formance; and
- 22 (I) such other information as the State
23 board may require.

1 (c) PLAN SUBMISSION AND APPROVAL.—The local
2 board shall submit the local plan to the State board for
3 approval.

4 **Subtitle C—One-Stop Delivery** 5 **System**

6 **SEC. 231. ONE-STOP DELIVERY SYSTEM.**

7 (a) SYSTEM.—Consistent with this Act, the local
8 board shall establish a one-stop delivery system, comprised
9 of one-stop centers, in the local area.

10 (b) DESIGNATION AND CERTIFICATION OF ONE-STOP
11 OPERATORS.—Consistent with this Act (including the re-
12 quirements of the State plan and any other requirements
13 imposed by the State board), the local board may—

14 (1) choose the number and location of one-stop
15 centers that will operate in the local area, to facili-
16 tate the provision of worker training services and ac-
17 tivities;

18 (2) allocate the funds the local board receives
19 for worker training services and activities under sec-
20 tions 313(e)(1), 333(d)(3), and 373(e) among the
21 one-stop operators for the operation of the centers;

22 (3) allocate the funds the local board receives
23 for administrative costs under sections 313(2),
24 333(d)(2), and 373(d) among the one-stop operators
25 for the operation of the centers;

1 (b) CRITERIA FOR PROVIDERS OF TRAINING SERV-
2 ICES.—Consistent with this Act (including requirements
3 of the corresponding State plan and local plan, and any
4 other requirements imposed by the State or local board),
5 the local board may list criteria for selection of an eligible
6 entity to receive funds made available under title III to
7 provide training services in the local area.

8 (c) ELIGIBILITY.—To be eligible to receive funds
9 through a contract awarded under subsection (a) to pro-
10 vide a program of training services, an entity—

11 (1) may be a public or private entity, or consor-
12 tium of entities, of demonstrated effectiveness;

13 (2) shall be selected through a competitive proc-
14 ess; and

15 (3) shall submit—

16 (A) in accordance with the process estab-
17 lished by the State board under section
18 211(c)(6), as the process applies to such an en-
19 tity, the statistics and information indicating
20 the level of performance on all applicable per-
21 formance indicators described in section 402(b),
22 in the aggregate and disaggregated by the de-
23 mographic factors described in that section; and

24 (B) to the local board (or a one-stop oper-
25 ator with the responsibility described in sub-

1 section (a)(2)), any other information required
2 by the State or local board.

3 (d) TRAINING SERVICES.—In this section, the term
4 “training services” means—

5 (1) adult training services;

6 (2) youth training services described in section
7 334;

8 (3) advanced career training referred to in sec-
9 tion 348(e); and

10 (4) vocational rehabilitation services and infor-
11 mation and referral services described in section
12 375.

13 **TITLE III—WORKER TRAINING** 14 **SERVICES AND ACTIVITIES**

15 **SEC. 301. FISCAL YEAR BASIS.**

16 Funds appropriated for any fiscal year for services
17 and activities carried out under this title shall be available
18 for obligation only on the basis of a fiscal year.

19 **SEC. 302. PRIORITY FOR SERVICES.**

20 A State shall ensure that veterans receive priority of
21 service as provided under section 4215 of title 38, United
22 States Code, in the delivery within the State of each of
23 the following services and activities:

24 (1) Adult training services authorized under
25 section 315.

1 (2) Youth training services authorized under
2 section 334.

3 (3) Services and activities provided through a
4 Job Corps center and authorized under chapter 2 of
5 subtitle B.

6 (4) Vocational rehabilitation services and infor-
7 mation and referral services authorized under sec-
8 tion 375.

9 (5) Worker training activities authorized under
10 section 381.

11 **Subtitle A—Adult Worker Training**
12 **Services and Activities**

13 **SEC. 311. AUTHORIZATION OF APPROPRIATIONS.**

14 There is authorized to be appropriated for adult
15 training services, supplemental services (for individuals
16 who are eligible for trade adjustment assistance) under
17 section 316, supplemental services (for designated recipi-
18 ents of supplemental nutrition assistance) under section
19 317, coordination and development of a labor exchange
20 system and administration of a work test for unemploy-
21 ment compensation under section 318, and cooperative
22 governance of an employment statistics system under sec-
23 tion 319—

24 (1) \$3,384,459,000 for fiscal year 2016;

25 (2) \$3,432,083,000 for fiscal year 2017;

1 (3) \$3,484,046,000 for fiscal year 2018;

2 (4) \$3,540,345,000 for fiscal year 2019; and

3 (5) \$3,592,308,000 for fiscal year 2020.

4 **SEC. 312. ALLOTMENT OF FUNDS FOR ADULT WORKER**
5 **TRAINING SERVICES AND ACTIVITIES.**

6 (a) SECRETARY'S RESERVE.—

7 (1) RESERVATION.—From the amount appro-
8 priated under section 311 for each fiscal year, the
9 Secretary shall reserve not more than 3.3 percent to
10 make national emergency grants under this sub-
11 section.

12 (2) GRANTS.—The Secretary shall use the re-
13 served funds to make, on a competitive basis, na-
14 tional emergency grants—

15 (A) to a State board or local board to pro-
16 vide adult training services to workers affected
17 by major economic dislocations, such as plant
18 closures, mass layoffs, or closures and realign-
19 ments of military installations; and

20 (B) to provide assistance to the Governor
21 of any State within the boundaries of which is
22 an area that has suffered an emergency or a
23 major disaster as defined in paragraphs (1) and
24 (2), respectively, of section 102 of the Robert
25 T. Stafford Disaster Relief and Emergency As-

1 sistance Act (42 U.S.C. 5122) to provide dis-
2 aster relief employment in the area.

3 (3) APPLICATION.—

4 (A) FORM AND PROCEDURE.—To be eligi-
5 ble to receive a grant under this subsection, a
6 State board, local board, or Governor shall sub-
7 mit an application at such time, in such man-
8 ner, and containing such information as the
9 Secretary may require.

10 (B) MINIMUM REQUIREMENTS.—The Sec-
11 retary shall require that the application contain,
12 at a minimum—

13 (i) a request for the grant, specifying
14 the amount of the grant funds requested
15 and the proposed uses for the funds;

16 (ii) a description of the services that
17 will be provided to participants, and how
18 those services will prepare the participants
19 for employment; and

20 (iii) information indicating that the
21 applicant meets any other criteria the Sec-
22 retary shall establish.

23 (4) APPROVAL.—To the extent practicable, the
24 Secretary shall notify each applicant, not later than
25 5 months after the date of receipt of the application

1 by the Secretary, concerning whether the application
2 is approved or not approved.

3 (5) POWERS OF SECRETARY.—The Secretary
4 may issue regulations to carry out this subsection.

5 (b) OUTLYING AREAS.—

6 (1) FUNDS.—From the amount appropriated
7 under section 311 for each fiscal year, the Secretary
8 shall reserve not more than 0.215 percent to provide
9 assistance to the outlying areas to provide adult
10 training services. Specifically, the Secretary shall
11 provide not more than—

12 (A) 0.07 percent of that amount to Guam;

13 (B) 0.015 percent of that amount to Amer-
14 ican Samoa;

15 (C) 0.033 percent of that amount to the
16 Commonwealth of the Northern Mariana Is-
17 lands;

18 (D) except as described in section 101(24),
19 0.007 percent of that amount to the Republic
20 of Palau; and

21 (E) 0.09 percent of that amount to the
22 United States Virgin Islands.

23 (2) POWERS OF SECRETARY.—The Secretary
24 may issue regulations to carry out this subsection.

25 (c) STATES.—

1 (1) FUNDS.—The Secretary shall—

2 (A) combine—

3 (i) the amount appropriated under
4 section 311 for a fiscal year, and not re-
5 served under subsection (a) or (b); and

6 (ii) funds made available under sec-
7 tion 286(s)(2) of the Immigration and Na-
8 tionality Act (8 U.S.C. 1356(s)(2)) for the
9 fiscal year; and

10 (B) allot the combined funds to States
11 under paragraph (2).

12 (2) FORMULA FOR ALLOTING FUNDS TO
13 STATES.—

14 (A) FORMULA.—Subject to subparagraph

15 (B), of the combined funds—

16 (i) 34 percent shall be allotted on the
17 basis of the relative number of unemployed
18 individuals in areas of substantial unem-
19 ployment in each State, compared to the
20 total number of unemployed individuals in
21 areas of substantial unemployment in all
22 States;

23 (ii) 24 percent shall be allotted on the
24 basis of the relative excess number of un-
25 employed individuals in each State, com-

1 pared to the total excess number of unem-
2 employed individuals in all States;

3 (iii) 10 percent shall be allotted on the
4 basis of the relative number of disadvan-
5 tagged adults in each State, composed to
6 the total number of disadvantaged adults
7 in all States;

8 (iv) 14 percent shall be allotted on the
9 basis of the relative number of individuals
10 who have been unemployed for 15 weeks or
11 more in each State, compared to the total
12 number of such individuals in all States;
13 and

14 (v) 18 percent shall be allotted on the
15 basis of the relative number of individuals
16 in the civilian labor force in each State,
17 compared to the total number of individ-
18 uals in the civilian labor force in all States.

19 (B) MINIMUM ALLOTMENTS.—

20 (i) FISCAL YEAR 2016.—In making al-
21 lotments under this paragraph for fiscal
22 year 2016, the Secretary shall ensure that
23 no State receives an allotment in an
24 amount that is less than 90 percent of the
25 combined amount the State received for

1 fiscal year 2015 under paragraphs (1)(B)
2 and (2)(B) of section 132(b) of the Work-
3 force Investment Act of 1998 (29 U.S.C.
4 2862(b)), as in effect on June 30, 2015,
5 and section 6 of the Wagner-Peyser Act
6 (29 U.S.C. 49e), as in effect on that date.

7 (ii) SUBSEQUENT FISCAL YEARS.—In
8 making allotments under this paragraph
9 for fiscal year 2017 and each subsequent
10 fiscal year, the Secretary shall ensure that
11 no State receives an allotment for the fis-
12 cal year involved in an amount that is less
13 than 90 percent of the allotment the State
14 received for the prior fiscal year under this
15 paragraph.

16 **SEC. 313. WITHIN STATE ALLOCATION.**

17 (a) GOVERNOR'S RESERVE.—From the amount allot-
18 ted to a State under section 312(c) for a fiscal year, the
19 Governor of the State shall reserve not more than 15 per-
20 cent for adult training services. The Governor shall use
21 the reserved amount to award contracts, on a competitive
22 basis, to eligible entities as described in section 241 to pro-
23 vide adult training services under section 315.

24 (b) DISTRIBUTION OF FUNDS TO STATE BOARDS.—
25 The Governor shall distribute to the State board—

1 (1) the amount allotted to the State under sec-
2 tion 312(c) and not reserved under subsection (a);

3 (2) the portion of funds the State designates
4 under section 237 of the Trade Act of 1974 (19
5 U.S.C. 2297), from the funds distributed to the
6 State under chapter 2 of title II of the Trade Act
7 of 1974 (19 U.S.C. 2271 et seq.) (as such section
8 and such chapter are amended by section 321);

9 (3) funds allocated to the State under section
10 16(h) of the Food and Nutrition Act of 2008 (7
11 U.S.C. 2025(h)); and

12 (4) any funds the State chooses to contribute
13 from the temporary assistance for needy families
14 State family assistance grant under section
15 403(a)(1) of the Social Security Act (42 U.S.C.
16 603(a)(1)) in accordance with section 404(d)(4) of
17 such Act (42 U.S.C. 604(d)(4)).

18 (c) ADMINISTRATIVE COSTS OF STATE BOARDS.—
19 Each State board may retain not more than 2.5 percent
20 of the funds the State board receives under subsection (b),
21 for the administrative costs of the State board in carrying
22 out this subtitle.

23 (d) STATE BOARD FUNDS FOR LABOR EXCHANGE
24 AND EMPLOYMENT STATISTICS SYSTEMS.—From the
25 funds the State board receives under subsection (b), the

1 State board shall reserve a portion determined by the
2 State board—

3 (1) to carry out—

4 (A) coordination and development of a
5 labor exchange system (including provision of
6 services through that system) under section
7 318; and

8 (B) cooperative governance of an employ-
9 ment statistics system (including provision of
10 employment statistics information) under sec-
11 tion 319; and

12 (2) to ensure that the work test for the State
13 unemployment compensation system is administered
14 at each one-stop center in the State, by an employee
15 or entity determined by the State.

16 (e) ALLOCATION OF FUNDS TO LOCAL BOARDS.—

17 (1) ALLOCATIONS.—The State board shall allo-
18 cate the funds distributed to the State board under
19 subsection (b) and not reserved or retained under
20 subsection (c) or (d) to local boards for services and
21 activities listed in section 314. The State board shall
22 allocate the funds according to criteria included in a
23 State plan submitted and approved under section
24 212.

1 (2) ADMINISTRATIVE COSTS OF LOCAL
2 BOARDS.—Each local board may retain not more
3 than 5 percent of the funds the local board receives
4 under this subsection, for the administrative costs of
5 the local board in carrying out this subtitle.

6 (3) LOCAL BOARD FUNDS FOR SUPPLEMENTAL
7 SERVICES.—From the funds the local board receives
8 under paragraph (1), the local board shall reserve a
9 portion determined by the local board to provide
10 supplemental services under sections 316 and 317.

11 (4) LOCAL BOARD FUNDS FOR ADULT TRAINING
12 SERVICES AND SYSTEMS.—The local board shall use
13 the funds allocated to the local board under para-
14 graph (1) and not reserved or retained under para-
15 graph (2) or (3) to award contracts, on a competi-
16 tive basis—

17 (A) to eligible entities as described in sec-
18 tion 241 to provide adult training services
19 under section 315; and

20 (B) to qualified entities to carry out activi-
21 ties and services described in paragraphs (1)
22 and (2) of subsection (d).

23 **SEC. 314. USE OF FUNDS.**

24 Funds reserved, retained, or allocated under section
25 313 may be used only for—

- 1 (1) adult training services under section 315;
- 2 (2) supplemental services under section 316 and
3 317;
- 4 (3) coordination and development of a labor ex-
5 change system (including provision of services
6 through that system) and administration of a work
7 test for unemployment compensation under section
8 318;
- 9 (4) cooperative governance of an employment
10 statistics system (including provision of employment
11 statistics information) under section 319; and
- 12 (5) administrative costs of State boards and
13 local boards in carrying out this subtitle.

14 **SEC. 315. ADULT TRAINING SERVICES.**

15 (a) IN GENERAL.—Adult training services under this
16 subtitle are any services designed to promote literacy, edu-
17 cational attainment, work-related skills, employment, em-
18 ployment retention, and higher wages among participants,
19 including—

- 20 (1) individual assessment;
- 21 (2) job search and placement assistance serv-
22 ices;
- 23 (3) work experience and skills training, includ-
24 ing through an industry sector partnership;

1 (4) occupational skills training, including career
2 and technical education and training through ap-
3 prenticeships;

4 (5) on-the-job training;

5 (6) services and activities designed to meet the
6 educational needs of participants, including—

7 (A) basic skills instruction and remedial
8 education;

9 (B) language instruction educational pro-
10 grams for English learners (defined as individ-
11 uals with the proficiency described in section
12 9101(25) of the Elementary and Secondary
13 Education Act of 1965 (20 U.S.C. 7801(25)));

14 (C) secondary education services and ac-
15 tivities, including classroom instruction, tutor-
16 ing, study skills training, and dropout preven-
17 tion activities, designed to lead to the attain-
18 ment of a secondary school diploma or its gen-
19 erally recognized equivalent (including a creden-
20 tial for achievement of recognized alternative
21 standards for individuals with disabilities);

22 (D) counseling and assistance in obtaining
23 education at an institution of higher education
24 and necessary financial aid; and

25 (E) alternative secondary school services;

1 (7) a training program or coursework at an in-
2 stitution of higher education, including a training
3 program or coursework for the purpose of—

4 (A) obtaining a degree or certification; or

5 (B) completing a degree or certification
6 that the worker had previously begun at an in-
7 stitution of higher education; and

8 (8) other services designed to promote literacy,
9 educational attainment, work-related skills, employ-
10 ment, employment retention, and higher wages
11 among participants.

12 (b) ELIGIBLE INDIVIDUALS.—To be eligible to re-
13 ceive adult training services, an individual shall be—

14 (1) age 16 or older; and

15 (2) an unemployed individual or an under-
16 employed individual.

17 (c) PRIORITY OF SERVICE.—In providing adult train-
18 ing services under this subtitle, the State shall ensure that
19 all persons designated by the State as required partici-
20 pants in an employment and training program under sec-
21 tion 6(d)(4)(C) of the Food and Nutrition Act of 2008
22 (7 U.S.C. 2015(d)(4)(C)) or certified by the Secretary
23 under section 223(a) of the Trade Act of 1974 (19 U.S.C.
24 2273(a)) shall receive the services.

1 **SEC. 316. SUPPLEMENTAL SERVICES FOR INDIVIDUALS ELI-**
2 **GIBLE FOR TRADE ADJUSTMENT ASSIST-**
3 **ANCE.**

4 (a) IN GENERAL.—A local board shall use funds re-
5 served under section 313(e) to provide to individuals cer-
6 tified as eligible to apply for trade adjustment assistance
7 under section 223(a) of the Trade Act of 1974 (19 U.S.C.
8 2273(a)) the following supplemental services:

9 (1) Supplemental assistance necessary to defray
10 reasonable transportation and subsistence expenses
11 for separate maintenance for training, when training
12 is provided in facilities that are not within com-
13 muting distance of the individual's regular place of
14 residence.

15 (2) A job search allowance to assist the indi-
16 vidual in obtaining employment within the United
17 States, if the individual—

18 (A) has been totally separated from em-
19 ployment; and

20 (B) cannot reasonably be expected to se-
21 cure suitable employment in the commuting
22 area in which the individual resides.

23 (3) A relocation allowance to assist the indi-
24 vidual in relocating to employment within the United
25 States, if the individual—

1 (A) has been totally separated from em-
2 ployment;

3 (B) cannot reasonably be expected to se-
4 cure suitable employment in the commuting
5 area in which the individual resides; and

6 (C)(i) has obtained suitable employment
7 affording a reasonable expectation of long-term
8 duration in the area in which the individual
9 wishes to relocate; or

10 (ii) has obtained a bona fide offer of such
11 employment.

12 (b) AMOUNT OF ALLOWANCES.—The amount of a job
13 search allowance under subsection (a)(2) or a relocation
14 allowance under subsection (a)(3) paid to an individual
15 shall be an amount that is not more than the lesser of—

16 (1) 90 percent of—

17 (A) in the case of a job search allowance,
18 the necessary job search expenses; and

19 (B) in the case of a relocation allowance,
20 the reasonable and necessary expenses incurred
21 in transporting the individual and the individ-
22 ual's family and household effects for the relo-
23 cation; or

24 (2) \$1,250 of the expenses involved.

1 **SEC. 317. SUPPLEMENTAL SERVICES FOR DESIGNATED RE-**
2 **CIPIENTS OF SUPPLEMENTAL NUTRITION AS-**
3 **SISTANCE.**

4 (a) SUPPLEMENTAL SERVICES.—A local board in a
5 State shall use funds reserved under section 313(e) to pro-
6 vide to individuals designated by the State as required
7 participants in an employment and training program
8 under section 6(d)(4) of the Food and Nutrition Act of
9 2008 (7 U.S.C. 2015(d)(4)) the following supplemental
10 services:

11 (1) Payments or reimbursements for the actual
12 costs of transportation and other actual costs (other
13 than dependent care costs), that are reasonably nec-
14 essary and directly related to participation in adult
15 training services or the employment and training
16 program under section 6(d)(4) of the Food and Nu-
17 trition Act of 2008 (7 U.S.C. 2015(d)(4)).

18 (2) Dependent care services—

19 (A) provided through payments or reim-
20 bursements for the actual costs of such depend-
21 ent care services that are determined by the
22 State to be necessary for the participation of an
23 individual in adult training services or the em-
24 ployment and training program (other than an
25 individual who is the caretaker relative of a de-
26 pendent in a family receiving benefits under

1 part A of title IV of the Social Security Act (42
2 U.S.C. 601 et seq.) in a local area where an
3 employment, training, or education program is
4 in operation), except that no such payment or
5 reimbursement shall exceed the applicable local
6 market rate; or

7 (B) provided for or arranged through serv-
8 ice contracts or vouchers.

9 (b) TREATMENT.—The value of any dependent care
10 services provided for or arranged under paragraph (B) of
11 subsection (a)(2), or any amount received as a payment
12 or reimbursement under subparagraph (A) of subsection
13 (a)(2), shall—

14 (1) not be treated as income for the purposes
15 of any other Federal or federally assisted program
16 that bases eligibility for, or the amount of benefits
17 on, need; and

18 (2) not be claimed as an employment-related
19 expense for the purposes of the credit provided
20 under section 21 of the Internal Revenue Code of
21 1986.

22 **SEC. 318. LABOR EXCHANGE SYSTEM AND ADMINISTRA-**
23 **TION OF WORK TEST FOR UNEMPLOYMENT**
24 **COMPENSATION.**

25 (a) LABOR EXCHANGE SYSTEM.—

1 (1) IN GENERAL.—The Secretary shall assist in
2 the coordination and development of a nationwide
3 system of public labor exchange services to improve
4 the functioning of the Nation’s labor markets by
5 bringing together individuals who are seeking em-
6 ployment and employers who are seeking employees.

7 (2) RELATIONSHIP TO ONE-STOP DELIVERY
8 SYSTEM.—The system shall be provided as part of
9 the one-stop delivery systems of the States.

10 (3) CAPACITY.—Each State’s labor exchange
11 system shall have the capacity—

12 (A) to assist jobseekers in finding employ-
13 ment;

14 (B) to assist employers in filling positions;

15 (C) to facilitate matches between job-
16 seekers and employers;

17 (D) to participate in a system for clearing
18 labor between the States, including the use of
19 standardized classification systems specified by
20 the Secretary; and

21 (E) to meet the work test requirements of
22 the State unemployment compensation system.

23 (b) ADMINISTRATION OF UNEMPLOYMENT COM-
24 PENSATION BENEFITS.—

1 (1) ADMINISTRATION OF WORK TEST.—The
2 work test for the State unemployment compensation
3 system shall be administered at the one-stop centers.

4 (2) INFORMATION SHARING.—The unemploy-
5 ment insurance office and one-stop centers in each
6 State, shall, upon request of a public agency admin-
7 istering or supervising the administration of a State
8 plan approved under part A of title IV of the Social
9 Security Act (42 U.S.C. 601 et seq.), of a public
10 agency charged with any duty or responsibility under
11 any program or activity authorized or required
12 under part D of title IV of such Act (42 U.S.C. 651
13 et seq.), or of a State agency charged with the ad-
14 ministration of the supplemental nutrition assistance
15 program in a State under the Food and Nutrition
16 Act of 2008 (7 U.S.C. 2011 et seq.), shall (and, not-
17 withstanding any other provision of law, are author-
18 ized to) furnish to such agency making the request,
19 from any data contained in the files of any such of-
20 fice, information with respect to any individual spec-
21 ified in the request as to—

22 (A) whether such individual is receiving,
23 has received, or has made application for, un-
24 employment compensation, and the amount of

1 any such compensation being received by such
2 individual;

3 (B) the current (or most recent) home ad-
4 dress of such individual; and

5 (C) whether such individual has refused an
6 offer of employment and, if so, a description of
7 the employment so offered and the terms, con-
8 ditions, and rate of pay for the employment.

9 **SEC. 319. NATIONWIDE EMPLOYMENT STATISTICS SYSTEM.**

10 (a) SYSTEM CONTENT.—

11 (1) IN GENERAL.—The Secretary, in accord-
12 ance with the provisions of this section, shall oversee
13 the development, maintenance, and continuous im-
14 provement of a nationwide employment statistics
15 system under this section.

16 (2) STATISTICS.—The nationwide employment
17 statistics system under this section shall include—

18 (A) statistical data from cooperative statis-
19 tical survey and projection programs and data
20 from administrative reporting systems that,
21 when combined, enumerate, estimate, and
22 project employment opportunities and condi-
23 tions at national, State, and local levels in a
24 timely manner, including statistics on—

1 (i) the employment and unemployment
2 status of national, State, and local popu-
3 lations, including self-employed, part-time,
4 and seasonal workers;

5 (ii) industrial distribution of occupa-
6 tions and current and projected employ-
7 ment opportunities, wages, benefits (where
8 data is available), and skill trends
9 disaggregated by occupation and industry,
10 with particular attention to State and local
11 conditions;

12 (iii) the incidence of, industrial and
13 geographical location of, and number of
14 workers displaced by, permanent layoffs
15 and plant closings; and

16 (iv) employment and earnings infor-
17 mation maintained in a longitudinal man-
18 ner to be used for research and program
19 evaluation;

20 (B) information on State and local employ-
21 ment opportunities, and other appropriate sta-
22 tistical data related to labor market dynamics,
23 which—

24 (i) shall be current and comprehen-
25 sive; and

1 (ii) shall meet the needs identified
2 through the consultations described in sub-
3 paragraphs (C) and (D) of subsection
4 (e)(1);

5 (C) technical standards (which the Sec-
6 retary shall publish annually) for data and in-
7 formation described in subparagraphs (A) and
8 (B) that, at a minimum, meet the criteria of
9 chapter 35 of title 44, United States Code;

10 (D) procedures to ensure compatibility and
11 additivity of the data and information described
12 in subparagraphs (A) and (B) from national,
13 State, and local levels;

14 (E) procedures to support standardization
15 and aggregation of data from administrative re-
16 porting systems described in subparagraph (A)
17 of employment-related programs;

18 (F) analysis of data and information de-
19 scribed in subparagraphs (A) and (B) for uses
20 such as—

21 (i) national, State, and local policy-
22 making;

23 (ii) implementation of Federal policies
24 (including allocation formulas);

1 (iii) program planning and evaluation;

2 and

3 (iv) researching labor market dynam-

4 ics;

5 (G) wide dissemination of such data and

6 information, and such analysis of such data and

7 information, in a user-friendly manner and vol-

8 untary technical standards for mechanisms for

9 such dissemination; and

10 (H) programs of—

11 (i) training for effectively dissemi-

12 nating data and information as described

13 in subparagraph (G); and

14 (ii) research and demonstration to

15 further the objectives of this section.

16 (3) INFORMATION TO BE CONFIDENTIAL.—

17 (A) IN GENERAL.—No officer or employee

18 of the Federal Government or agent of the Fed-

19 eral Government may—

20 (i) use any submission that is fur-

21 nished for exclusively statistical purposes

22 under the provisions of this section for any

23 purpose other than the statistical purposes

24 of this section for which the submission is

25 furnished;

1 (ii) make any publication or media
2 transmittal of the data contained in the
3 submission described in clause (i) that per-
4 mits information concerning individual
5 subjects to be reasonably inferred by either
6 direct or indirect means; or

7 (iii) permit anyone other than a sworn
8 officer, employee, or agent of any Federal
9 department or agency, or a contractor (in-
10 cluding an employee of a contractor) of
11 such department or agency, to examine an
12 individual submission described in clause
13 (i),

14 without the consent of the individual, agency, or
15 other person who is the subject of the submis-
16 sion or provides that submission.

17 (B) IMMUNITY FROM LEGAL PROCESS.—

18 Any submission (including any data derived
19 from the submission) that is collected and re-
20 tained by a Federal department or agency, or
21 an officer, employee, agent, or contractor of
22 such a department or agency, for exclusively
23 statistical purposes under this section shall be
24 immune from the legal process and shall not,
25 without the consent of the individual, agency, or

1 other person who is the subject of such submis-
2 sion or provides that submission, be admitted
3 as evidence or used for any purpose in any ac-
4 tion, suit, or other judicial or administrative
5 proceeding.

6 (C) RULE OF CONSTRUCTION.—Nothing in
7 this section shall be construed to provide immu-
8 nity from the legal process for such submission
9 (including any data derived from the submis-
10 sion) if the submission is in the possession of
11 any person, agency, or entity other than the
12 Federal Government or an officer, employee,
13 agent, or contractor of the Federal Government,
14 or if the submission is independently collected,
15 retained, or produced for purposes other than
16 the purposes of this section.

17 (b) SYSTEM RESPONSIBILITIES.—

18 (1) IN GENERAL.—The nationwide employment
19 statistics system under this section shall be planned,
20 administered, overseen, and evaluated through a co-
21 operative governance structure involving the Federal
22 Government and States.

23 (2) DUTIES.—The Secretary, with respect to
24 data collection, analysis, and dissemination of labor
25 employment statistics for the nationwide employ-

1 ment statistics system under this section, shall carry
2 out the following duties:

3 (A) Assign responsibilities within the De-
4 partment of Labor to carry out the nationwide
5 employment statistics system under this section
6 to ensure that all statistical and administrative
7 data collected is consistent with appropriate
8 Bureau of Labor Statistics standards and defi-
9 nitions.

10 (B) Actively seek the cooperation of other
11 Federal agencies to establish and maintain
12 mechanisms for ensuring complementarity and
13 nonduplication in the development and oper-
14 ation of statistical and administrative data col-
15 lection activities.

16 (C) Eliminate gaps and duplication in sta-
17 tistical undertakings, including by establishing
18 the systemization of wage surveys as an early
19 priority of such Secretary in carrying out this
20 paragraph.

21 (D) In collaboration with the Bureau of
22 Labor Statistics and States, develop and main-
23 tain the nationwide employment statistics sys-
24 tem under this section, including the develop-
25 ment of consistent procedures and definitions

1 for use by the States in collecting the data and
2 information described in subparagraphs (A) and
3 (B) of subsection (a)(2).

4 (E) Establish procedures for the nation-
5 wide employment statistics system under this
6 section to ensure that—

7 (i) such data and information are
8 timely;

9 (ii) paperwork and reporting for such
10 system are reduced to a minimum; and

11 (iii) States and localities are fully in-
12 volved in the development and continuous
13 improvement of such system at all levels.

14 (c) NATIONAL ELECTRONIC TOOLS TO PROVIDE
15 SERVICES.—The Secretary is authorized to assist the
16 States in the development of national electronic tools that
17 may be used to facilitate the delivery of adult training
18 services and to provide workforce information to individ-
19 uals through the one-stop delivery system described in sec-
20 tion 231 and through other appropriate delivery systems.

21 (d) COORDINATION WITH THE STATES.—The Sec-
22 retary, working through the head of the Bureau of Labor
23 Statistics and the Employment and Training Administra-
24 tion, shall regularly consult with representatives of State

1 boards regarding strategies for improving the nationwide
2 employment statistics system under this section.

3 (e) STATE RESPONSIBILITIES.—

4 (1) IN GENERAL.—In order to receive Federal
5 financial assistance to carry out this section, the
6 State board shall—

7 (A) be responsible for the management of
8 the portions of the nationwide employment sta-
9 tistics system under this section that comprise
10 a statewide employment statistics system;

11 (B) establish a process for the oversight of
12 such statewide employment statistics system;

13 (C) consult with State and local employers,
14 participants, and local boards about the labor
15 market relevance of the data to be collected and
16 disseminated through such statewide employ-
17 ment statistics system and identify needs result-
18 ing from such consultation;

19 (D) consult with State educational agen-
20 cies and local educational agencies concerning
21 the provision of employment statistics in order
22 to meet the needs of secondary school students
23 and students at an institution of higher edu-
24 cation who seek such information;

1 (E) collect, and disseminate on behalf of
 2 the State and localities in the State, the infor-
 3 mation and data described in subparagraphs
 4 (A) and (B) of subsection (a)(2); and

5 (F) perform contract and grant respon-
 6 sibilities for data collection, analysis, and dis-
 7 semination for such statewide employment sta-
 8 tistics system.

9 (2) RULE OF CONSTRUCTION.—Nothing in this
 10 section shall be construed as limiting the ability of
 11 a State to conduct additional data collection, anal-
 12 ysis, and dissemination activities with State funds or
 13 with Federal funds from sources other than this sec-
 14 tion.

15 **SEC. 320. CONFORMING AMENDMENT RELATING TO H-1B**
 16 **NONIMMIGRANT PETITIONER ACCOUNT.**

17 Section 286(s)(2) of the Immigration and Nationality
 18 Act (8 U.S.C. 1356(s)(2)) is amended by striking “remain
 19 available” and all that follows through the end and insert-
 20 ing “be used and allotted by the Secretary of Labor to
 21 the States as described in subparagraphs (A)(ii) and (B)
 22 of section 312(c)(1) of the CAREER Act.”.

23 **SEC. 321. AMENDMENTS TO THE TRADE ACT OF 1974.**

24 (a) PETITIONS.—Section 221(a) of the Trade Act of
 25 1974 (19 U.S.C. 2271(a)) is amended—

1 (1) in paragraph (1)(C), by striking “, one-stop
2 operators” and all that follows through “a State dis-
3 located worker unit,” and inserting “, one-stop oper-
4 ators (as defined in section 101 of the CAREER
5 Act), or State employment security agencies,”; and

6 (2) in paragraph (2), by striking “shall—” and
7 all that follows through “(B) assist” and inserting
8 “shall assist”.

9 (b) GROUP ELIGIBILITY DETERMINATIONS.—Section
10 222(d)(2)(A)(iv) of the Trade Act of 1974 (19 U.S.C.
11 2272(d)(2)(A)(iv)) is amended by striking “or one-stop
12 partners” and all that follows through “Workforce Innova-
13 tion and Opportunity Act)” and inserting “(as defined in
14 section 101 of the CAREER Act)”.

15 (c) TRAINING SERVICES.—Section 236 of the Trade
16 Act of 1974 (19 U.S.C. 2296) is amended—

17 (1) in subsection (a)(5)—

18 (A) in subparagraph (B), by striking “pro-
19 vided by a State pursuant to title I of the
20 Workforce Innovation and Opportunity Act”
21 and inserting “provided by a State pursuant to
22 title III of the CAREER Act”;

23 (B) in subparagraph (C), by striking “ap-
24 proved by a private industry council established
25 under section 102” and inserting “approved by

1 a local workforce investment board established
2 under section 222 of the CAREER Act”; and

3 (C) in the last sentence, by striking “title
4 I of the Workforce Innovation and Opportunity
5 Act” and inserting “title III of the CAREER
6 Act”; and

7 (2) by striking subsection (b).

8 (d) **JOB SEARCH AND RELOCATION ALLOWANCES.**—

9 (1) **ALLOWANCES.**—Section 237 of the Trade
10 Act of 1974 (19 U.S.C. 2297) is amended to read
11 as follows:

12 **“SEC. 237. SUPPLEMENTAL SERVICES.**

13 “Each State, using the funds distributed to the State
14 under section 236(a), shall designate a portion for supple-
15 mental services described in section 316 of the CAREER
16 Act and distribute the portion to the State board under
17 section 313(b)(2) of that Act.”.

18 (2) **REPEAL.**—Section 238 of the Trade Act of
19 1974 (19 U.S.C. 2298) is repealed.

20 (3) **CLERICAL AMENDMENT.**—The table of con-
21 tents for the Trade Act of 1974 is amended by strik-
22 ing the items relating to sections 237 and 238 and
23 inserting the following:

“Sec. 237. Supplemental services.”.

24 (e) **AGREEMENTS WITH STATES.**—Section 239 of the
25 Trade Act of 1974 (19 U.S.C. 2311) is amended—

1 (1) in subsection (f), by striking “of this Act”
2 and all that follows through “Opportunity Act” and
3 inserting “of this Act and under title III of the CA-
4 REER Act”; and

5 (2) by striking subsection (h).

6 (f) AUTHORIZATION OF APPROPRIATIONS.—Section
7 245(b) of the Trade Act of 1974 (19 U.S.C. 2317(b)) is
8 amended by striking “sections 235 through 238” and in-
9 serting “sections 235 through 237”.

10 **SEC. 322. CONFORMING AMENDMENTS RELATING TO THE**
11 **TEMPORARY ASSISTANCE FOR NEEDY FAMI-**
12 **LIES PROGRAM.**

13 (a) AUTHORITY TO TRANSFER TANF STATE FAM-
14 ILY ASSISTANCE GRANT.—Section 404(d) of the Social
15 Security Act (42 U.S.C. 604(d)) is amended—

16 (1) in paragraph (3)(A), by inserting “or (4)”
17 after “(1)”; and

18 (2) by adding at the end the following:

19 “(4) AUTHORITY TO TRANSFER STATE FAMILY
20 ASSISTANCE GRANT FOR WORKER TRAINING SERV-
21 ICES AND ACTIVITIES.—A State may use up to 100
22 percent of the amount of any grant made to the
23 State under section 403(a)(1) for a fiscal year to
24 carry out worker training services and activities
25 under subtitle A of title III of the CAREER Act.”.

1 (b) WELFARE-TO-WORK REQUIREMENTS.—Section
2 403(a)(5) of the Social Security Act (42 U.S.C. 603(a)(5))
3 is amended—

4 (1) in subparagraph (A)(ii)(I)—

5 (A) in item (cc), by striking the semicolon
6 and inserting “, which may be satisfied through
7 consultation with local boards, as defined in
8 section 101 of the CAREER Act;”; and

9 (B) in item (dd), by striking “Governor
10 of” and all that follows through “service deliv-
11 ery area” and inserting “Governor of the State
12 that the State board and local board, as such
13 terms are defined in section 101 of the CA-
14 REER Act, will coordinate the expenditure of
15 any funds provided under this subparagraph for
16 the benefit of the local area involved”; and

17 (2) in subparagraph (C)(i)(VII), by striking
18 “vocational educational” and inserting “career and
19 technical education”.

20 (c) WORK ACTIVITIES.—Section 407 of the Social Se-
21 curity Act (42 U.S.C. 607) is amended—

22 (1) in subsection (c)(2)(D), by striking “voca-
23 tional educational training” and inserting “career
24 and technical education”; and

25 (2) in subsection (d)—

1 (A) in paragraph (5), by inserting before
2 the semicolon the following: “, including on-the-
3 job training provided under subtitle A of title
4 III of the CAREER Act”;

5 (B) in paragraph (6), by inserting before
6 the semicolon the following: “, including job
7 search and job readiness assistance provided
8 under subtitle A of title III of the CAREER
9 Act”;

10 (C) in paragraph (8) by striking “voca-
11 tional educational training” and inserting “ca-
12 reer and technical education, including career
13 and technical education provided under subtitle
14 A of title III of the CAREER Act”;

15 (D) in paragraph (9), by inserting before
16 the semicolon the following: “, including such
17 training provided under subtitle A of title III of
18 the CAREER Act”; and

19 (E) in paragraph (10), by inserting before
20 the semicolon the following: “, including such
21 education provided under subtitle A of title III
22 of the CAREER Act”.

23 (d) OTHER AMENDMENTS.—

24 (1) DATA COLLECTION.—Section
25 411(a)(1)(A)(xi)(VII) of the Social Security Act (42

1 U.S.C. 611(a)(1)(A)(xi)(VII)) is amended by strik-
2 ing “vocational education” and inserting “career and
3 technical education”.

4 (2) DEFINITION OF MINOR CHILD.—Section
5 419(2)(B) of the Social Security Act (42 U.S.C.
6 619(2)(B)) is amended by striking “vocational or
7 technical training” and inserting “career and tech-
8 nical education”.

9 **SEC. 323. AMENDMENTS TO THE FOOD AND NUTRITION ACT**
10 **OF 2008.**

11 (a) CONDITIONS OF PARTICIPATION.—Section 6(d)
12 of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(d))
13 is amended—

14 (1) in paragraph (1)(A)(ii), by striking “estab-
15 lished under paragraph (4)” and inserting “adminis-
16 tered or approved by the applicable State”; and

17 (2) in paragraph (4)—

18 (A) by striking subparagraphs (A) and
19 (B);

20 (B) by redesignating subparagraphs (C),
21 (D), (E), and (F) as subparagraphs (A), (B),
22 (C), and (D), respectively;

23 (C) in subparagraph (A) (as so redesign-
24 nated), by inserting “administered or approved
25 by the State” after “training program”;

1 (D) in subparagraph (C) (as so redesignig-
2 nated), by striking “subparagraph (D) in one or
3 more employment and training programs under
4 this paragraph” and inserting “subparagraph
5 (B) in one or more employment and training
6 programs administered or approved by the
7 State”;

8 (E) in subparagraph (D) (as so redesignig-
9 nated)—

10 (i) in clause (i), by striking “carried
11 out under this paragraph” and inserting
12 “administered or approved by the State”;

13 (ii) in clause (ii), by striking “any
14 hours worked in another program carried
15 out under section 20 and”; and

16 (iii) in clause (iii), by striking “a pro-
17 gram under this paragraph” and inserting
18 “an employment and training program ad-
19 ministered or approved by the State”;

20 (F) by striking subparagraphs (G) through
21 (K);

22 (G) by redesignating subparagraph (L) as
23 subparagraph (E); and

24 (H) by striking subparagraph (M).

1 (b) STUDENTS.—Section 6(e) of the Food and Nutri-
2 tion Act of 2008 (7 U.S.C. 2015(e)) is amended by strik-
3 ing paragraph (3) and inserting the following:

4 “(3) is assigned to, or placed in, an institution
5 of higher education through, or in compliance with,
6 the requirements of a training program that is ad-
7 ministered or approved by the State, including a
8 program of worker training services and activities
9 under the CAREER Act;”.

10 (c) WORK REQUIREMENT.—Section 6(o) of the Food
11 and Nutrition Act of 2008 (7 U.S.C. 2015(o)) is amended
12 by striking paragraph (1) and inserting the following:

13 “(1) DEFINITION OF WORK PROGRAM.—In this
14 subsection, the term ‘work program’ means a pro-
15 gram of employment and training operated or super-
16 vised by a State or political subdivision of a State
17 that meets standards approved by the Governor of
18 the State, other than a job search program or a job
19 search training program.”.

1 **Subtitle B—Worker Training for**
2 **Disadvantaged Youth**

3 **CHAPTER 1—DISADVANTAGED YOUTH**

4 **SEC. 331. AUTHORIZATION OF APPROPRIATIONS.**

5 There is authorized to be appropriated to provide
6 youth training services under this chapter to disadvan-
7 taged youth—

8 (1) \$2,055,387,042 for fiscal year 2016;

9 (2) \$2,075,459,042 for fiscal year 2017;

10 (3) \$2,097,359,042 for fiscal year 2018;

11 (4) \$2,121,088,042 for fiscal year 2019; and

12 (5) \$2,142,989,042 for fiscal year 2020.

13 **SEC. 332. ALLOTMENT OF FUNDS FOR YOUTH TRAINING**
14 **SERVICES.**

15 (a) SECRETARY'S RESERVE.—

16 (1) RESERVATION.—Each fiscal year, the Sec-
17 retary shall reserve not more than 2.5 percent of the
18 amount appropriated under section 331 for that fis-
19 cal year. The Secretary shall use the reserved
20 amount to award contracts, on a competitive basis,
21 to eligible entities as described in section 241 to pro-
22 vide youth training services to disadvantaged youth
23 under section 334.

24 (2) APPLICATION.—

1 (A) IN GENERAL.—To be eligible to receive
2 a contract under this subsection, an entity shall
3 submit an application at such time, in such
4 manner, and containing such information as the
5 Secretary may require.

6 (B) MINIMUM REQUIREMENTS.—The Sec-
7 retary shall require that the application contain,
8 at a minimum—

9 (i) a request for the contract, speci-
10 fying the amount of funds requested and
11 the proposed uses for the funds;

12 (ii) a description of the applicant and
13 a statement of its qualifications;

14 (iii) the entity's levels of performance
15 on all performance indicators and all re-
16 quired statistics, under section 402, for
17 prior programs carried out under this
18 chapter;

19 (iv) a description of the services that
20 will be provided to participants, and how
21 those services will prepare disadvantaged
22 youth for employment; and

23 (v) information indicating that the en-
24 tity meets any other criteria the Secretary
25 shall establish.

1 (3) APPROVAL.—To the extent practicable, the
2 Secretary shall notify each applicant, not later than
3 5 months after the date of receipt of the application
4 by the Secretary, concerning whether the application
5 is approved or not approved.

6 (4) POWERS OF SECRETARY.—The Secretary
7 may issue regulations to carry out this subsection.

8 (b) OUTLYING AREAS.—

9 (1) RESERVATION.—From the amount appro-
10 priated under section 331 for each fiscal year, the
11 Secretary shall reserve not more than—

12 (A) 0.07 percent for Guam;

13 (B) 0.03 percent for American Samoa;

14 (C) 0.04 percent for the Commonwealth of
15 the Northern Mariana Islands;

16 (D) except as described in section 101(24),
17 0.015 percent for the Republic of Palau; and

18 (E) 0.035 percent for the United States
19 Virgin Islands.

20 (2) USE OF FUNDS.—Each outlying area receiv-
21 ing funds under this subsection shall use the funds
22 to provide youth training services to disadvantaged
23 youth under section 334.

24 (3) POWERS OF SECRETARY.—The Secretary
25 may issue regulations under this subsection.

1 (c) STATES.—

2 (1) AUTHORIZATION.—After determining the
3 amounts to be reserved under subsections (a) and
4 (b), the Secretary shall allot the remainder of the
5 amount appropriated under section 331 for that fis-
6 cal year to the States under paragraph (2). Each
7 State receiving an allotment under this subsection
8 shall use the funds made available through the allot-
9 ment, and not reserved or retained under section
10 333, to provide youth training services to disadvan-
11 taged youth under section 334.

12 (2) FORMULA FOR ALLOTING FUNDS TO
13 STATES.—

14 (A) FORMULA.—Subject to subparagraph

15 (B), of the remainder—

16 (i) 14 percent shall be allotted on the
17 basis of the relative number of unemployed
18 individuals in areas of substantial unem-
19 ployment in each State, compared to the
20 total number of unemployed individuals in
21 areas of substantial unemployment in all
22 States;

23 (ii) 14 percent shall be allotted on the
24 basis of the relative excess number of un-
25 employed individuals in each State, com-

1 pared to the total excess number of unem-
2 employed individuals in all States;

3 (iii) 30 percent shall be allotted on the
4 basis of the relative number of disadvan-
5 tagged youth in each State, compared to the
6 total number of disadvantaged youth in all
7 States;

8 (iv) 30 percent shall be allotted on the
9 basis of the relative number of individuals
10 ages 15 through 19 in the State, compared
11 to the total number of individuals ages 15
12 through 19 in all States; and

13 (v) 12 percent shall be allotted on the
14 basis of the relative number of individuals
15 ages 20 through 24 in the State, compared
16 to the total number of individuals ages 20
17 through 24 in all States.

18 (B) MINIMUM ALLOTMENTS.—In making
19 allotments under this subsection, the Secretary
20 shall ensure the following:

21 (i) FISCAL YEAR 2016.—For fiscal
22 year 2016, the Secretary shall ensure that
23 no State receives an allotment in an
24 amount that is less than 90 percent of the
25 combined amount the State received for

1 fiscal year 2015 under section
2 127(b)(1)(C) of the Workforce Investment
3 Act of 1998 (29 U.S.C. 2852(b)(1)(C)), as
4 in effect on June 30, 2015, and section
5 111 of the Carl D. Perkins Career and
6 Technical Education Act of 2006 (20
7 U.S.C. 2321), as in effect on such date.

8 (ii) SUBSEQUENT FISCAL YEARS.—
9 For fiscal year 2017 and each subsequent
10 fiscal year, the Secretary shall ensure that
11 no State receives an allotment for the fis-
12 cal year involved in an amount that is less
13 than 90 percent of the allotment the State
14 received for the prior fiscal year under this
15 paragraph.

16 **SEC. 333. WITHIN STATE ALLOCATION.**

17 (a) GOVERNOR'S RESERVE.—From the amount allot-
18 ted to a State under section 332(c)(2) for a fiscal year,
19 the Governor of the State shall reserve not more than
20 12.25 percent. The Governor shall use the reserved
21 amount to award contracts, on a competitive basis, to eli-
22 gible entities as described in section 241 to provide youth
23 training services to disadvantaged youth under section
24 334.

1 (b) DISTRIBUTION OF FUNDS TO STATE BOARDS.—

2 The Governor shall distribute to the State board the
3 amount allotted to the State under section 332(c)(2) and
4 not reserved under subsection (a).

5 (c) ADMINISTRATIVE COSTS OF STATE BOARDS.—

6 Each State board may retain not more than 2.5 percent
7 of the funds the State board receives under subsection (b),
8 for the administrative costs of the State board in carrying
9 out this subtitle.

10 (d) ALLOCATION OF FUNDS TO LOCAL BOARDS.—

11 (1) ALLOCATIONS.—The State board shall allo-
12 cate the funds distributed to the State board under
13 subsection (b) and not retained under subsection (c)
14 to local boards for the provision of youth training
15 services to disadvantaged youth under section 334.

16 (2) ADMINISTRATIVE COSTS OF LOCAL
17 BOARDS.—Each local board may retain not more
18 than 5 percent of the funds the local board receives
19 under this subsection, for the administrative costs of
20 the local board in carrying out this subtitle.

21 (3) LOCAL BOARD FUNDS FOR YOUTH TRAIN-
22 ING SERVICES.—The local board shall use the funds
23 allocated to the local board under paragraph (1) and
24 not retained under paragraph (2) to award con-
25 tracts, on a competitive basis, to eligible entities as

1 described in section 241 to provide youth training
2 services. The local board shall ensure the services
3 are provided in accordance with the State plan sub-
4 mitted and approved under section 212.

5 **SEC. 334. YOUTH TRAINING SERVICES.**

6 (a) YOUTH TRAINING SERVICES.—Youth training
7 services provided under this chapter are any services de-
8 signed to promote literacy, educational attainment (includ-
9 ing through a secondary school or institution of higher
10 education), work-related skills, employment, employment
11 retention, and higher wages, among disadvantaged youth,
12 including—

13 (1) individual assessment;

14 (2) job search and placement assistance;

15 (3) work experience and skills training, includ-
16 ing through an industry-sector partnership;

17 (4) occupational skills training, including career
18 and technical education;

19 (5) other paid and unpaid work experiences, in-
20 cluding internships and job shadowing;

21 (6) services and activities designed to meet the
22 educational needs of participants, including—

23 (A) basic skills instruction and remedial
24 education;

1 (B) language instruction educational pro-
2 grams for individuals with limited English pro-
3 ficiency;

4 (C) secondary education services and ac-
5 tivities, including classroom instruction, tutor-
6 ing, study skills training, and dropout preven-
7 tion activities, designed to lead to the attain-
8 ment of a secondary school diploma or other
9 State-recognized equivalent (including perform-
10 ance on recognized alternative standards for in-
11 dividuals with disabilities);

12 (D) counseling and assistance in obtaining
13 education at an institution of higher education
14 and required financial aid; and

15 (E) alternative secondary school services;

16 (7) counseling services and related activities,
17 such as comprehensive guidance and counseling on
18 drug and alcohol abuse and related referral;

19 (8) supportive services and provision of need-
20 based stipends necessary to enable individuals to
21 participate in the program of services described in
22 this subsection and receive supportive services to as-
23 sist individuals, for a period not to exceed 12
24 months after the completion of the training involved,

1 in obtaining or retaining employment, or applying
2 for and transitioning to postsecondary education;

3 (9) job retention services; and

4 (10) followup services.

5 (b) ORDER OF SELECTION FOR YOUTH TRAINING
6 SERVICES.—In the event that the youth training services
7 cannot be provided to all eligible individuals in the State
8 who apply for the services, the State plan shall—

9 (1) show the order to be followed in selecting el-
10 igible individuals to be provided the youth training
11 services;

12 (2) provide the justification for the order of se-
13 lection; and

14 (3) include an assurance that individuals who
15 are eligible veterans, homeless individuals, individ-
16 uals in foster care, and individuals who have a dis-
17 ability or are blind as determined pursuant to title
18 II or title XVI of the Social Security Act (42 U.S.C.
19 401 et seq. and 1381 et seq.) will be selected first,
20 second, third, and fourth, respectively, for the provi-
21 sion of youth training services.

22 (c) PROHIBITION ON FEDERAL CONTROL OF EDU-
23 CATION.—No provision of this Act shall be construed to
24 authorize any department, agency, officer, or employee, of

1 the United States to exercise any direction, supervision,
2 or control over—

3 (1) the curriculum, standards, program of in-
4 struction, administration, or personnel of any edu-
5 cational institution, school, or school system; or

6 (2) the selection of library resources, textbooks,
7 or other printed or published instructional materials
8 by any educational institution, school, or school sys-
9 tem.

10 **CHAPTER 2—JOB CORPS**

11 **SEC. 341. PURPOSES.**

12 The purposes of this chapter are—

13 (1) to maintain a national Job Corps program,
14 carried out in partnership with States and commu-
15 nities, to—

16 (A) assist eligible youth to connect to the
17 labor force by providing them with intensive so-
18 cial, academic, career and technical education,
19 and service-learning opportunities, in primarily
20 residential centers, in order for such youth to
21 obtain secondary school diplomas or recognized
22 postsecondary credentials leading to—

23 (i) successful careers, in in-demand
24 industry sectors or occupations or the
25 Armed Forces, that will result in economic

1 self-sufficiency and opportunities for ad-
2 vancement; or

3 (ii) enrollment in postsecondary edu-
4 cation, including an apprenticeship pro-
5 gram; and

6 (B) support responsible citizenship;

7 (2) to set forth standards and procedures for
8 selecting individuals as enrollees in the Job Corps;

9 (3) to authorize the establishment of Job Corps
10 centers in which enrollees will participate in inten-
11 sive programs of activities described in this chapter;
12 and

13 (4) to prescribe various other powers, duties,
14 and responsibilities incident to the operation and
15 continuing development of the Job Corps.

16 **SEC. 342. DEFINITIONS.**

17 In this chapter:

18 (1) **APPLICABLE LOCAL BOARD.**—The term
19 “applicable local board” means a local board—

20 (A) that provides information for a Job
21 Corps center on local employment opportunities
22 and the job skills needed to obtain the opportu-
23 nities; and

1 (B) that serves communities in which the
2 graduates of the Job Corps center seek employ-
3 ment.

4 (2) APPLICABLE ONE-STOP CENTER.—The term
5 “applicable one-stop center” means a one-stop cen-
6 ter that provides services, such as referral, assess-
7 ment, recruitment, and placement, to support the
8 purposes of the Job Corps.

9 (3) APPRENTICESHIP.—The term “apprentice-
10 ship” means an apprenticeship registered under the
11 Act of August 16, 1937 (commonly known as the
12 “National Apprenticeship Act”; 50 Stat. 664, chap-
13 ter 663; 29 U.S.C. 50 et seq.).

14 (4) ENROLLEE.—The term “enrollee” means
15 an individual who has voluntarily applied for, been
16 selected for, and enrolled in the Job Corps program,
17 and remains with the program, but has not yet be-
18 come a graduate.

19 (5) FORMER ENROLLEE.—The term “former
20 enrollee” means an individual who has voluntarily
21 applied for, been selected for, and enrolled in the
22 Job Corps program, but left the program prior to
23 becoming a graduate.

24 (6) GRADUATE.—The term “graduate” means
25 an individual who has voluntarily applied for, been

1 selected for, and enrolled in the Job Corps program
2 and who, as a result of participation in the Job
3 Corps program, has received a secondary school di-
4 ploma or recognized equivalent, or completed the re-
5 quirements of a career and technical education and
6 training program that prepares individuals for em-
7 ployment leading to economic self-sufficiency or en-
8 trance into postsecondary education or training.

9 (7) JOB CORPS.—The term “Job Corps” means
10 the Job Corps described in section 343.

11 (8) JOB CORPS CENTER.—The term “Job Corps
12 center” means a center described in section 347.

13 (9) OPERATOR.—The term “operator” means
14 an entity selected under this chapter to operate a
15 Job Corps center.

16 (10) RECOGNIZED POSTSECONDARY CREDEN-
17 TIAL.—The term “recognized postsecondary creden-
18 tial” means a credential consisting of an industry-
19 recognized certificate or certification, a certificate of
20 completion of an apprenticeship, a license recognized
21 by the State involved or Federal Government, or an
22 associate or baccalaureate degree.

23 (11) REGION.—The term “region” means an
24 area defined by the Secretary.

1 (12) SERVICE PROVIDER.—The term “service
2 provider” means an entity selected under this chap-
3 ter to provide services described in this chapter to a
4 Job Corps center.

5 **SEC. 343. ESTABLISHMENT.**

6 There shall be within the Department of Labor a
7 “Job Corps”.

8 **SEC. 344. INDIVIDUALS ELIGIBLE FOR THE JOB CORPS.**

9 (a) IN GENERAL.—To be eligible to become an en-
10 rollee, an individual shall be—

11 (1) not less than age 16 and not more than age
12 21 on the date of enrollment, except that—

13 (A) not more than 20 percent of the indi-
14 viduals enrolled in the Job Corps may be not
15 less than age 22 and not more than age 24 on
16 the date of enrollment; and

17 (B) either such maximum age limitation
18 may be waived by the Secretary, in accordance
19 with regulations of the Secretary, in the case of
20 an individual with a disability;

21 (2) a low-income individual; and

22 (3) an individual who is one or more of the fol-
23 lowing:

24 (A) Basic skills deficient.

25 (B) A school dropout.

1 (C) A homeless individual, a homeless child
2 or youth (as defined in section 725(2) of the
3 McKinney-Vento Homeless Assistance Act (42
4 U.S.C. 11434a(2))), a runaway, an individual
5 in foster care, or an individual who was in fos-
6 ter care and has aged out of the foster care sys-
7 tem.

8 (D) A parent.

9 (E) An individual who requires additional
10 education, career and technical education or
11 training, or workforce preparation skills to be
12 able to obtain and retain employment that leads
13 to economic self-sufficiency.

14 (b) SPECIAL RULE FOR VETERANS.—Notwith-
15 standing the requirement of subsection (a)(2), a veteran
16 shall be eligible to become an enrollee under subsection
17 (a) if the individual—

18 (1) meets the requirements of paragraphs (1)
19 and (3) of such subsection; and

20 (2) does not meet the requirement of subsection
21 (a)(2) because the military income earned by such
22 individual within the 6-month period prior to the in-
23 dividual's application for Job Corps prevents the in-
24 dividual from meeting such requirement.

1 **SEC. 345. RECRUITMENT, SCREENING, SELECTION, AND AS-**
2 **SIGNMENT OF ENROLLEES.**

3 (a) STANDARDS AND PROCEDURES.—

4 (1) IN GENERAL.—The Secretary shall pre-
5 scribe specific standards and procedures for the re-
6 cruitment, screening, and selection of eligible appli-
7 cants for the Job Corps, after considering rec-
8 ommendations from Governors of States, local
9 boards, and other interested parties.

10 (2) METHODS.—In prescribing standards and
11 procedures under paragraph (1), the Secretary, at a
12 minimum, shall—

13 (A) prescribe procedures for informing en-
14 rollees that drug tests will be administered to
15 the enrollees and the results received within 45
16 days after the enrollees enroll in the Job Corps;

17 (B) establish standards for recruitment of
18 Job Corps applicants;

19 (C) establish standards and procedures
20 for—

21 (i) determining, for each applicant,
22 whether the educational and career and
23 technical education and training needs of
24 the applicant can best be met through the
25 Job Corps program or an alternative pro-

1 gram in the community in which the appli-
2 cant resides; and

3 (ii) obtaining from each applicant per-
4 tinent data relating to background, needs,
5 and interests for determining eligibility
6 and potential assignment;

7 (D) where appropriate, take measures to
8 improve the professional capability of the indi-
9 viduals conducting screening of the applicants;
10 and

11 (E) assure appropriate representation of
12 enrollees from urban areas and from rural
13 areas.

14 (3) IMPLEMENTATION.—The standards and
15 procedures shall be implemented through arrange-
16 ments with—

17 (A) applicable one-stop centers;

18 (B) organizations that have a dem-
19 onstrated record of effectiveness in serving at-
20 risk youth and placing such youth into employ-
21 ment, including community action agencies,
22 business organizations, or labor organizations;
23 and

24 (C) child welfare agencies that are respon-
25 sible for children and youth eligible for benefits

1 and services under section 477 of the Social Se-
2 curity Act (42 U.S.C. 677).

3 (4) CONSULTATION.—The standards and proce-
4 dures shall provide for necessary consultation with
5 individuals and organizations, including court, pro-
6 bation, parole, law enforcement, education, welfare,
7 and medical authorities and advisers.

8 (5) REIMBURSEMENT.—The Secretary is au-
9 thorized to enter into contracts with and make pay-
10 ments to individuals and organizations for the cost
11 of conducting recruitment, screening, and selection
12 of eligible applicants for the Job Corps, as provided
13 for in this section. The Secretary shall make no pay-
14 ment to any individual or organization solely as com-
15 pensation for referring the names of applicants for
16 the Job Corps.

17 (b) SPECIAL LIMITATIONS ON SELECTION.—

18 (1) IN GENERAL.—No individual shall be se-
19 lected as an enrollee unless the individual or organi-
20 zation implementing the standards and procedures
21 described in subsection (a) determines that—

22 (A) there is a reasonable expectation that
23 the individual considered for selection can par-
24 ticipate successfully in group situations and ac-
25 tivities, and is not likely to engage in behavior

1 that would prevent other enrollees from receiv-
2 ing the benefit of the Job Corps program or be
3 incompatible with the maintenance of sound
4 discipline and satisfactory relationships between
5 the Job Corps center to which the individual
6 might be assigned and communities sur-
7 rounding the Job Corps center;

8 (B) the individual manifests a basic under-
9 standing of both the rules to which the indi-
10 vidual will be subject and of the consequences
11 of failure to observe the rules, and agrees to
12 comply with such rules; and

13 (C) the individual has passed a background
14 check conducted in accordance with procedures
15 established by the Secretary and with applicable
16 State and local laws.

17 (2) INDIVIDUALS ON PROBATION, PAROLE, OR
18 SUPERVISED RELEASE.—An individual on probation,
19 parole, or supervised release may be selected as an
20 enrollee only if release from the supervision of the
21 probation or parole official involved is satisfactory to
22 the official and the Secretary and does not violate
23 applicable laws (including regulations). No individual
24 shall be denied a position in the Job Corps solely on
25 the basis of individual contact with the criminal jus-

1 tice system except for a disqualifying conviction as
2 specified in paragraph (3).

3 (3) INDIVIDUALS CONVICTED OF CERTAIN
4 CRIMES.—An individual shall not be selected as an
5 enrollee if the individual has been convicted of a fel-
6 ony consisting of murder (as described in section
7 1111 of title 18, United States Code), child abuse,
8 or a crime involving rape or sexual assault.

9 (c) ASSIGNMENT PLAN.—

10 (1) IN GENERAL.—Every 2 years, the Secretary
11 shall develop and implement a plan for assigning en-
12 rollees to Job Corps centers. In developing the plan,
13 the Secretary shall, based on the analysis described
14 in paragraph (2), establish targets, applicable to
15 each Job Corps center, for—

16 (A) the maximum attainable percentage of
17 enrollees at the Job Corps center that reside in
18 the State in which the center is located; and

19 (B) the maximum attainable percentage of
20 enrollees at the Job Corps center that reside in
21 the region in which the center is located, and in
22 surrounding regions.

23 (2) ANALYSIS.—In order to develop the plan
24 described in paragraph (1), every 2 years the Sec-
25 retary, in consultation with operators of Job Corps

1 centers, shall analyze relevant factors relating to
2 each Job Corps center, including—

3 (A) the size of the population of individ-
4 uals eligible to participate in Job Corps in the
5 State and region in which the Job Corps center
6 is located, and in surrounding regions;

7 (B) the relative demand for participation
8 in the Job Corps in the State and region, and
9 in surrounding regions;

10 (C) the capacity and utilization of the Job
11 Corps center, including the education, training,
12 and supportive services provided through the
13 center; and

14 (D) the performance of the Job Corps cen-
15 ter relating to the expected levels of perform-
16 ance described in section 359(c)(1) for the per-
17 formance indicators described in section
18 402(b)(2), and whether any actions have been
19 taken with respect to such center pursuant to
20 paragraphs (2) and (3) of section 359(f).

21 (d) ASSIGNMENT OF INDIVIDUAL ENROLLEES.—

22 (1) IN GENERAL.—After an individual has been
23 selected for the Job Corps in accordance with the
24 standards and procedures of the Secretary under
25 subsection (a), the enrollee shall be assigned to the

1 Job Corps center that offers the type of career and
2 technical education and training selected by the indi-
3 vidual and, among the centers that offer such edu-
4 cation and training, is closest to the home of the in-
5 dividual. The Secretary may waive this requirement
6 if—

7 (A) the enrollee would be unduly delayed
8 in participating in the Job Corps program be-
9 cause the closest center is operating at full ca-
10 pacity; or

11 (B) the parent or guardian of the enrollee
12 requests assignment of the enrollee to another
13 Job Corps center due to circumstances in the
14 community of the enrollee that would impair
15 prospects for successful participation in the Job
16 Corps program.

17 (2) ENROLLEES WHO ARE YOUNGER THAN
18 18.—An enrollee who is younger than 18 shall not
19 be assigned to a Job Corps center other than the
20 center closest to the home that offers the career and
21 technical education and training desired by the en-
22 rollee pursuant to paragraph (1) if the parent or
23 guardian of the enrollee objects to the assignment.

1 **SEC. 346. ENROLLMENT.**

2 (a) RELATIONSHIP BETWEEN ENROLLMENT AND
3 MILITARY OBLIGATIONS.—Enrollment in the Job Corps
4 shall not relieve any individual of obligations under the
5 Military Selective Service Act (50 U.S.C. App. 451 et
6 seq.).

7 (b) PERIOD OF ENROLLMENT.—No individual may
8 be enrolled in the Job Corps for more than 2 years, ex-
9 cept—

10 (1) in a case in which completion of an ad-
11 vanced career training program under section 348(c)
12 would require an individual to participate in the Job
13 Corps for not more than one additional year;

14 (2) in the case of an individual with a disability
15 who would reasonably be expected to meet the stand-
16 ards for a Job Corps graduate, as defined under sec-
17 tion 342(6), if allowed to participate in the Job
18 Corps for not more than 1 additional year;

19 (3) in the case of an individual who participates
20 in national service, as authorized by a Civilian Con-
21 servation Center program, who would be granted an
22 enrollment extension in the Job Corps for the
23 amount of time equal to the period of national serv-
24 ice; or

25 (4) as the Secretary may authorize in a special
26 case.

1 **SEC. 347. JOB CORPS CENTERS.**

2 (a) OPERATORS AND SERVICE PROVIDERS.—

3 (1) ELIGIBLE ENTITIES.—

4 (A) OPERATORS.—The Secretary shall
5 enter into an agreement with a Federal, State,
6 or local agency, an area career and technical
7 education school, a residential career and tech-
8 nical education school, or a private organiza-
9 tion, for the operation of each Job Corps cen-
10 ter.

11 (B) PROVIDERS.—The Secretary may
12 enter into an agreement with a local entity, or
13 other entity with the necessary capacity, to pro-
14 vide activities described in this chapter to a Job
15 Corps center.

16 (2) SELECTION PROCESS.—

17 (A) COMPETITIVE BASIS.—Except as pro-
18 vided in subsections (a) and (b) of section 3304
19 of title 41, United States Code, the Secretary
20 shall select on a competitive basis an entity to
21 operate a Job Corps center and entities to pro-
22 vide activities described in this chapter to the
23 Job Corps center. In developing a solicitation
24 for an operator or service provider, the Sec-
25 retary shall consult with the Governor of the
26 State in which the center is located, the work-

1 force council for the Job Corps center (if estab-
2 lished), and the applicable local board regarding
3 the contents of such solicitation, including ele-
4 ments that will promote the consistency of the
5 activities carried out through the center with
6 the objectives set forth in the State plan or in
7 a local plan.

8 (B) RECOMMENDATIONS AND CONSIDER-
9 ATIONS.—

10 (i) OPERATORS.—In selecting an enti-
11 ty to operate a Job Corps center, the Sec-
12 retary shall consider—

13 (I) the ability of the entity to co-
14 ordinate the activities carried out
15 through the Job Corps center with ac-
16 tivities carried out under the appro-
17 priate State plan and local plans;

18 (II) the ability of the entity to
19 offer career and technical education
20 and training that has been proposed
21 by the workforce council under section
22 354(c), and the degree to which such
23 education and training reflects em-
24 ployment opportunities in the local

1 areas in which enrollees at the center
2 intend to seek employment;

3 (III) the degree to which the en-
4 tity demonstrates relationships with
5 the surrounding communities, employ-
6 ers, labor organizations, State boards,
7 local boards, applicable one-stop cen-
8 ters, and the State and region in
9 which the center is located;

10 (IV) the performance of the enti-
11 ty, if any, relating to operating or
12 providing activities described in this
13 chapter to a Job Corps center, includ-
14 ing information regarding the entity
15 in any reports developed by the Office
16 of Inspector General of the Depart-
17 ment of Labor and the entity's dem-
18 onstrated effectiveness in assisting in-
19 dividuals in achieving the performance
20 indicators described in section
21 402(b)(2); and

22 (V) the ability of the entity to
23 demonstrate a record of successfully
24 assisting at-risk youth to connect to
25 the workforce, including providing

1 them with intensive academics and ca-
2 reer and technical education and
3 training.

4 (ii) PROVIDERS.—In selecting a serv-
5 ice provider for a Job Corps center, the
6 Secretary shall consider the factors de-
7 scribed in clause (i).

8 (3) ADDITIONAL SELECTION FACTORS.—To be
9 eligible to operate a Job Corps center, an entity
10 shall submit to the Secretary, at such time and in
11 such manner as the Secretary may require, informa-
12 tion related to additional selection factors, which
13 shall consist of the following:

14 (A) A description of the program activities
15 that will be offered at the center and how the
16 academics and career and technical education
17 and training reflect State and local employment
18 opportunities, including opportunities in in-de-
19 mand industry sectors and occupations rec-
20 ommended by the workforce council under sec-
21 tion 354(c)(2)(A).

22 (B) A description of the counseling, place-
23 ment, and support activities that will be offered
24 at the center, including a description of the
25 strategies and procedures the entity will use to

1 place graduates into unsubsidized employment
2 or education leading to a recognized postsec-
3 ondary credential upon completion of the pro-
4 gram.

5 (C) A description of the demonstrated
6 record of effectiveness that the entity has in
7 placing at-risk youth into employment and post-
8 secondary education, including past perform-
9 ance of operating a Job Corps center under this
10 chapter or subtitle C of title I of the Workforce
11 Investment Act of 1998, as in effect on June
12 30, 2015, and as appropriate, the entity's dem-
13 onstrated effectiveness in assisting individuals
14 in achieving the performance indicators de-
15 scribed in section 402(b)(2).

16 (D) A description of the relationships that
17 the entity has developed with State boards,
18 local boards, applicable one-stop centers, em-
19 ployers, labor organizations, State and local
20 educational agencies, and the surrounding com-
21 munities in which the center is located, in an
22 effort to promote a comprehensive statewide
23 workforce investment system.

24 (E) A description of the entity's ability to
25 coordinate the activities carried out through the

1 Job Corps center with activities carried out
2 under the appropriate State plan and local
3 plans.

4 (F) A description of the strong fiscal con-
5 trols the entity has in place to ensure proper
6 accounting of Federal funds, and a description
7 of how the entity will meet the requirements of
8 section 359(a).

9 (G) A description of the steps to be taken
10 to control costs in accordance with section
11 359(a)(3).

12 (H) A detailed budget of the activities that
13 will be supported using funds under this chap-
14 ter and non-Federal resources.

15 (I) An assurance the entity is licensed to
16 operate in the State in which the center is lo-
17 cated.

18 (J) An assurance the entity will comply
19 with basic health and safety codes, which shall
20 include the disciplinary measures described in
21 section 352(b).

22 (K) Any other information on additional
23 selection factors that the Secretary may re-
24 quire.

25 (b) HIGH-PERFORMING CENTERS.—

1 (1) IN GENERAL.—If an entity meets the re-
2 quirements described in paragraph (2) as applied to
3 a particular Job Corps center, such entity shall be
4 allowed to compete in any competitive selection proc-
5 ess carried out for an award to operate such center.

6 (2) HIGH PERFORMANCE.—An entity shall be
7 considered to be an operator of a high-performing
8 center if the Job Corps center operated by the enti-
9 ty—

10 (A) is ranked among the top 20 percent of
11 Job Corps centers for the most recent preceding
12 program year; and

13 (B) meets the expected levels of perform-
14 ance established under section 359(c)(1) and,
15 with respect to each of the performance indica-
16 tors described in section 402(b)(2)—

17 (i) for the period of the most recent
18 preceding 3 program years for which infor-
19 mation is available at the time the deter-
20 mination is made, achieved an average of
21 100 percent, or higher, of the expected
22 level of performance established under sec-
23 tion 359(c)(1) for the indicator; and

24 (ii) for the most recent preceding pro-
25 gram year for which information is avail-

1 able at the time the determination is made,
2 achieved 100 percent, or higher, of the ex-
3 pected level of performance established
4 under such section for the indicator.

5 (3) TRANSITION.—If any of the program years
6 described in paragraph (2)(B) precedes the imple-
7 mentation of the establishment of expected levels of
8 performance under section 359(c) and the applica-
9 tion of the performance indicators described in sec-
10 tion 402(b)(2), an entity shall be considered an op-
11 erator of a high-performing center during that pe-
12 riod if the Job Corps center operated by the entity—

13 (A) meets the requirements of paragraph
14 (2)(B) with respect to such preceding program
15 years using the performance of the Job Corps
16 center regarding the national goals or targets
17 established by the Office of the Job Corps
18 under the previous performance accountability
19 system for—

20 (i) the 6-month follow-up placement
21 rate of graduates in employment, the mili-
22 tary, education, or training;

23 (ii) the 12-month follow-up placement
24 rate of graduates in employment, the mili-
25 tary, education, or training;

1 (iii) the 6-month follow-up average
2 weekly earnings of graduates;

3 (iv) the rate of attainment of sec-
4 ondary school diplomas or their recognized
5 equivalent;

6 (v) the rate of attainment of comple-
7 tion certificates for career and technical
8 training;

9 (vi) average literacy gains; and

10 (vii) average numeracy gains; or

11 (B) is ranked among the top 5 percent of
12 Job Corps centers for the most recent preceding
13 program year.

14 (c) CHARACTER AND ACTIVITIES.—Job Corps centers
15 may be residential or nonresidential in character, and shall
16 be designed and operated so as to provide enrollees, in
17 a well-supervised setting, with access to activities de-
18 scribed in this chapter. In any year, no more than 20 per-
19 cent of the individuals enrolled in the Job Corps may be
20 nonresidential participants in the Job Corps.

21 (d) CIVILIAN CONSERVATION CENTERS.—

22 (1) IN GENERAL.—Job Corps centers may in-
23 clude Civilian Conservation Centers, operated under
24 an agreement between the Secretary of Labor and
25 the Secretary of Agriculture, that are located pri-

1 marily in rural areas. Such centers shall provide, in
2 addition to academics, career and technical edu-
3 cation and training, and workforce preparation skills
4 training, programs of work experience to conserve,
5 develop, or manage public natural resources or pub-
6 lic recreational areas or to develop community
7 projects in the public interest.

8 (2) ASSISTANCE DURING DISASTERS.—Enroll-
9 ees in Civilian Conservation Centers may provide as-
10 sistance in addressing national, State, and local dis-
11 asters, consistent with current child labor laws (in-
12 cluding regulations). The Secretary of Agriculture
13 shall ensure that with respect to the provision of
14 such assistance the enrollees are properly trained,
15 equipped, supervised, and dispatched consistent with
16 standards for the conservation and rehabilitation of
17 wildlife established under the Fish and Wildlife Co-
18 ordination Act (16 U.S.C. 661 et seq.).

19 (3) NATIONAL LIAISON.—The Secretary of Ag-
20 riculture shall designate a Job Corps National Liai-
21 son to support the agreement under this section be-
22 tween the Departments of Labor and Agriculture.

23 (e) INDIAN TRIBES.—The Secretary may enter into
24 agreements with Indian tribes to operate Job Corps cen-
25 ters for Indians.

1 (f) LENGTH OF AGREEMENT.—The agreement de-
2 scribed in subsection (a)(1)(A) shall be for not more than
3 a 2-year period. The Secretary may exercise any contrac-
4 tual option to renew the agreement in 1-year increments
5 for not more than 3 additional years, consistent with the
6 requirements of subsection (g).

7 (g) RENEWAL CONDITIONS.—

8 (1) IN GENERAL.—Subject to paragraph (2),
9 the Secretary shall not renew the terms of an agree-
10 ment for any 1-year additional period described in
11 subsection (f) for an entity to operate a particular
12 Job Corps center if, for both of the 2 most recent
13 preceding program years for which information is
14 available at the time the determination is made, or
15 if a second program year is not available, the pre-
16 ceding year for which information is available, such
17 center—

18 (A) has been ranked in the lowest 10 per-
19 cent of Job Corps centers; and

20 (B) failed to achieve an average of 50 per-
21 cent or higher of the expected level of perform-
22 ance under section 359(e)(1) with respect to
23 each of the performance indicators described in
24 section 402(b)(2).

1 (2) EXCEPTION.—Notwithstanding paragraph
2 (1), the Secretary may exercise an option to renew
3 the agreement for no more than 2 additional years
4 if the Secretary determines such renewal would be in
5 the best interest of the Job Corps program, taking
6 into account factors including—

7 (A) significant improvements in program
8 performance in carrying out a performance im-
9 provement plan under section 359(f)(2);

10 (B) that the performance is due to cir-
11 cumstances beyond the control of the entity,
12 such as an emergency or disaster;

13 (C) a significant disruption in the oper-
14 ations of the center, including in the ability to
15 continue to provide services to students, or sig-
16 nificant increase in the cost of such operations;
17 or

18 (D) a significant disruption in the procure-
19 ment process with respect to carrying out a
20 competition for the selection of a center oper-
21 ator.

22 (3) DETAILED EXPLANATION.—If the Secretary
23 exercises an option under paragraph (2), the Sec-
24 retary shall provide, to the Committee on Education
25 and the Workforce of the House of Representatives

1 and the Committee on Health, Education, Labor,
2 and Pensions of the Senate, a detailed explanation
3 of the rationale for exercising such option.

4 (4) ADDITIONAL CONSIDERATIONS.—The Sec-
5 retary shall only renew the agreement of an entity
6 to operate a Job Corps center if the entity—

7 (A) has a satisfactory record of integrity
8 and business ethics;

9 (B) has adequate financial resources to
10 perform the agreement;

11 (C) has the necessary organization, experi-
12 ence, accounting and operational controls, and
13 technical skills; and

14 (D) is otherwise qualified and eligible
15 under applicable laws and regulations, including
16 that the contractor is not under suspension or
17 debarred from eligibility for Federal contracts.

18 (5) EMERGENCY OR DISASTER.—For purposes
19 of paragraph (2)(B), the term “emergency or dis-
20 aster” means—

21 (A) an emergency or a major disaster, as
22 defined in paragraphs (1) and (2), respectively,
23 of section 102 of the Robert T. Stafford Dis-
24 aster Relief and Emergency Assistance Act (42
25 U.S.C. 5122 (1) and (2)); or

1 (B) an emergency or disaster situation of
2 national significance that could result in a po-
3 tentially large loss of employment, as declared
4 or otherwise recognized by the chief official of
5 a Federal agency with authority for or jurisdic-
6 tion over the Federal response to the emergency
7 or disaster situation.

8 **SEC. 348. PROGRAM ACTIVITIES.**

9 (a) **ACTIVITIES PROVIDED BY JOB CORPS CEN-**
10 **TERS.—**

11 (1) **IN GENERAL.—**Each Job Corps center shall
12 provide enrollees with an intensive, well organized,
13 and fully supervised program of education, including
14 English language acquisition programs, career and
15 technical education and training, work experience,
16 work-based learning, recreational activities, physical
17 rehabilitation and development, driver's education,
18 and counseling, which may include information
19 about financial literacy. Each Job Corps center shall
20 provide enrollees assigned to the center with access
21 to services or activities described in section 314 or
22 334.

23 (2) **RELATIONSHIP TO OPPORTUNITIES.—**The
24 activities provided under this subsection shall be tar-

1 geted to helping enrollees, on completion of their en-
2 rollment—

3 (A) secure and maintain meaningful un-
4 subsidized employment;

5 (B) enroll in and complete secondary edu-
6 cation or postsecondary education or training
7 programs, including other suitable career and
8 technical education and training, and appren-
9 ticeship programs; or

10 (C) satisfy Armed Forces requirements.

11 (3) LINK TO EMPLOYMENT OPPORTUNITIES.—

12 The career and technical education and training pro-
13 vided shall be linked to employment opportunities in
14 in-demand industry sectors and occupations in the
15 State or local area in which the Job Corps center is
16 located and, to the extent practicable, in the State
17 or local area in which the enrollee intends to seek
18 employment after graduation.

19 (b) ACADEMIC AND CAREER AND TECHNICAL EDU-
20 CATION AND TRAINING.—The Secretary may arrange for
21 career and technical education and training of enrollees
22 through local public or private educational agencies, career
23 and technical educational institutions, technical institutes,
24 or national service providers, whenever such entities pro-
25 vide education and training substantially equivalent in

1 cost and quality to that which the Secretary could provide
2 through other means.

3 (c) ADVANCED CAREER TRAINING PROGRAMS.—

4 (1) IN GENERAL.—The Secretary may arrange
5 for programs of advanced career training for se-
6 lected enrollees in which the enrollees may continue
7 to participate for a period of not to exceed 1 year
8 in addition to the period of participation to which
9 the enrollees would otherwise be limited. The ad-
10 vanced career training may be provided through the
11 eligible providers of training services selected under
12 section 241.

13 (2) BENEFITS.—During the period of participa-
14 tion in an advanced career training program, an en-
15 rollee shall be eligible for full Job Corps benefits, or
16 a monthly stipend equal to the average value of the
17 residential support, food, allowances, and other ben-
18 efits provided to enrollees assigned to residential Job
19 Corps centers.

20 (3) DEMONSTRATION.—The Secretary shall de-
21 velop standards by which any operator seeking to
22 enroll additional enrollees in an advanced career
23 training program shall demonstrate, before the oper-
24 ator may carry out such additional enrollment,
25 that—

1 (A) participants in such program have
2 achieved a satisfactory rate of completion and
3 placement in training-related jobs; and

4 (B) for the most recently preceding 2 pro-
5 gram years, such operator has, on average, met
6 or exceeded the expected levels of performance
7 under section 359(c)(1) for each of the per-
8 formance indicators described in section
9 402(b)(2).

10 (d) GRADUATE SERVICES.—In order to promote the
11 retention of graduates in employment or postsecondary
12 education, the Secretary shall arrange for the provision
13 of job placement and support services to graduates for up
14 to 12 months after the date of graduation. Multiple re-
15 sources, including one-stop partners, may support the pro-
16 vision of these services, including services from the State
17 vocational rehabilitation agency, to supplement job place-
18 ment and job development efforts for Job Corps graduates
19 who are individuals with disabilities.

20 (e) CHILD CARE.—The Secretary shall, to the extent
21 practicable, provide child care at or near Job Corps cen-
22 ters, for individuals who require child care for their chil-
23 dren in order to participate in the Job Corps.

1 **SEC. 349. COUNSELING AND JOB PLACEMENT.**

2 (a) **ASSESSMENT AND COUNSELING.**—The Secretary
3 shall arrange for assessment and counseling for each en-
4 rollee at regular intervals to measure progress in the aca-
5 demic and career and technical education and training
6 programs carried out through the Job Corps.

7 (b) **PLACEMENT.**—The Secretary shall arrange for
8 assessment and counseling for enrollees prior to their
9 scheduled graduations to determine their capabilities and,
10 based on their capabilities, shall place the enrollees in em-
11 ployment leading to economic self-sufficiency for which the
12 enrollees are trained or assist the enrollees in participating
13 in further activities described in this chapter. In arranging
14 for the placement of graduates in jobs, the Secretary shall
15 utilize the one-stop delivery system to the maximum extent
16 practicable.

17 (c) **STATUS AND PROGRESS.**—The Secretary shall de-
18 termine the status and progress of enrollees scheduled for
19 graduation and make every effort to assure that their
20 needs for further activities described in this chapter are
21 met.

22 (d) **SERVICES TO FORMER ENROLLEES.**—The Sec-
23 retary may provide such services as the Secretary deter-
24 mines to be appropriate under this chapter to former en-
25 rollees.

1 **SEC. 350. SUPPORT.**

2 (a) **PERSONAL ALLOWANCES.**—The Secretary may
3 provide enrollees assigned to Job Corps centers with such
4 personal allowances as the Secretary may determine to be
5 necessary or appropriate to meet the needs of the enroll-
6 ees.

7 (b) **TRANSITION ALLOWANCES.**—The Secretary shall
8 arrange for a transition allowance to be paid to graduates.
9 The transition allowance shall be incentive-based to reflect
10 a graduate's completion of academic, career and technical
11 education or training, and attainment of recognized post-
12 secondary credentials.

13 (c) **TRANSITION SUPPORT.**—The Secretary may ar-
14 range for the provision of 3 months of employment serv-
15 ices for former enrollees.

16 **SEC. 351. OPERATIONS.**

17 (a) **OPERATING PLAN.**—The provisions of the con-
18 tract between the Secretary and an entity selected to oper-
19 ate a Job Corps center shall, at a minimum, serve as an
20 operating plan for the Job Corps center.

21 (b) **ADDITIONAL INFORMATION.**—The Secretary may
22 require the operator, in order to remain eligible to operate
23 the Job Corps center, to submit such additional informa-
24 tion as the Secretary may require, which shall be consid-
25 ered part of the operating plan.

1 (c) AVAILABILITY.—The Secretary shall make the op-
2 erating plan described in subsections (a) and (b), exclud-
3 ing any proprietary information, available to the public.

4 **SEC. 352. STANDARDS OF CONDUCT.**

5 (a) PROVISION AND ENFORCEMENT.—The Secretary
6 shall provide, and directors of Job Corps centers shall
7 stringently enforce, standards of conduct within the cen-
8 ters. Such standards of conduct shall include provisions
9 forbidding the actions described in subsection (b)(2)(A).

10 (b) DISCIPLINARY MEASURES.—

11 (1) IN GENERAL.—To promote the proper be-
12 havioral standards in the Job Corps, the directors of
13 Job Corps centers shall have the authority to take
14 appropriate disciplinary measures against enrollees
15 if such a director determines that an enrollee has
16 committed a violation of the standards of conduct.
17 The director shall dismiss the enrollee from the Job
18 Corps if the director determines that the retention
19 of the enrollee in the Job Corps will jeopardize the
20 enforcement of such standards, threaten the safety
21 of staff, students, or the local community, or dimin-
22 ish the opportunities of other enrollees.

23 (2) ZERO TOLERANCE POLICY AND DRUG TEST-
24 ING.—

1 (A) GUIDELINES.—The Secretary shall
2 adopt guidelines establishing a zero tolerance
3 policy for an act of violence, for use, sale, or
4 possession of a controlled substance, for abuse
5 of alcohol, or for other illegal or disruptive ac-
6 tivity.

7 (B) DRUG TESTING.—The Secretary shall
8 require drug testing of all enrollees for con-
9 trolled substances in accordance with proce-
10 dures prescribed by the Secretary under section
11 345(a).

12 (C) DEFINITIONS.—In this paragraph:

13 (i) CONTROLLED SUBSTANCE.—The
14 term “controlled substance” has the mean-
15 ing given the term in section 102 of the
16 Controlled Substances Act (21 U.S.C.
17 802).

18 (ii) ZERO TOLERANCE POLICY.—The
19 term “zero tolerance policy” means a pol-
20 icy under which an enrollee shall be auto-
21 matically dismissed from the Job Corps
22 after a determination by the director that
23 the enrollee has carried out an action de-
24 scribed in subparagraph (A).

1 (c) APPEAL.—A disciplinary measure taken by a di-
2 rector under this section shall be subject to expeditious
3 appeal in accordance with procedures established by the
4 Secretary.

5 **SEC. 353. COMMUNITY PARTICIPATION.**

6 (a) BUSINESS AND COMMUNITY PARTICIPATION.—
7 The director of each Job Corps center shall ensure the
8 establishment and development of the mutually beneficial
9 business and community relationships and networks de-
10 scribed in subsection (b), including the use of local boards,
11 in order to enhance the effectiveness of such centers.

12 (b) NETWORKS.—The activities carried out by each
13 Job Corps center under this section shall include—

14 (1) establishing and developing relationships
15 and networks with—

16 (A) local and distant employers, to the ex-
17 tent practicable, in coordination with entities
18 carrying out other Federal and non-Federal
19 programs that conduct similar outreach to em-
20 ployers;

21 (B) applicable one-stop centers and appli-
22 cable local boards, for the purpose of pro-
23 viding—

24 (i) information to, and referral of, po-
25 tential enrollees; and

1 (ii) job opportunities for Job Corps
2 graduates; and

3 (C)(i) entities carrying out relevant ap-
4 prenticeship programs and youth programs;

5 (ii) labor-management organizations and
6 local labor organizations;

7 (iii) employers and contractors that sup-
8 port national training contractor programs; and

9 (iv) community-based organizations, non-
10 profit organizations, and intermediaries pro-
11 viding worker training services and activities;
12 and

13 (2) establishing and developing relationships
14 with members of the community in which the Job
15 Corps center is located, informing members of the
16 community about the projects of the Job Corps cen-
17 ter and changes in the rules, procedures, or activities
18 of the center that may affect the community, and
19 planning events of mutual interest to the community
20 and the Job Corps center.

21 (c) NEW CENTERS.—The director of a Job Corps
22 center that is not yet operating shall ensure the establish-
23 ment and development of the relationships and networks
24 described in subsection (b) at least 3 months prior to the

1 date on which the center accepts the first enrollee at the
2 center.

3 **SEC. 354. WORKFORCE COUNCILS.**

4 (a) IN GENERAL.—Each Job Corps center shall have
5 a workforce council, appointed by the director of the cen-
6 ter, in accordance with procedures established by the Sec-
7 retary.

8 (b) WORKFORCE COUNCIL COMPOSITION.—

9 (1) IN GENERAL.—A workforce council shall be
10 comprised of—

11 (A) a majority of members who shall be
12 owners of business concerns, chief executives or
13 chief operating officers of nongovernmental em-
14 ployers, or other private sector employers,
15 who—

16 (i) have substantial management, hir-
17 ing, or policy responsibility; and

18 (ii) represent businesses with employ-
19 ment opportunities that reflect the employ-
20 ment opportunities of the applicable local
21 areas in which enrollees will be seeking em-
22 ployment;

23 (B) representatives of labor organizations
24 (where present) and representatives of employ-
25 ees; and

1 (C) enrollees and graduates of the Job
2 Corps.

3 (2) LOCAL BOARD.—The workforce council may
4 include members of the applicable local boards who
5 meet the requirements described in paragraph (1).

6 (3) EMPLOYERS OUTSIDE OF LOCAL AREA.—
7 The workforce council for a Job Corps center may
8 include, or otherwise provide for consultation with,
9 employers from outside the local area who are likely
10 to hire a significant number of enrollees from the
11 Job Corps center.

12 (4) SPECIAL RULE FOR SINGLE STATE LOCAL
13 AREAS.—In the case of a single State local area as
14 determined under section 222(c), the workforce
15 council shall include a representative of the State
16 Board.

17 (c) RESPONSIBILITIES.—The responsibilities of the
18 workforce council shall be—

19 (1) to work closely with all applicable local
20 boards in order to determine, and recommend to the
21 Secretary, appropriate career and technical edu-
22 cation and training for the center;

23 (2) to review all the relevant labor market in-
24 formation, including related information in the State
25 plan or the local plan, to—

1 (A) recommend the in-demand industry
2 sectors or occupations in the area in which the
3 Job Corps center operates;

4 (B) determine the employment opportuni-
5 ties in the local areas in which the enrollees in-
6 tend to seek employment after graduation;

7 (C) determine the skills and education that
8 are necessary to obtain the employment oppor-
9 tunities; and

10 (D) recommend to the Secretary the type
11 of career and technical education and training
12 that should be implemented at the center to en-
13 able the enrollees to obtain the employment op-
14 portunities; and

15 (3) to meet at least once every 6 months to re-
16 evaluate the labor market information, and other rel-
17 evant information, to determine, and recommend to
18 the Secretary, any necessary changes in the career
19 and technical education and training provided at the
20 center.

21 (d) NEW CENTERS.—The workforce council for a Job
22 Corps center that is not yet operating shall carry out the
23 responsibilities described in subsection (c) at least 3
24 months prior to the date on which the center accepts the
25 first enrollee at the center.

1 **SEC. 355. ADVISORY COMMITTEES.**

2 The Secretary may establish and use advisory com-
3 mittees in connection with the operation of the Job Corps
4 program, and the operation of Job Corps centers, when-
5 ever the Secretary determines that the availability of out-
6 side advice and counsel on a regular basis would be of
7 substantial benefit in identifying and overcoming prob-
8 lems, in planning program or center development, or in
9 strengthening relationships between the Job Corps and
10 agencies, institutions, or groups engaged in related activi-
11 ties.

12 **SEC. 356. EXPERIMENTAL PROJECTS AND TECHNICAL AS-**
13 **SISTANCE.**

14 (a) **PROJECTS.**—The Secretary may carry out experi-
15 mental, research, or demonstration projects relating to
16 carrying out the Job Corps program. The Secretary may
17 waive any provisions of this chapter that the Secretary
18 finds would prevent the Secretary from carrying out the
19 projects if the Secretary informs the Committee on Edu-
20 cation and the Workforce of the House of Representatives
21 and the Committee on Health, Education, Labor, and
22 Pensions of the Senate, in writing, not less than 90 days
23 in advance of issuing such waiver.

24 (b) **TECHNICAL ASSISTANCE.**—From the funds pro-
25 vided under section 362 (for the purposes of administra-
26 tion), the Secretary may reserve $\frac{1}{4}$ of 1 percent to pro-

1 vide, directly or through grants, contracts, or other agree-
2 ments or arrangements as the Secretary considers appro-
3 priate, technical assistance for the Job Corps program for
4 the purpose of improving program quality. Such assistance
5 shall include—

6 (1) assisting Job Corps centers and programs—

7 (A) in correcting deficiencies under, and
8 violations of, this chapter;

9 (B) in meeting or exceeding the expected
10 levels of performance under section 359(e)(1)
11 for the performance indicators described in sec-
12 tion 402(b)(2); and

13 (C) in the development of sound manage-
14 ment practices, including financial management
15 procedures; and

16 (2) assisting entities, including entities not cur-
17 rently operating a Job Corps center, in developing
18 the additional selection factors information described
19 in section 347(a)(3).

20 **SEC. 357. APPLICATION OF PROVISIONS OF FEDERAL LAW.**

21 (a) **ENROLLEES NOT CONSIDERED TO BE FEDERAL**
22 **EMPLOYEES.—**

23 (1) **IN GENERAL.—**Except as otherwise pro-
24 vided in this subsection and in section 8143(a) of
25 title 5, United States Code, enrollees shall not be

1 considered to be Federal employees and shall not be
2 subject to the provisions of law relating to Federal
3 employment, including such provisions regarding
4 hours of work, rates of compensation, leave, unem-
5 ployment compensation, and Federal employee bene-
6 fits.

7 (2) PROVISIONS RELATING TO TAXES AND SO-
8 CIAL SECURITY BENEFITS.—For purposes of the In-
9 ternal Revenue Code of 1986 and title II of the So-
10 cial Security Act (42 U.S.C. 401 et seq.), enrollees
11 shall be deemed to be employees of the United
12 States and any service performed by an individual as
13 an enrollee shall be deemed to be performed in the
14 employ of the United States.

15 (3) PROVISIONS RELATING TO COMPENSATION
16 TO FEDERAL EMPLOYEES FOR WORK INJURIES.—
17 For purposes of subchapter I of chapter 81 of title
18 5, United States Code (relating to compensation to
19 Federal employees for work injuries), enrollees shall
20 be deemed to be civil employees of the Government
21 of the United States within the meaning of the term
22 “employee” as defined in section 8101 of title 5,
23 United States Code, and the provisions of such sub-
24 chapter shall apply as specified in section 8143(a) of
25 title 5, United States Code.

1 (4) FEDERAL TORT CLAIMS PROVISIONS.—For
2 purposes of the Federal tort claims provisions in
3 title 28, United States Code, enrollees shall be con-
4 sidered to be employees of the Government.

5 (b) ADJUSTMENTS AND SETTLEMENTS.—Whenever
6 the Secretary finds a claim for damages to a person or
7 property resulting from the operation of the Job Corps
8 to be a proper charge against the United States, and the
9 claim is not cognizable under section 2672 of title 28,
10 United States Code, the Secretary may adjust and settle
11 the claim in an amount not exceeding \$1,500.

12 (c) PERSONNEL OF THE UNIFORMED SERVICES.—
13 Personnel of the uniformed services who are detailed or
14 assigned to duty in the performance of agreements made
15 by the Secretary for the support of the Job Corps shall
16 not be counted in computing strength under any law lim-
17 iting the strength of such services or in computing the
18 percentage authorized by law for any grade in such serv-
19 ices.

20 **SEC. 358. SPECIAL PROVISIONS.**

21 (a) ENROLLMENT.—The Secretary shall ensure that
22 women and men have an equal opportunity to participate
23 in the Job Corps program, consistent with section 345.

24 (b) STUDIES, EVALUATIONS, PROPOSALS, AND
25 DATA.—The Secretary shall assure that all studies, eval-

1 uations, proposals, and data produced or developed with
2 Federal funds in the course of carrying out the Job Corps
3 program shall become the property of the United States.

4 (c) TRANSFER OF PROPERTY.—

5 (1) IN GENERAL.—Notwithstanding chapter 5
6 of title 40, United States Code, and any other provi-
7 sion of law, the Secretary and the Secretary of Edu-
8 cation shall receive priority by the Secretary of De-
9 fense for the direct transfer, on a nonreimbursable
10 basis, of the property described in paragraph (2) for
11 use in carrying out programs under this Act or
12 under any other Act.

13 (2) PROPERTY.—The property described in this
14 paragraph is real and personal property under the
15 control of the Department of Defense that is not
16 used by such Department, including property that
17 the Secretary of Defense determines is in excess of
18 current and projected requirements of such Depart-
19 ment.

20 (d) GROSS RECEIPTS.—Transactions conducted by a
21 private for-profit or nonprofit entity that is an operator
22 or service provider for a Job Corps center shall not be
23 considered to be generating gross receipts. Such an oper-
24 ator or service provider shall not be liable, directly or indi-
25 rectly, to any State or subdivision of a State (nor to any

1 person acting on behalf of such a State or subdivision)
2 for any gross receipts taxes, business privilege taxes meas-
3 ured by gross receipts, or any similar taxes imposed on,
4 or measured by, gross receipts in connection with any pay-
5 ments made to or by such entity for operating or providing
6 services to a Job Corps center. Such an operator or service
7 provider shall not be liable to any State or subdivision of
8 a State to collect or pay any sales, excise, use, or similar
9 tax imposed on the sale to or use by such operator or serv-
10 ice provider of any property, service, or other item in con-
11 nection with the operation of or provision of services to
12 a Job Corps center.

13 (e) MANAGEMENT FEE.—The Secretary shall provide
14 each operator and (in an appropriate case, as determined
15 by the Secretary) service provider with an equitable and
16 negotiated management fee of not less than 1 percent of
17 the amount of the funding provided under the appropriate
18 agreement specified in section 347.

19 (f) DONATIONS.—The Secretary may accept on be-
20 half of the Job Corps or individual Job Corps centers
21 charitable donations of cash or other assistance, including
22 equipment and materials, if such donations are available
23 for appropriate use for the purposes set forth in this chap-
24 ter.

1 (g) SALE OF PROPERTY.—Notwithstanding any other
2 provision of law, if the Administrator of General Services
3 sells a Job Corps center facility, the Administrator shall
4 transfer the proceeds from the sale to the Secretary, who
5 shall use the proceeds to carry out the Job Corps program.

6 **SEC. 359. MANAGEMENT INFORMATION.**

7 (a) FINANCIAL MANAGEMENT INFORMATION SYS-
8 TEM.—

9 (1) IN GENERAL.—The Secretary shall establish
10 procedures to ensure that each operator, and each
11 service provider, maintains a financial management
12 information system that will provide—

13 (A) accurate, complete, and current disclo-
14 sures of the costs of Job Corps operations; and

15 (B) sufficient data for the effective evalua-
16 tion of activities carried out through the Job
17 Corps program.

18 (2) ACCOUNTS.—Each operator and service
19 provider shall maintain funds received under this
20 chapter in accounts in a manner that ensures timely
21 and accurate reporting as required by the Secretary.

22 (3) FISCAL RESPONSIBILITY.—Operators shall
23 remain fiscally responsible and control costs, regard-
24 less of whether the funds made available for Job

1 Corps centers are incrementally increased or de-
2 creased between fiscal years.

3 (b) AUDIT.—

4 (1) ACCESS.—The Secretary, the Inspector
5 General of the Department of Labor, the Comp-
6 troller General of the United States, and any of
7 their duly authorized representatives, shall have ac-
8 cess to any books, documents, papers, and records of
9 the operators and service providers described in sub-
10 section (a) that are pertinent to the Job Corps pro-
11 gram, for purposes of conducting surveys, audits,
12 and evaluations of the operators and service pro-
13 viders.

14 (2) SURVEYS, AUDITS, AND EVALUATIONS.—

15 The Secretary shall survey, audit, or evaluate, or ar-
16 range for the survey, audit, or evaluation of, the op-
17 erators and service providers, using Federal auditors
18 or independent public accountants. The Secretary
19 shall conduct such surveys, audits, or evaluations
20 not less often than once every 3 years.

21 (c) INFORMATION ON PERFORMANCE INDICATORS.—

22 (1) LEVELS OF PERFORMANCE AND INDICA-
23 TORS.—The Secretary shall annually establish ex-
24 pected levels of performance for a Job Corps center
25 and the Job Corps program relating to each of the

1 performance indicators described in section
2 402(b)(2).

3 (2) PERFORMANCE OF RECRUITERS.—The Sec-
4 retary shall also establish performance indicators,
5 and expected levels of performance on the perform-
6 ance indicators, for recruitment service providers
7 serving the Job Corps program. The performance in-
8 dicators shall relate to—

9 (A) the number of enrollees recruited, com-
10 pared to the established goals for such recruit-
11 ment, and the number of enrollees who remain
12 committed to the program for 90 days after en-
13 rollment; and

14 (B) the measurements described in sub-
15 paragraphs (I), (L), and (M) of subsection
16 (d)(1).

17 (3) PERFORMANCE OF CAREER TRANSITION
18 SERVICE PROVIDERS.—The Secretary shall also es-
19 tablish performance indicators, and expected levels
20 of performance on the performance indicators, for
21 career transition service providers serving the Job
22 Corps program. The performance indicators shall re-
23 late to—

24 (A) the performance indicators described
25 in section 402(b)(2); and

1 (B) the measurements described in sub-
2 paragraphs (D), (E), (H), (J), and (K) of sub-
3 section (d)(1).

4 (4) REPORT.—The Secretary shall collect, and
5 annually submit to the Committee on Education and
6 the Workforce of the House of Representatives and
7 the Committee on Health, Education, Labor, and
8 Pensions of the Senate, a report including—

9 (A) information on the performance of
10 each Job Corps center, and the Job Corps pro-
11 gram, based on the performance indicators de-
12 scribed in paragraph (1), as compared to the
13 expected level of performance established under
14 such paragraph for each performance indicator;
15 and

16 (B) information on the performance of the
17 service providers described in paragraphs (2)
18 and (3) on the performance indicators estab-
19 lished under such paragraphs, as compared to
20 the expected level of performance established
21 for each performance indicator.

22 (d) ADDITIONAL INFORMATION.—

23 (1) IN GENERAL.—The Secretary shall also col-
24 lect, and submit in the report described in sub-
25 section (c)(4), information on the performance of

1 each Job Corps center, and the Job Corps program,
2 regarding—

3 (A) the number of enrollees served;

4 (B) demographic information on the enroll-
5 ees served, including age, race, gender, and
6 education and income level;

7 (C) the number of graduates of a Job
8 Corps center;

9 (D) the number of graduates who entered
10 the Armed Forces;

11 (E) the number of graduates who entered
12 apprenticeship programs;

13 (F) the number of graduates who received
14 a regular secondary school diploma;

15 (G) the number of graduates who received
16 a State recognized equivalent of a secondary
17 school diploma;

18 (H) the number of graduates who entered
19 unsubsidized employment related to the career
20 and technical education and training received
21 through the Job Corps program and the num-
22 ber who entered unsubsidized employment not
23 related to the education and training received;

24 (I) the percentage and number of former
25 enrollees, including the number dismissed under

1 the zero tolerance policy described in section
2 352(b);

3 (J) the percentage and number of grad-
4 uates who enter postsecondary education;

5 (K) the average wage of graduates who
6 enter unsubsidized employment—

7 (i) on the first day of such employ-
8 ment; and

9 (ii) on the day that is 6 months after
10 such first day;

11 (L) the percentages of enrollees described
12 in subparagraphs (A) and (B) of section
13 345(c)(1), as compared to the percentage tar-
14 gets established by the Secretary under such
15 section for the center;

16 (M) the cost per enrollee, which is cal-
17 culated by comparing the number of enrollees
18 at the center in a program year to the total
19 budget for such center in the same program
20 year;

21 (N) the cost per graduate, which is cal-
22 culated by comparing the number of graduates
23 of the center in a program year compared to
24 the total budget for such center in the same
25 program year; and

1 (O) any additional information required by
2 the Secretary.

3 (2) RULES FOR REPORTING OF DATA.—The
4 disaggregation of data under this subsection shall
5 not be required when the number of individuals in
6 a category is insufficient to yield statistically reliable
7 information or when the results would reveal person-
8 ally identifiable information about an individual.

9 (e) METHODS.—The Secretary shall collect the infor-
10 mation described in subsections (c) and (d), using State
11 quarterly wage records in a manner consistent with State
12 law, by entering into agreements with the States to access
13 such data for Job Corps enrollees, former enrollees, and
14 graduates.

15 (f) PERFORMANCE ASSESSMENTS AND IMPROVE-
16 MENTS.—

17 (1) ASSESSMENTS.—The Secretary shall con-
18 duct an annual assessment of the performance of
19 each Job Corps center. Based on the assessment, the
20 Secretary shall take measures to continuously im-
21 prove the performance of the Job Corps program.

22 (2) PERFORMANCE IMPROVEMENT.—With re-
23 spect to a Job Corps center that fails to meet the
24 expected levels of performance relating to the per-
25 formance indicators specified in subsection (c)(1),

1 the Secretary shall develop and implement a per-
2 formance improvement plan. Such a plan shall re-
3 quire action to be taken during a 1-year period, in-
4 cluding—

5 (A) providing technical assistance to the
6 center;

7 (B) changing the career and technical edu-
8 cation and training offered at the center;

9 (C) changing the management staff of the
10 center;

11 (D) replacing the operator of the center;

12 (E) reducing the capacity of the center;

13 (F) relocating the center; or

14 (G) closing the center.

15 (3) ADDITIONAL PERFORMANCE IMPROVE-
16 MENT.—In addition to the performance improvement
17 plans required under paragraph (2), the Secretary
18 may develop and implement additional performance
19 improvement plans. Such a plan shall require im-
20 provements, including the actions described in such
21 paragraph, for a Job Corps center that fails to meet
22 criteria established by the Secretary other than the
23 expected levels of performance described in such
24 paragraph.

25 (g) PARTICIPANT HEALTH AND SAFETY.—

1 (1) CENTER.—The Secretary shall ensure that
2 a review by an appropriate Federal, State, or local
3 entity of the physical condition and health-related
4 activities of each Job Corps center occurs annually.

5 (2) WORK-BASED LEARNING LOCATIONS.—The
6 Secretary shall require that an entity that has en-
7 tered into a contract to provide work-based learning
8 activities for any Job Corps enrollee under this
9 chapter shall comply with the Occupational Safety
10 and Health Act of 1970 (29 U.S.C. 651 et seq.) or,
11 as appropriate, under the corresponding State Occu-
12 pational Safety and Health Act of 1970 require-
13 ments in the State in which such activities occur.

14 (h) BUILDINGS AND FACILITIES.—The Secretary
15 shall collect, and submit in the report described in sub-
16 section (c)w, information regarding the state of Job Corps
17 buildings and facilities. Such report shall include—

18 (1) a review of requested construction, rehabili-
19 tation, and acquisition projects, by each Job Corps
20 center; and

21 (2) a review of new facilities under construc-
22 tion.

23 (i) NATIONAL AND COMMUNITY SERVICE.—The Sec-
24 retary shall include in the report described in subsection

1 (c)(4) available information regarding the national and
2 community service activities of enrollees.

3 (j) CLOSURE OF JOB CORPS CENTER.—Prior to the
4 closure of any Job Corps center, the Secretary shall en-
5 sure—

6 (1) that the proposed decision to close the cen-
7 ter is announced in advance to the general public
8 through publication in the Federal Register or other
9 appropriate means;

10 (2) the establishment of a reasonable comment
11 period, not to exceed 30 days, for interested individ-
12 uals to submit written comments to the Secretary;
13 and

14 (3) that the Member of Congress who rep-
15 resents the district in which such center is located
16 is notified within a reasonable period of time in ad-
17 vance of any final decision to close the center.

18 **SEC. 360. GENERAL PROVISIONS.**

19 The Secretary is authorized to—

20 (1) disseminate, with regard to the provisions of
21 section 3204 of title 39, United States Code, data
22 and information in such forms as the Secretary shall
23 determine to be appropriate, to public agencies, pri-
24 vate organizations, and the general public;

1 (2) subject to section 357(b), collect or com-
2 promise all obligations to or held by the Secretary
3 and exercise all legal or equitable rights accruing to
4 the Secretary in connection with the payment of ob-
5 ligations until such time as such obligations may be
6 referred to the Attorney General for suit or collec-
7 tion; and

8 (3) expend funds made available for purposes of
9 this chapter—

10 (A) for printing and binding, in accordance
11 with applicable law (including regulation); and

12 (B) without regard to any other law (in-
13 cluding regulation), for rent of buildings and
14 space in buildings and for repair, alteration,
15 and improvement of buildings and space in
16 buildings rented by the Secretary, except that
17 the Secretary shall not expend funds under the
18 authority of this subparagraph—

19 (i) except when necessary to obtain an
20 item, service, or facility, that is required in
21 the proper administration of this chapter,
22 and that otherwise could not be obtained,
23 or could not be obtained in the quantity or
24 quality needed, or at the time, in the form,

1 or under the conditions in which the item,
2 service, or facility is needed; and

3 (ii) prior to having given written noti-
4 fication to the Administrator of General
5 Services (if the expenditure would affect an
6 activity that otherwise would be under the
7 jurisdiction of the General Services Admin-
8 istration) of the intention of the Secretary
9 to make the expenditure, and the reasons
10 and justifications for the expenditure.

11 **SEC. 361. JOB CORPS OVERSIGHT AND REPORTING.**

12 (a) **TEMPORARY FINANCIAL REPORTING.—**

13 (1) **IN GENERAL.—**During the periods described
14 in paragraphs (2) and (3)(B), the Secretary shall
15 prepare and submit to the applicable committees fi-
16 nancial reports regarding the Job Corps program
17 under this chapter. Each such financial report shall
18 include—

19 (A) information regarding the implementa-
20 tion of the financial oversight measures sug-
21 gested in the May 31, 2013, report of the Of-
22 fice of Inspector General of the Department of
23 Labor entitled “The U.S. Department of La-
24 bor’s Employment and Training Administration

1 Needs to Strengthen Controls over Job Corps
2 Funds”;

3 (B) a description of any budgetary short-
4 falls for the program for the period covered by
5 the financial report, and the reasons for such
6 shortfalls; and

7 (C) a description and explanation for any
8 approval for contract expenditures that are in
9 excess of the amounts provided for under the
10 contract.

11 (2) TIMING OF REPORTS.—The Secretary shall
12 submit a financial report under paragraph (1) once
13 every 6 months beginning on the effective date of
14 this title, for a 3-year period. After the completion
15 of such 3-year period, the Secretary shall submit a
16 financial report under such paragraph once a year
17 for the next 2 years, unless additional reports are
18 required under paragraph (3)(B).

19 (3) REPORTING REQUIREMENTS IN CASES OF
20 BUDGETARY SHORTFALLS.—If any financial report
21 required under this subsection finds that the Job
22 Corps program under this chapter has a budgetary
23 shortfall for the period covered by the report, the
24 Secretary shall—

1 (A) not later than 90 days after the budg-
2 etary shortfall was identified, submit a report
3 to the applicable committees explaining how the
4 budgetary shortfall will be addressed; and

5 (B) submit an additional financial report
6 under paragraph (1) for each 6-month period
7 subsequent to the finding of the budgetary
8 shortfall until the Secretary demonstrates,
9 through such report, that the Job Corps pro-
10 gram has no budgetary shortfall.

11 (b) THIRD-PARTY REVIEW.—

12 (1) IN GENERAL.—Every 5 years after the ef-
13 fective date of this title, the Secretary shall provide
14 for a third-party review of the Job Corps program
15 under this chapter that addresses—

16 (A) the general effectiveness of such pro-
17 gram in relation to its cost, including the extent
18 to which the program—

19 (i) improves the employment com-
20 petencies of participants in comparison to
21 comparably situated individuals who did
22 not participate in such program; and

23 (ii) to the extent feasible, increases
24 the level of total employment over the level

1 that would have existed in the absence of
2 such program;

3 (B) the effectiveness of the performance
4 indicators described in section 402(b)(2) and
5 expected levels of performance described in sec-
6 tion 359(c)(1), relating to such program;

7 (C) the effectiveness of the structure and
8 mechanisms for delivery of services through
9 such program, including the coordination and
10 integration of services through such program;

11 (D) the impact of such program on the
12 community, businesses, and participants in-
13 volved;

14 (E) the impact of such program on related
15 programs and activities;

16 (F) the extent to which such program
17 meets the needs of various demographic groups;
18 and

19 (G) such other factors as may be appro-
20 priate.

21 (2) SUBMISSION.—The results of the review
22 shall be submitted to the Committee on Education
23 and the Workforce of the House of Representatives
24 and the Committee on Health, Education, Labor,
25 and Pensions of the Senate.

1 (c) CRITERIA FOR JOB CORPS CENTER CLOSURES.—
 2 By not later than 6 months after the effective date of this
 3 title, the Secretary shall establish written criteria that the
 4 Secretary shall use to determine when a Job Corps center
 5 supported under this chapter is to be closed and how to
 6 carry out such closure, and shall submit such criteria to
 7 the applicable committees.

8 (d) DEFINITION OF APPLICABLE COMMITTEES.—In
 9 this section, the term “applicable committees” means—

10 (1) the Committee on Education and the Work-
 11 force of the House of Representatives;

12 (2) the Subcommittee on Labor, Health and
 13 Human Services, Education, and Related Agencies
 14 of the Committee on Appropriations of the House of
 15 Representatives;

16 (3) the Committee on Health, Education,
 17 Labor, and Pensions of the Senate; and

18 (4) the Subcommittee on Labor, Health and
 19 Human Services, Education, and Related Agencies
 20 of the Committee on Appropriations of the Senate.

21 **SEC. 362. AUTHORIZATION OF APPROPRIATIONS.**

22 There are authorized to be appropriated to carry out
 23 this chapter—

24 (1) \$1,818,548,000 for fiscal year 2016;

25 (2) \$1,856,283,000 for fiscal year 2017;

1 (3) \$1,897,455,000 for fiscal year 2018;

2 (4) \$1,942,064,000 for fiscal year 2019; and

3 (5) \$1,983,236,000 for fiscal year 2020.

4 **Subtitle C—Worker Training for**
5 **Individuals With Disabilities**

6 **SEC. 371. DECLARATION OF PURPOSE AND POLICY.**

7 (a) FINDINGS.—Congress finds that—

8 (1) work is a valued activity, both for individ-
9 uals and society;

10 (2) as a group, individuals with disabilities ex-
11 perience high levels of unemployment and poverty;

12 (3) individuals with disabilities, including indi-
13 viduals with the most significant disabilities, have
14 demonstrated their ability to achieve gainful employ-
15 ment in integrated settings; and

16 (4) the provision of vocational rehabilitation
17 services can enable individuals with disabilities, in-
18 cluding individuals with the most significant disabil-
19 ities, to pursue meaningful careers.

20 (b) PURPOSE.—The purpose of this subtitle is to as-
21 sist States in operating programs to provide vocational re-
22 habilitation services and information and referral services
23 for individuals with disabilities so that such individuals
24 may prepare for and engage in gainful employment.

1 (c) POLICY.—It is the policy of the United States
2 that such a program shall be carried out in a manner con-
3 sistent with the following principles:

4 (1) Individuals with disabilities, including indi-
5 viduals with the most significant disabilities, shall
6 generally be presumed to be capable of engaging in
7 gainful employment and benefitting from the provi-
8 sion of individualized vocational rehabilitation serv-
9 ices in terms of improving their ability to become
10 gainfully employed.

11 (2) Individuals with disabilities shall be pro-
12 vided the opportunities to obtain gainful employment
13 in integrated settings.

14 (3) Individuals who are applicants for programs
15 of vocational rehabilitation services or eligible to par-
16 ticipate in such programs shall be active and full
17 partners in the vocational rehabilitation process,
18 making meaningful and informed choices.

19 (4) Families and other natural supports can
20 play important roles in the success of a program of
21 vocational rehabilitation services, if the individual
22 with a disability involved requests, desires, or needs
23 such supports.

24 (5) Accountability measures shall facilitate the
25 accomplishment of the goals and objectives of the

1 program, including providing vocational rehabilita-
2 tion services to, among others, individuals with the
3 most significant disabilities.

4 **SEC. 372. AUTHORIZATION OF APPROPRIATIONS.**

5 (a) IN GENERAL.—For each of fiscal years 2016
6 through 2020, the sum of the amounts made available
7 under subsections (b) and (c) for that year shall be used
8 for the purposes of providing vocational rehabilitation
9 services and information referral services under section
10 375 to individuals with disabilities who satisfy the eligi-
11 bility criteria specified in section 374.

12 (b) MANDATORY FUNDING.—

13 (1) FISCAL YEAR 2016.—Subject to section
14 373(e), for the purposes described in subsection (a),
15 there is authorized to be appropriated and there is
16 appropriated for fiscal year 2016 the amount of the
17 appropriation under section 100(b)(1) of the Reha-
18 bilitation Act of 1973 (29 U.S.C. 720(b)(1)), as in
19 effect on the day before the effective date of this
20 title, for fiscal year 2015, increased by the percent-
21 age change in the Consumer Price Index determined
22 under section 100(c) of that Act (29 U.S.C. 720(c)),
23 as in effect on that day.

24 (2) SUCCEEDING YEARS.—Subject to section
25 373(e), for the purposes described in subsection (a),

1 there is authorized to be appropriated and there is
2 appropriated for fiscal year 2017 and each suc-
3 ceeding fiscal year the amount of the appropriation
4 under this subsection for the immediately preceding
5 fiscal year, increased by the percentage change in
6 the Consumer Price Index, as so determined.

7 (c) DISCRETIONARY FUNDING.—There is authorized
8 to be appropriated to carry out this subtitle—

- 9 (1) \$54,466,000 for fiscal year 2016;
- 10 (2) \$51,056,000 for fiscal year 2017;
- 11 (3) \$52,162,000 for fiscal year 2018;
- 12 (4) \$53,360,000 for fiscal year 2019; and
- 13 (5) \$54,466,000 for fiscal year 2020.

14 **SEC. 373. GRANTS TO STATES.**

15 (a) GRANTS.—Subject to subsection (e), the Sec-
16 retary shall make grants to eligible States, from allot-
17 ments made under subsection (b), to enable the States to
18 provide vocational rehabilitation services and information
19 and referral services, consistent with section 375, to indi-
20 viduals with disabilities who satisfy the eligibility criteria
21 specified in section 374. The Secretary shall make such
22 a grant to the State board of each eligible State.

23 (b) ALLOTMENT OF FUNDS TO STATES.—

- 24 (1) FISCAL YEAR 2016.—For fiscal year 2016,
25 the Secretary shall allot to each State an amount

1 that bears the same relationship to the total funds
2 made available under section 372 for that year as
3 the amount the State received under section 110 of
4 the Rehabilitation Act of 1973 (29 U.S.C. 730), as
5 in effect on the day before the effective date of this
6 title, for fiscal year 2015 bears to the total amount
7 all States received under that section 110 for fiscal
8 year 2015.

9 (2) FISCAL YEARS 2017–2020.—

10 (A) IN GENERAL.—Subject to subpara-
11 graph (B), for each of fiscal years 2017
12 through 2020, the Secretary shall allot to each
13 State an amount that bears the same relation-
14 ship to the total funds made available under
15 section 372 for that year as the number of un-
16 employed individuals with disabilities (as re-
17 ported in the American Community Survey of
18 the Bureau of the Census) in that State bears
19 to the total number of such individuals (as so
20 reported) in all States.

21 (B) LIMITATION.—No State shall receive
22 an allotment under subparagraph (A) for a fis-
23 cal year in an amount that is less than 90 per-
24 cent of the amount of the allotment the State

1 received under this subsection for the prior fis-
2 cal year.

3 (c) WITHIN STATE ALLOCATION.—Each State board
4 shall allocate the funds made available under subsection
5 (a) and not reserved under subsection (d), along with the
6 contributions provided by the State under subsection (e),
7 to local boards, according to criteria included in a State
8 plan submitted and approved under section 212. The local
9 board shall use the funds and contributions to award con-
10 tracts, on a competitive basis, to eligible entities as de-
11 scribed in section 241 to provide vocational rehabilitation
12 services and information and referral services.

13 (d) LIMITATION ON USES OF FUNDS FOR ADMINIS-
14 TRATIVE COSTS.—Of the funds made available to a State
15 under this section for a fiscal year, not more than 10 per-
16 cent may be used for administrative costs by the State
17 boards and local boards in the State.

18 (e) MATCHING REQUIREMENT.—To be eligible to re-
19 ceive funds described in section 372(b) through a grant
20 made under this section, the State shall agree that, with
21 respect to the costs to be incurred by the State in pro-
22 viding the services for which the grant was awarded, the
23 State will make available non-Federal contributions. The
24 State shall make the contributions in an amount equal to
25 not less than \$27 for every \$100 of funds described in

1 section 372(b) and provided under the grant. The State
2 may make the contributions directly or through donations
3 from public or private entities.

4 **SEC. 374. ELIGIBLE POPULATION.**

5 (a) ELIGIBILITY.—

6 (1) CRITERIA FOR ELIGIBILITY.—An individual
7 is eligible for services under this subtitle if the indi-
8 vidual—

9 (A) is an individual with a disability;

10 (B) can benefit in terms of an employment
11 outcome from services authorized under this
12 subtitle; and

13 (C) requires services authorized under this
14 subtitle to prepare for, secure, retain, or regain
15 employment.

16 (2) PRESUMPTION OF ELIGIBILITY.—

17 (A) DETERMINATION.—For purposes of
18 this section, an individual shall be presumed to
19 be an individual that can benefit in terms of an
20 employment outcome from services under this
21 subtitle. The State may deny services under
22 this subtitle to an individual who meets the eli-
23 gibility criteria of subparagraphs (A) and (C) of
24 paragraph (1) only if the State can demonstrate
25 by clear and convincing evidence that such indi-

1 individual is incapable of benefitting in terms of an
2 employment outcome from the services author-
3 ized under this subtitle due to the severity of
4 the disability of the individual.

5 (B) TIMEFRAME FOR MAKING AN ELIGI-
6 BILITY DETERMINATION.—The State shall de-
7 termine whether an individual is eligible for
8 services under this subtitle within a reasonable
9 period of time, not to exceed 60 days, after the
10 individual has submitted an application for the
11 services, unless—

12 (i) exceptional and unforeseen cir-
13 cumstances beyond the control of the State
14 preclude making an eligibility determina-
15 tion within those 60 days and the State
16 and the individual agree to a specific ex-
17 tension of time; or

18 (ii) the State is exploring an individ-
19 ual’s abilities, capabilities, and capacity to
20 perform in work situations.

21 (C) APPEAL.—Each State board shall es-
22 tablish a process for an individual to challenge
23 an assessment that the individual is incapable
24 of benefitting in terms of an employment out-
25 come from the services authorized under this

1 subtitle due to the severity of the disability of
2 the individual.

3 (b) POWERS OF THE SECRETARY.—The Secretary
4 may issue regulations under this section.

5 **SEC. 375. VOCATIONAL REHABILITATION SERVICES AND IN-**
6 **FORMATION AND REFERRAL SERVICES.**

7 (a) VOCATIONAL REHABILITATION SERVICES.—

8 (1) ELIGIBLE SERVICES.—Vocational rehabilita-
9 tion services provided under this subtitle are any
10 services necessary to assist an individual with a dis-
11 ability in preparing for, securing, retaining, or re-
12 gaining an employment outcome, consisting of—

13 (A) the adult training services listed in sec-
14 tion 315;

15 (B) job-related services, including indi-
16 vidual assessment, counseling, guidance, job
17 search and placement assistance, job retention
18 services, follow-up services, and follow-along
19 services;

20 (C) vocational and other training services,
21 including the provision of personal and voca-
22 tional adjustment services, books, tools, and
23 other training materials;

24 (D) diagnosis and treatment of physical
25 and mental impairments;

1 (E) transportation, including adequate
2 training in the use of public transportation ve-
3 hicles and systems, that is provided in connec-
4 tion with the provision of any other service de-
5 scribed in this section and needed by the indi-
6 vidual to achieve an employment outcome;

7 (F) on-the-job or other related personal as-
8 sistance services provided while an individual is
9 receiving other services described in this sec-
10 tion;

11 (G) interpreter services provided by quali-
12 fied personnel for individuals who are deaf or
13 hard of hearing, and reader services for individ-
14 uals who are determined to be blind;

15 (H) rehabilitation technology, including
16 telecommunications, sensory, and other techno-
17 logical aids and devices;

18 (I) transition services for students with
19 disabilities, that facilitate the achievement of
20 positive employment outcomes;

21 (J) supported employment services;

22 (K) specific postemployment services nec-
23 essary to assist an individual with a disability
24 to retain, regain, or advance in employment;
25 and

1 (L) any other services necessary to assist
2 an individual with a disability in preparing for,
3 securing, retaining, or regaining an employment
4 outcome.

5 (2) ORDER OF SELECTION FOR VOCATIONAL
6 REHABILITATION SERVICES.—In the event that the
7 vocational rehabilitation services cannot be provided
8 to all eligible individuals with disabilities in the
9 State who apply for the services, the State plan
10 shall—

11 (A) show the order to be followed in select-
12 ing eligible individuals to be provided the voca-
13 tional rehabilitation services;

14 (B) provide the justification for the order
15 of selection; and

16 (C) include an assurance that, in accord-
17 ance with criteria established by the State for
18 the order of selection, individuals with the most
19 significant disabilities will be selected first for
20 the provision of the vocational rehabilitation
21 services.

22 (b) INFORMATION AND REFERRAL SERVICES.—

23 (1) IN GENERAL.—The State shall ensure that
24 individuals with disabilities are appropriately re-
25 ferred to Federal and State programs (other than

1 the program carried out under this subtitle), includ-
 2 ing other programs made available through the
 3 statewide workforce investment system in the State.

4 (2) REFERRALS.—An appropriate referral made
 5 under paragraph (1) shall be a referral to the Fed-
 6 eral or State program covered by paragraph (1) that
 7 is best suited to address the specific employment
 8 needs of an individual with a disability.

9 **Subtitle D—Worker Training for**
 10 **Indians (Including Alaska Na-**
 11 **tives) and Native Hawaiians**

12 **SEC. 381. WORKER TRAINING FOR INDIANS (INCLUDING**
 13 **ALASKA NATIVES) AND NATIVE HAWAIIANS.**

14 (a) PURPOSE.—

15 (1) IN GENERAL.—The purpose of this section
 16 is to support worker training activities described in
 17 subsection (c) for Indian (including Alaska Native)
 18 and Native Hawaiian individuals in order—

19 (A) to develop more fully the academic, oc-
 20 cupational, and literacy skills of such individ-
 21 uals;

22 (B) to make such individuals more com-
 23 petitive in the workforce; and

24 (C) to promote the economic and social de-
 25 velopment of Indian (including Alaska Native)

1 and Native Hawaiian communities in accord-
2 ance with the goals and values of such commu-
3 nities.

4 (2) INDIAN POLICY.—All programs of activities
5 assisted under this section shall be administered in
6 a manner consistent with the principles of the In-
7 dian Self-Determination and Education Assistance
8 Act (25 U.S.C. 450 et seq.) and the government-to-
9 government relationship between the Federal Gov-
10 ernment and Indian tribal governments.

11 (b) COMPETITIVE GRANTS, CONTRACTS, AND COOP-
12 ERATIVE AGREEMENTS.—The Secretary shall use funds
13 appropriated under subsection (j) for programs that pro-
14 vide worker training activities under subsection (c), by
15 providing grants on a competitive basis to, or entering into
16 contracts or cooperative agreements on a competitive basis
17 with, any of the following entities:

- 18 (1) Indian tribes.
- 19 (2) Tribal organizations.
- 20 (3) Alaska Native entities.
- 21 (4) Indian-controlled organizations serving Indi-
22 ans.
- 23 (5) Native Hawaiian organizations.
- 24 (6) Institutions of higher education.

1 (7) Tribally controlled postsecondary career and
2 technical education institutions.

3 (8) United Tribes Technical College.

4 (9) Navajo Technical University.

5 (10) Nonprofit organizations.

6 (c) AUTHORIZED WORKER TRAINING ACTIVITIES.—

7 (1) IN GENERAL.—An entity receiving funds
8 made available through a grant, contract, or cooper-
9 ative agreement under subsection (b) shall use such
10 funds for comprehensive worker training activities
11 listed in paragraph (2) for Indians (including Alaska
12 Natives) and Native Hawaiians.

13 (2) ACTIVITIES.—The comprehensive worker
14 training activities described in this subsection shall
15 include—

16 (A) activities related to—

17 (i) skills assessment;

18 (ii) job skills and readiness training;

19 (iii) on-the-job training;

20 (iv) job development and placement;

21 (v) educational attainment, including
22 attainment of literacy, remedial, and post-
23 secondary education and career and tech-
24 nical education;

1 (vi) vocational rehabilitation, as de-
2 scribed in section 375(a);

3 (vii) enabling program participation
4 and preparing for, obtaining, and retaining
5 employment or educational opportunities;
6 and

7 (viii) other activities the Secretary de-
8 termines will promote education and em-
9 ployment of Indians (including Alaska Na-
10 tives) or Native Hawaiians; and

11 (B) services to supplement the activities
12 described in subparagraph (A) for youth who
13 are Indians (including Alaska Natives) or Na-
14 tive Hawaiians.

15 (d) NONDUPLICATIVE AND NONEXCLUSIVE SERV-
16 ICES.—This section shall not be construed to—

17 (1) limit the eligibility of any entity described
18 in subsection (b) to participate in any activity of-
19 fered by a State or local entity under this Act; or

20 (2) preclude or discourage any agreement, be-
21 tween any entity described in such subsection and
22 any State or local entity, to facilitate the provision
23 of services by such entity or to the population served
24 by such entity.

25 (e) ADVISORY COUNCIL.—

1 (1) IN GENERAL.—Using funds appropriated
2 under subsection (j) to carry out this section, the
3 Secretary shall establish a council to be known as
4 the “Native American Employment and Training
5 Council” (referred to in this section as the “Council”),
6 to carry out the duties under paragraph (3).

7 (2) COMPOSITION.—The Council shall be composed
8 of individuals, appointed by the Secretary,
9 who are representatives of the entities described in
10 subsection (b).

11 (3) DUTIES.—

12 (A) IN GENERAL.—The Council shall advise
13 the Secretary on all aspects of the operation and
14 administration of the programs assisted under this
15 section.

16 (B) TECHNICAL ASSISTANCE.—The Council
17 may provide technical assistance to entities
18 that receive assistance under this section to enable
19 such entities to improve their performance on the
20 activities under subsection (c).

21 (4) PERSONNEL MATTERS.—

22 (A) COMPENSATION.—Members of the
23 Council shall serve without compensation. Notwithstanding
24 section 1342 of title 31, United States Code, the
25 Secretary may accept the vol-

1 untary and uncompensated services of members
2 of the Council.

3 (B) TRAVEL EXPENSES.—The members of
4 the Council shall be allowed travel expenses, in-
5 cluding per diem in lieu of subsistence, at rates
6 authorized for employees of agencies under sub-
7 chapter I of chapter 57 of title 5, while away
8 from their homes or regular places of business
9 in the performance of services for the Council.

10 (C) ADMINISTRATIVE SUPPORT.—The Sec-
11 retary shall provide the Council with such ad-
12 ministrative support as may be necessary to
13 perform the functions of the Council.

14 (5) CHAIRPERSON.—The Council shall select a
15 chairperson from among its members.

16 (6) MEETINGS.—The Council shall have not
17 fewer than 2 meetings each year.

18 (7) APPLICATION.—Section 14 of the Federal
19 Advisory Committee Act (5 U.S.C. App.) shall not
20 apply to the Council.

21 (f) AGREEMENT FOR CERTAIN INDIAN TRIBES TO
22 TRANSFER FUNDS TO THE PROGRAM.—An Indian tribe
23 that administers funds provided under this section and
24 funds provided by more than one State under other sec-
25 tions of this title may enter into an agreement with the

1 Secretary and the Governors of the affected States to
2 transfer the funds provided by the States to the program
3 administered by the tribe under this section.

4 (g) COMPLIANCE WITH SINGLE AUDIT REQUIRE-
5 MENTS; RELATED REQUIREMENT.—

6 (1) SINGLE AUDIT ACT.—Grants, contracts,
7 and cooperative agreements entered into under this
8 section shall be subject to the requirements of chap-
9 ter 75 of title 31, United States Code (commonly
10 known as the “Single Audit Act of 1984”).

11 (2) COSTS.—The charging of costs under this
12 section shall be subject to appropriate circulars
13 issued by the Office of Management and Budget.

14 (h) ASSISTANCE TO AMERICAN SAMOANS IN HA-
15 WAI.—Notwithstanding any other provision of law, the
16 Secretary is authorized to provide assistance to American
17 Samoa individuals who reside in Hawaii for the co-location
18 of federally funded and State-funded worker training serv-
19 ices and activities.

20 (i) DEFINITION.—In this section, the term “tribally
21 controlled postsecondary career and technical institution”
22 means an institution of higher education (as defined in
23 section 101 of the Higher Education Act of 1965 (20
24 U.S.C. 1001), except that subsection (a)(2) of such section
25 shall not be applicable and the reference to Secretary in

1 subsection (a)(5) of such section shall be deemed to refer
2 to the Secretary of the Interior) that—

3 (1) is formally controlled, or has been formally
4 sanctioned or chartered, by the governing body of an
5 Indian tribe or Indian tribes;

6 (2) offers a technical degree or certificate
7 granting program;

8 (3) is governed by a board of directors or trust-
9 ees, a majority of whom are Indians;

10 (4) demonstrates adherence to stated goals, a
11 philosophy, or a plan of operation, that fosters indi-
12 vidual Indian economic and self-sufficiency oppor-
13 tunity, including programs that are appropriate to
14 stated tribal goals of developing individual entrepre-
15 neurships and self-sustaining economic infrastruc-
16 tures on reservations;

17 (5) has been in operation for at least 3 years;

18 (6) holds accreditation with or is a candidate
19 for accreditation by a nationally recognized accred-
20 iting authority for postsecondary career and tech-
21 nical education; and

22 (7) enrolls the full-time equivalent of not less
23 than 100 students, of whom a majority are Indians.

24 (j) AUTHORIZATION OF APPROPRIATIONS.—

25 (1) MANDATORY FUNDING.—

1 (A) FISCAL YEAR 2016.—For the purpose
2 of providing funds under subsections (b) and
3 (e), there is authorized to be appropriated, and
4 there is appropriated, for fiscal year 2016 the
5 amount of the reservation under section 110(c)
6 of the Rehabilitation Act of 1973 (29 U.S.C.
7 730(c)), as in effect on the day before the effec-
8 tive date of this title, for fiscal year 2015, in-
9 creased by the percentage change in the Con-
10 sumer Price Index, determined in a manner
11 similar to the determination under section
12 100(c) of such Act (29 U.S.C. 720(c)), as in ef-
13 fect on that day.

14 (B) SUCCEEDING FISCAL YEARS.—For the
15 purpose of providing funds under subsections
16 (b) and (e), there is authorized to be appro-
17 priated, and there is appropriated, for fiscal
18 year 2017 and each succeeding fiscal year the
19 amount of the appropriation under this sub-
20 section for the immediately preceding fiscal
21 year, increased by the percentage change in the
22 Consumer Price Index, as so determined.

23 (2) DISCRETIONARY FUNDING.—There is au-
24 thorized to be appropriated to carry out this sub-
25 title—

- 1 (A) \$110,781,535 for fiscal year 2016;
2 (B) \$111,821,535 for fiscal year 2017;
3 (C) \$112,956,535 for fiscal year 2018;
4 (D) \$114,186,535 for fiscal year 2019;
5 and
6 (E) \$115,322,535 for fiscal year 2020.

7 **Subtitle E—Worker Training for**
8 **Reintegration of Offenders**

9 **SEC. 391. REINTEGRATION OF OFFENDERS.**

10 (a) AMENDING THE SECOND CHANCE ACT.—

11 (1) ELIGIBLE OFFENDERS.—Section 212(a) of
12 the Second Chance Act of 2007 (42 U.S.C.
13 17532(a)) is amended to read as follows:

14 “(a) ELIGIBLE OFFENDERS.—

15 “(1) DEFINITIONS.—In this section:

16 “(A) ELIGIBLE ADULT OFFENDER.—The
17 term ‘eligible adult offender’ means an indi-
18 vidual who—

19 “(i) is 18 years of age or older;

20 “(ii) has been convicted as an adult
21 and imprisoned under Federal or State
22 law;

23 “(iii) has never been convicted of a
24 violent or sex-related offense; and

1 “(iv) has been released from a prison
2 or jail for not more than 180 days before
3 the date on which the individual begins
4 participating in a grant program carried
5 out under this section.

6 “(B) ELIGIBLE OFFENDER.—The term ‘el-
7 igible offender’ means an individual who is an
8 eligible adult offender or an eligible youth of-
9 fender.

10 “(C) ELIGIBLE YOUTH OFFENDER.—The
11 term ‘eligible youth offender’ means an indi-
12 vidual who—

13 “(i) is not younger than 14 years of
14 age and not older than 24 years of age;
15 and

16 “(ii) has been subject to any stage in
17 the juvenile justice system and has not
18 been subject to any stage in the adult jus-
19 tice system.

20 “(2) PRIORITY OF SERVICE.—A grantee under
21 this section shall provide a priority of service in
22 projects funded under this section to eligible offend-
23 ers who have been released from a State correctional
24 facility.”.

1 (2) AUTHORITY TO MAKE GRANTS.—Section
2 212(b) of the Second Chance Act of 2007 (42
3 U.S.C. 17532(b)) is amended by striking “nonprofit
4 organizations” and inserting “nonprofit organiza-
5 tions, State boards (as defined in section 101 of the
6 CAREER Act), local boards (as so defined), or one-
7 stop centers (within the meaning of the term in sec-
8 tion 231 of the CAREER Act),”.

9 (3) USE OF FUNDS.—Section 212(c)(1) of the
10 Second Chance Act of 2007 (42 U.S.C. 17532(c)(1))
11 is amended—

12 (A) in the matter preceding subparagraph
13 (A), by inserting “a program for” after “may
14 be used for”;

15 (B) in subparagraph (B)—

16 (i) by striking “one-stop partners and
17 one-stop operators (as such terms are de-
18 fined in section 101 of the Workforce In-
19 vestment Act of 1998 (29 U.S.C. 2801))”
20 and inserting “one-stop operators (as de-
21 fined in section 101 of the CAREER
22 Act)”;

23 (ii) by striking “section 134(e) of the
24 Workforce Investment Act of 1998 (29

1 U.S.C. 2864(c))” and inserting “section
2 231 of the CAREER Act”.

3 (4) APPLICATION.—Section 212(d)(1) of the
4 Second Chance Act of 2007 (42 U.S.C.
5 17532(d)(1)) is amended—

6 (A) in subparagraph (A), by striking “A
7 nonprofit organization” and inserting “An enti-
8 ty”; and

9 (B) in subparagraph (B)(iii), by striking
10 “local workforce investment boards established
11 under section 117 of the Workforce Investment
12 Act of 1998 (29 U.S.C. 2832))” and inserting
13 “local boards (as defined in section 101 of the
14 CAREER Act)”.

15 (5) PERFORMANCE OUTCOMES.—Section 212(e)
16 of the Second Chance Act of 2007 (42 U.S.C.
17 17532(e)) is amended—

18 (A) in paragraph (1), by striking “non-
19 profit organization” and inserting “entity”; and

20 (B) in paragraph (2), by striking “a non-
21 profit organization” and inserting “an entity”.

22 (6) REPORTS.—Section 212(f) of the Second
23 Chance Act of 2007 (42 U.S.C. 17532(f)) is amend-
24 ed by striking “nonprofit organization” and insert-
25 ing “entity”.

1 (7) AUTHORIZATION OF APPROPRIATIONS.—
2 Section 212(h) of the Second Chance Act of 2007
3 (42 U.S.C. 17532(h)) is amended—

4 (A) by striking “\$20,000,000” and insert-
5 ing “\$80,078,000”; and

6 (B) by striking “2009 and 2010” and in-
7 serting “2016 through 2020”.

8 (b) GRANTS TO STATES FOR WORKPLACE AND COM-
9 MUNITY TRANSITION TRAINING FOR INCARCERATED IN-
10 DIVIDUALS.—Section 821 of the Higher Education
11 Amendments of 1998 (20 U.S.C. 1151) is repealed.

12 **TITLE IV—PERFORMANCE INDI-**
13 **CATORS, FISCAL CONTROLS,**
14 **AND ADMINISTRATIVE PROVI-**
15 **SIONS**

16 **SEC. 401. DEFINITION OF OTHER DIRECT RECIPIENT.**

17 In this title, the term “other direct recipient” means
18 each of the following:

19 (1) An Indian tribe that receives a grant from,
20 or enters into a contract or cooperative agreement
21 with, the Secretary under this Act.

22 (2) An outlying area that receives funds under
23 section 312(b) or 332(b).

24 (3) An entity that has received a grant under
25 section 312(a) or 332(a).

1 (4) An entity described in section 347(a)(1)
2 that has entered into an agreement with the Sec-
3 retary under section 347(a).

4 (5) An Indian entity listed in section 381(b)
5 that receives a grant from, or enters into a contract
6 or cooperative agreement with, the Secretary under
7 section 381.

8 **SEC. 402. PERFORMANCE ACCOUNTABILITY SYSTEM.**

9 (a) PURPOSE.—The purpose of this section is to es-
10 tablish a comprehensive performance accountability sys-
11 tem, comprised of the activities described in this section,
12 to assess the effectiveness of States, other direct recipi-
13 ents, and local areas in achieving continuous improvement
14 of worker training services and activities, in order to opti-
15 mize the return on investment of Federal funds in state-
16 wide and local worker training services and activities.

17 (b) REQUIRED STATISTICS, PERFORMANCE INDICA-
18 TORS, AND DEMOGRAPHIC FACTORS.—

19 (1) REQUIRED STATISTICS FOR ALL PRO-
20 GRAMS.—For each covered program providing work-
21 er training services and activities, required statistics
22 shall include—

23 (A) the number of individuals who enrolled
24 in the program;

1 (B) the number, and percentage, of indi-
2 viduals who completed the program;

3 (C) the total cost of the program;

4 (D) the cost of the program, per individual
5 who enrolled in the program; and

6 (E) the cost of the program per individual
7 who completed the program.

8 (2) REQUIRED PERFORMANCE INDICATORS FOR
9 ALL PROGRAMS.—For each covered program pro-
10 viding worker training services and activities, per-
11 formance indicators shall include—

12 (A) entry, by individuals unemployed when
13 enrolling in the program, into unsubsidized em-
14 ployment that is related to the service or activ-
15 ity;

16 (B) retention of unsubsidized employment
17 6 months after entry into the employment, for
18 individuals unemployed when enrolling in the
19 program;

20 (C) increase in wages 6 months after com-
21 pletion of the program, for individuals employed
22 when enrolling;

23 (D) attainment of a license or certification
24 by individuals participating in the program;

1 (E) attainment of an academic degree or
2 recognized equivalent by such individuals;

3 (F) attainment of basic skills and, as ap-
4 propriate, work readiness or occupational skills
5 by such individuals; and

6 (G) placement and retention of such indi-
7 viduals in institutions of higher education, ad-
8 vanced training, or an apprenticeship registered
9 under the Act of August 16, 1937 (commonly
10 known as the “National Apprenticeship Act”;
11 50 Stat. 664, chapter 663; 29 U.S.C. 50 et
12 seq.) or certified by the State, or placement and
13 retention in military service.

14 (3) REQUIRED DEMOGRAPHIC FACTORS FOR
15 ALL PROGRAMS.—For each covered program pro-
16 viding worker training services and activities, demo-
17 graphic factors shall include whether, at the time the
18 individual enrolls in the program, the individual—

19 (A) is an individual with a disability;

20 (B) is blind, as determined pursuant to
21 title II or title XVI of the Social Security Act
22 (42 U.S.C. 401 et seq. and 1381 et seq.);

23 (C) has attained a secondary school di-
24 ploma or the recognized equivalent of such di-
25 ploma;

1 (D) has a degree from an institution of
2 higher education;

3 (E) is long-term unemployed, meaning—

4 (i) the individual has been unem-
5 ployed for not less than 27 consecutive
6 weeks prior to enrolling in a worker train-
7 ing service or activity supported under this
8 Act; or

9 (ii) the individual is a recipient of aid
10 under the supplemental nutrition assist-
11 ance program established under the Food
12 and Nutrition Act of 2008 (7 U.S.C. 2011
13 et seq.) or the program of block grants to
14 States for temporary assistance for needy
15 families established under part A of title
16 IV of the Social Security Act (42 U.S.C.
17 601 et seq.);

18 (F) is a disadvantaged youth;

19 (G) is homeless;

20 (H) is an eligible adult offender, as defined
21 in section 212(a) of the Second Chance Act of
22 2007 (42 U.S.C. 17532(a)); and

23 (I) is an eligible youth offender, as defined
24 in such section.

25 (c) ANNUAL REPORT.—

1 (1) REPORTING REQUIREMENTS.—

2 (A) REPORTING BY PROGRAMS.—

3 (i) REQUIRED REPORTING FOR ALL
4 PROGRAMS.—At the end of each fiscal
5 year, any local board or entity carrying out
6 a covered program providing worker train-
7 ing services and activities shall report all
8 required statistics described in subsection
9 (b)(1) and information indicating the level
10 of performance on all applicable perform-
11 ance indicators described in subsection
12 (b)(2) in accordance with the process es-
13 tablished by the State Board under section
14 211(c)(6).

15 (ii) DISAGGREGATION.—The required
16 statistics and information on the level of
17 performance on all performance indicators
18 included in the annual report shall be re-
19 ported in the aggregate and disaggregated
20 by the demographic factors described in
21 subsection (b)(3).

22 (iii) SUBMITTAL.—An entity shall
23 submit the information described in clauses
24 (i) and (ii)—

1 (I) in accordance with the proc-
2 ess established by the State board,
3 under section 211(c)(6), in the case of
4 an entity that receives the funds for
5 the covered program providing worker
6 training services and activities
7 through a grant, contract, or agree-
8 ment with a Governor of a State,
9 State board, local board, or one-stop
10 operator, or in the case of a local
11 board; or

12 (II) to the Secretary, consistent
13 with regulations promulgated by the
14 Secretary, in the case of any other di-
15 rect recipient.

16 (B) STATE BOARD REPORT.—By the last
17 day of each fiscal year, each State board shall
18 compile a report detailing the information re-
19 ceived by the State board under subparagraph
20 (A)(iii)(I) and submit it to the Secretary.

21 (2) INFORMATION DISSEMINATION.—The Sec-
22 retary shall—

23 (A) make the information contained in the
24 reports under paragraph (1) available to the

1 general public, through publication and other
2 appropriate methods;

3 (B) disseminate State-by-State compari-
4 sons of the information; and

5 (C) submit the reports to the Committee
6 on Education and the Workforce of the House
7 of Representatives and the Committee on
8 Health, Education, Labor, and Pensions of the
9 Senate.

10 (d) STATE LEVELS OF PERFORMANCE AND SANC-
11 TIONS.—

12 (1) STATE LEVELS OF PERFORMANCE.—

13 (A) STATE ADJUSTED LEVELS OF PER-
14 FORMANCE FOR PERFORMANCE INDICATORS.—

15 (i) IN GENERAL.—For each State
16 board, there shall be established, in accord-
17 ance with this subparagraph, levels of per-
18 formance for each of the performance indi-
19 cators described in subsection (b)(2). The
20 levels of performance established under
21 this subparagraph shall, at a minimum—

22 (I) be expressed in an objective,
23 quantifiable, and measurable form;
24 and

1 (II) show the progress of the
2 State toward continuously improving
3 in performance.

4 (ii) IDENTIFICATION IN STATE
5 PLAN.—Each State shall identify, in the
6 State plan submitted under section 212,
7 expected levels of performance for each of
8 the performance indicators described in
9 subsection (b)(2) for the years covered by
10 the State plan.

11 (iii) AGREEMENT ON STATE AD-
12 JUSTED LEVELS OF PERFORMANCE.—In
13 order to ensure an optimal return on the
14 investment of Federal funds in worker
15 training services and activities, the Sec-
16 retary and each Governor shall reach
17 agreement on levels of performance for the
18 State for each of the performance indica-
19 tors for all of the fiscal years covered by
20 the State plan. Such levels of performance
21 shall be established for all participants in
22 a covered program providing worker train-
23 ing services and activities through the
24 State, State board, local board, or one-stop
25 operator and disaggregated by the demo-

1 graphic factors described in subsection
2 (b)(3). The levels agreed to shall be consid-
3 ered to be the State adjusted levels of per-
4 formance for such years and shall be incor-
5 porated into the State plan prior to the ap-
6 proval of such plan.

7 (iv) REVISIONS.—If unanticipated cir-
8 cumstances arise in a State, the Governor
9 may request that the State adjusted levels
10 of performance agreed to under clause (iii)
11 be revised. The Secretary shall issue objec-
12 tive criteria and methods for making such
13 revisions.

14 (B) LEVELS OF PERFORMANCE FOR ADDI-
15 TIONAL INDICATORS.—The State may, if the
16 State chooses—

17 (i) select other performance indicators
18 in addition to the indicators required under
19 subsection (b)(2); and

20 (ii) identify in the State plan the
21 State levels of performance for such addi-
22 tional performance indicators.

23 (2) SANCTIONS FOR STATE FAILURE TO MEET
24 STATE PERFORMANCE MEASURES.—

1 (A) SANCTIONS AGAINST STATES.—If a
2 State fails to meet the State adjusted levels of
3 performance under paragraph (1)(A) for a pro-
4 gram for 2 consecutive fiscal years, or if a
5 State fails to submit a complete report under
6 subsection (c) for any fiscal year, the Secretary
7 may reduce by not more than 5 percent the
8 amount of the grant that would (in the absence
9 of this paragraph) be payable to the State
10 under such program for the immediately suc-
11 ceeding fiscal year. Any such penalty for failure
12 to meet the State adjusted levels of perform-
13 ance shall be based on the degree of failure to
14 meet such State adjusted levels of performance.

15 (B) FUNDS RESULTING FROM REDUCED
16 ALLOTMENTS.—The Secretary shall use any
17 amount retained as a result of a reduction in an
18 allotment to a State made under subparagraph
19 (A) to increase the allotments to all other
20 States under section 312(c)(2) in accordance
21 with such section.

22 (e) LEVELS OF PERFORMANCE AND SANCTIONS FOR
23 OTHER DIRECT RECIPIENTS.—By not later than 90 days
24 after the effective date of this Act, the Secretary shall es-

1 tablish a performance accountability system for other di-
 2 rect recipients that—

3 (1) for each covered program providing worker
 4 training services and activities offered by such other
 5 direct recipient, establishes levels of performance for
 6 the indicators described in subsection (b)(2) (as ap-
 7 plicable to the program), adjusted levels of perform-
 8 ance for such indicators, and sanctions for failure to
 9 meet those levels; and

10 (2) is comparable to the accountability system
 11 for States established under subsections (c) and (d).

12 (f) REGULATIONS.—The Secretary shall promulgate
 13 regulations to carry out subsections (c) through (e), and
 14 to establish requirements regarding the content, timing,
 15 and submission of the report required under subsection
 16 (c)(1), including requirements regarding what data should
 17 be provided and how that data should be formatted.

18 **SEC. 403. FISCAL CONTROLS; SANCTIONS.**

19 (a) ESTABLISHMENT OF FISCAL CONTROLS.—

20 (1) FISCAL CONTROL AND FUND ACCOUNTING
 21 PROCEDURES.—

22 (A) STATE AND LOCAL AREAS.—Each
 23 State board shall establish such fiscal control
 24 and fund accounting procedures as may be nec-
 25 essary to assure the proper disbursal of, and ac-

1 counting for, Federal funds allocated to local
2 areas under this Act. Such procedures shall en-
3 sure that all financial transactions carried out
4 under this Act are conducted and records main-
5 tained in accordance with generally accepted ac-
6 counting principles applicable in each State.

7 (B) OTHER DIRECT RECIPIENTS.—The
8 Secretary shall establish, by regulation, fiscal
9 control and fund accounting procedures meeting
10 the requirements of subparagraph (A) that will
11 apply to other direct recipients.

12 (2) COST PRINCIPLES.—

13 (A) IN GENERAL.—Each State board, Gov-
14 ernor of a State, other direct recipient, and
15 local board (including the chief elected official
16 for the area) receiving funds under this Act
17 shall comply with the applicable uniform cost
18 principles included in the appropriate circulars
19 of the Office of Management and Budget for
20 the type of entity receiving the funds for all
21 funds provided under this Act.

22 (B) EXCEPTION.—The funds made avail-
23 able to a State for administration of statewide
24 worker training services and activities in ac-
25 cordance with section 313(c), shall be allocable

1 to the overall administration of worker training
2 services and activities, but need not be specifi-
3 cally allocable to any individual program.

4 (3) UNIFORM ADMINISTRATIVE REQUIRE-
5 MENTS.—

6 (A) IN GENERAL.—Each State board, Gov-
7 ernor, other direct recipient, and local board
8 (including the chief elected official for the area)
9 shall comply with the appropriate uniform ad-
10 ministrative requirements for grants and agree-
11 ments under this Act applicable for the type of
12 entity receiving the funds, as promulgated in
13 circulars or rules of the Office of Management
14 and Budget.

15 (B) ADDITIONAL REQUIREMENT.—Pro-
16 curement transactions under this Act between
17 local boards and units of State or local govern-
18 ments shall be conducted only on a cost-reim-
19 bursable basis.

20 (b) MONITORING OF ACTIVITIES.—

21 (1) STATE AND LOCAL ACTIVITIES.—

22 (A) IN GENERAL.—Each Governor or
23 State board shall conduct on an annual basis
24 onsite monitoring of each local area within the
25 State to ensure compliance with the uniform

1 administrative requirements referred to in sub-
2 section (a)(3).

3 (B) ACTION BY GOVERNOR.—If the Gov-
4 ernor or State board determines that a local
5 area is not in compliance with the uniform ad-
6 ministrative requirements referred to in sub-
7 section (a)(3), the Governor or State board
8 shall—

9 (i) require corrective action to secure
10 prompt compliance with the requirements;
11 and

12 (ii) impose the sanctions provided
13 under subparagraph (E) in the event of
14 failure to take the required corrective ac-
15 tion.

16 (C) CERTIFICATION.—The Governor or
17 State board shall, every 2 years, certify to the
18 Secretary that—

19 (i) the State has implemented the uni-
20 form administrative requirements referred
21 to in subsection (a)(3);

22 (ii) the State has monitored local
23 areas to ensure compliance with the uni-
24 form administrative requirements as re-
25 quired under subparagraph (A); and

1 (iii) the State has taken appropriate
2 action to secure compliance pursuant to
3 subparagraph (B).

4 (D) ACTION BY THE SECRETARY.—If the
5 Secretary determines that the Governor or
6 State board has not fulfilled the requirements
7 of this subsection, the Secretary shall—

8 (i) require corrective action to secure
9 prompt compliance; and

10 (ii) impose the sanctions provided
11 under subsection (d) or (e) in the event of
12 failure of the Governor or State board to
13 take the required appropriate action to se-
14 cure compliance.

15 (E) SUBSTANTIAL VIOLATION.—

16 (i) ACTION BY GOVERNOR OR STATE
17 BOARD.—If, as a result of financial and
18 compliance audits or otherwise, the Gov-
19 ernor or State board determines that there
20 is a substantial violation of a specific pro-
21 vision of this Act, and corrective action has
22 not been taken, the Governor or State
23 board shall—

1 (I) issue a notice of intent to re-
2 voke approval of all or part of the
3 local plan affected; or

4 (II) impose a reorganization
5 plan, which may include—

6 (aa) decertifying the local
7 board involved;

8 (bb) prohibiting the use of
9 eligible providers;

10 (cc) selecting an alternative
11 entity to administer the program
12 for the local area involved;

13 (dd) merging the local area
14 into one or more other local
15 areas; or

16 (ee) making other such
17 changes as the Secretary, Gov-
18 ernor, or State board determines
19 necessary to secure compliance.

20 (ii) APPEAL.—

21 (I) IN GENERAL.—The actions
22 taken by the Governor or State board
23 pursuant to subclause (I) or (II) of
24 clause (i) may be appealed to the Sec-

1 retary and shall not become effective
2 until—

3 (aa) the time for appeal has
4 expired; or

5 (bb) the Secretary has
6 issued a decision.

7 (II) ADDITIONAL REQUIRE-
8 MENT.—The Secretary shall make a
9 final decision under subclause (I) not
10 later than 45 days after the receipt of
11 the appeal.

12 (iii) ACTION BY THE SECRETARY.—If
13 the Governor or State board fails to
14 promptly take the actions required under
15 paragraph (1), the Secretary shall take
16 such actions.

17 (2) MONITORING AND SANCTIONS FOR OTHER
18 DIRECT RECIPIENTS.—By not later than 90 days
19 after the effective date of this Act, the Secretary
20 shall establish, by regulation, a system of moni-
21 toring, penalties for noncompliance, for other direct
22 recipients that is comparable to the system required
23 under paragraph (1) for States.

24 (c) REPAYMENT OF CERTAIN AMOUNTS TO THE
25 UNITED STATES.—

1 (1) IN GENERAL.—Every State or other direct
2 recipient shall repay to the United States amounts
3 found not to have been expended in accordance with
4 this Act.

5 (2) OFFSET OF REPAYMENT.—If the Secretary
6 determines that State or other direct recipient has
7 expended funds made available under this Act in a
8 manner contrary to the requirements of this Act, the
9 Secretary may offset repayment of such expenditures
10 against any other amount to which the State or re-
11 cipient is or may be entitled, except as provided
12 under subsection (d)(1).

13 (3) SPECIAL RULES FOR STATES.—

14 (A) REPAYMENT FROM DEDUCTION BY
15 STATE.—If the Secretary requires a State to
16 repay funds as a result of a determination that
17 a local area of the State has expended funds
18 contrary to the requirements of this Act, the
19 Governor or State board may use an amount
20 deducted under subparagraph (B) to repay the
21 funds, except as provided under subsection (d).

22 (B) DEDUCTION BY STATE.—The Gov-
23 ernor or State board may deduct an amount
24 equal to the misexpenditure described in sub-
25 paragraph (A) from subsequent fiscal year allo-

1 cations to the local area from funds reserved for
2 the administrative costs of the local programs
3 involved, as appropriate.

4 (C) LIMITATIONS.—A deduction made by a
5 State as described in subparagraph (C) shall
6 not be made until such time as the Governor or
7 State board has taken appropriate corrective
8 action to ensure full compliance within such
9 local area with regard to appropriate expendi-
10 tures of funds under this Act.

11 (d) REPAYMENT OF AMOUNTS.—

12 (1) IN GENERAL.—Each State or other direct
13 recipient shall be liable to repay the amounts de-
14 scribed in subsection (c)(1), from funds other than
15 funds received under this Act, upon a determination
16 by the Secretary that the misexpenditure of funds
17 was due to willful disregard of the requirements of
18 this Act, gross negligence, failure to observe accept-
19 ed standards of administration, or a pattern of
20 misexpenditure as described in subsection (c)(1). No
21 such determination shall be made under this sub-
22 section or subsection (c) until notice and opportunity
23 for a fair hearing has been given to the recipient.

24 (2) FACTORS IN IMPOSING SANCTIONS.—In de-
25 termining whether to impose any sanction author-

1 ized by this section against a State or other direct
2 recipient for violations by a subgrantee or contractor
3 of such State or recipient under this Act (including
4 a violation of the regulations issued under this Act),
5 the Secretary shall first determine whether such
6 State or recipient has adequately demonstrated that
7 the State or recipient has—

8 (A) established and adhered to an appro-
9 priate system for the award and monitoring of
10 grants and contracts with subgrantees and con-
11 tractors that contains acceptable standards for
12 ensuring accountability;

13 (B) entered into a written grant agreement
14 or contract with such subgrantee or contractor
15 that established clear goals and obligations in
16 unambiguous terms;

17 (C) acted with due diligence to monitor the
18 implementation of the grant agreement or con-
19 tract, including carrying out the appropriate
20 monitoring activities (including audits) at rea-
21 sonable intervals; and

22 (D) taken prompt and appropriate correc-
23 tive action upon becoming aware of any evi-
24 dence of a violation of this Act, including regu-

1 lations issued under this Act, by such sub-
2 grantee or contractor.

3 (3) WAIVER.—If the Secretary determines that
4 the State or other direct recipient has demonstrated
5 substantial compliance with the requirements of
6 paragraph (2), the Secretary may waive the imposi-
7 tion of sanctions authorized by this section upon
8 such State or recipient. The Secretary is authorized
9 to impose any sanction consistent with the provisions
10 of this Act and any applicable Federal or State law
11 directly against any subgrantee or contractor for a
12 violation of this Act, including regulations issued
13 under this Act.

14 (e) IMMEDIATE TERMINATION OR SUSPENSION OF
15 ASSISTANCE IN EMERGENCY SITUATIONS.—In emergency
16 situations, if the Secretary determines it is necessary to
17 protect the integrity of funds provided under this Act or
18 ensure the proper operation of the worker training service
19 or activity involved, the Secretary may immediately termi-
20 nate or suspend financial assistance, in whole or in part,
21 to any recipient of such funds if the recipient is given
22 prompt notice and the opportunity for a subsequent hear-
23 ing within 30 days after such termination or suspension.
24 The Secretary shall not delegate any of the functions or
25 authority specified in this subsection, other than to an of-

1 fier whose appointment is required to be made by and
2 with the advice and consent of the Senate.

3 (f) DISCRIMINATION AGAINST PARTICIPANTS.—If
4 the Secretary determines that any recipient under this Act
5 has discharged or in any other manner discriminated
6 against a participant or against any individual in connec-
7 tion with the administration of the program involved, or
8 against any individual because such individual has filed
9 any complaint or instituted or caused to be instituted any
10 proceeding under or related to this Act, or has testified
11 or is about to testify in any such proceeding or investiga-
12 tion under or related to this Act, or otherwise unlawfully
13 denied to any individual a benefit to which that individual
14 is entitled under the provisions of this Act or the Sec-
15 retary's regulations, the Secretary shall, within 30 days,
16 take such action or order such corrective measures, as nec-
17 essary, with respect to the recipient or the aggrieved indi-
18 vidual, or both.

19 (g) REMEDIES.—The remedies described in this sec-
20 tion shall not be construed to be the exclusive remedies
21 available for violations described in this section.

22 **SEC. 404. REPORTS; RECORDKEEPING; INVESTIGATIONS.**

23 (a) REPORTS.—

24 (1) IN GENERAL.—Recipients of funds under
25 this Act shall keep records that are sufficient to per-

1 mit the preparation of reports required by this Act
2 and to permit the tracing of funds to a level of ex-
3 penditure adequate to ensure that the funds have
4 not been spent unlawfully.

5 (2) SUBMISSION TO THE SECRETARY.—Every
6 such recipient shall maintain such records and sub-
7 mit such reports, in such form and containing such
8 information, as the Secretary may require regarding
9 the performance of programs of worker training
10 services and activities carried out under this Act.
11 Such records and reports shall be submitted to the
12 Secretary but shall not be required to be submitted
13 more than once each quarter unless specifically re-
14 quested by Congress or a committee of Congress, in
15 which case an estimate may be provided.

16 (3) MAINTENANCE OF STANDARDIZED
17 RECORDS.—In order to allow for the preparation of
18 the reports required under subsection (c), such re-
19 cipients shall maintain standardized records for all
20 individual participants and provide to the Secretary
21 a sufficient number of such records to provide for an
22 adequate analysis of the records.

23 (4) AVAILABILITY TO THE PUBLIC.—

24 (A) IN GENERAL.—Except as provided in
25 subparagraph (B), records maintained by such

1 recipients pursuant to this subsection shall be
2 made available to the public upon request.

3 (B) EXCEPTION.—Subparagraph (A) shall
4 not apply to—

5 (i) information, the disclosure of
6 which would constitute a clearly unwar-
7 ranted invasion of personal privacy; and

8 (ii) trade secrets, or commercial or fi-
9 nancial information, that is—

10 (I) obtained from a person; and

11 (II) privileged or confidential.

12 (C) FEES TO RECOVER COSTS.—Such re-
13 cipients may charge fees sufficient to recover
14 costs applicable to the processing of requests
15 for records under subparagraph (A).

16 (b) INVESTIGATIONS OF USE OF FUNDS.—

17 (1) IN GENERAL.—

18 (A) SECRETARY.—In order to evaluate
19 compliance with the provisions of this Act, the
20 Secretary shall conduct, in several States, in
21 each fiscal year, investigations of the use of
22 funds received by recipients under this Act.

23 (B) COMPTROLLER GENERAL OF THE
24 UNITED STATES.—In order to ensure compli-
25 ance with the provisions of this Act, the Comp-

1 troller General of the United States may con-
2 duct investigations of the use of funds received
3 under this Act by any recipient.

4 (2) PROHIBITION.—In conducting any inves-
5 tigation under this Act, the Secretary or the Comp-
6 troller General of the United States may not request
7 the compilation of any information that the recipient
8 is not otherwise required to compile and that is not
9 readily available to such recipient.

10 (3) AUDITS.—

11 (A) IN GENERAL.—In carrying out any
12 audit under this Act (other than any initial
13 audit survey or any audit investigating possible
14 criminal or fraudulent conduct), either directly
15 or through grant or contract, the Secretary, the
16 Inspector General of the Department of Labor,
17 or the Comptroller General of the United States
18 shall furnish to the State, recipient, or other
19 entity to be audited, advance notification of the
20 overall objectives and purposes of the audit, and
21 any extensive recordkeeping or data require-
22 ments to be met, not later than 14 days (or as
23 soon as practicable) prior to the commencement
24 of the audit.

1 (B) NOTIFICATION REQUIREMENT.—If the
2 scope, objectives, or purposes of the audit
3 change substantially during the course of the
4 audit, the entity being audited shall be notified
5 of the change as soon as practicable.

6 (C) ADDITIONAL REQUIREMENT.—The re-
7 ports on the results of such audits shall cite the
8 law, regulation, policy, or other criteria applica-
9 ble to any finding contained in the reports.

10 (D) RULE OF CONSTRUCTION.—Nothing
11 contained in this Act shall be construed so as
12 to be inconsistent with the Inspector General
13 Act of 1978 (5 U.S.C. App.) or government au-
14 diting standards issued by the Comptroller Gen-
15 eral of the United States.

16 (c) ACCESSIBILITY OF REPORTS.—Each State, local
17 board, and other direct recipient receiving funds under
18 this Act—

19 (1) shall make readily accessible such reports
20 concerning its operations and expenditures as shall
21 be prescribed by the Secretary;

22 (2) shall prescribe and maintain comparable
23 management information systems, in accordance
24 with guidelines that shall be prescribed by the Sec-
25 retary, designed to facilitate the uniform compila-

1 tion, crosstabulation, and analysis of programmatic,
2 participant, and financial data, on statewide, local
3 area, and other appropriate bases, necessary for re-
4 porting, monitoring, and evaluating purposes; and

5 (3) shall monitor the performance of providers
6 in complying with the terms of grants, contracts, or
7 other agreements made pursuant to this Act.

8 (d) INFORMATION TO BE INCLUDED IN REPORTS.—

9 (1) IN GENERAL.—The reports required under
10 subsection (c) shall include information regarding
11 programs carried out under this Act pertaining to—

12 (A) the relevant demographic characteris-
13 tics (including race, ethnicity, sex, and age) and
14 other related information regarding partici-
15 pants;

16 (B) the worker training services and activi-
17 ties in which participants are enrolled through
18 the program, and the length of time that par-
19 ticipants are engaged in such services and ac-
20 tivities;

21 (C) outcomes of the programs and work-
22 force training services and activities for partici-
23 pants, including the occupations of participants,
24 and placement for participants in nontraditional
25 employment; and

1 (D) specified costs of the programs and
2 the workforce training services and activities
3 carried out under the program.

4 (2) ADDITIONAL REQUIREMENT.—The Sec-
5 retary shall ensure that all elements of the informa-
6 tion required for the reports described in paragraph
7 (1) are defined and reported uniformly.

8 (e) QUARTERLY FINANCIAL REPORTS.—

9 (1) MAINTENANCE OF ADDITIONAL RECORDS.—
10 Each State and local board, and each other direct
11 recipient, shall maintain records with respect to
12 worker training services and activities carried out
13 under this Act that identify—

14 (A) any income or profits earned, including
15 such income or profits earned by subrecipients;
16 and

17 (B) any costs incurred (such as stand-in
18 costs) that are otherwise allowable except for
19 funding limitations.

20 (2) STATE AND LOCAL BOARDS.—

21 (A) IN GENERAL.—Each local board in a
22 State shall submit quarterly financial reports to
23 the Governor with respect to the programs of
24 worker training services and activities. Such re-
25 ports shall include information identifying all

1 workforce training service or activity costs by
2 cost category in accordance with generally ac-
3 cepted accounting principles and by year of the
4 appropriation involved.

5 (B) ADDITIONAL REQUIREMENT.—Each
6 State shall submit to the Secretary, on a quar-
7 terly basis, a summary of the reports submitted
8 to the Governor pursuant to paragraph (1).

9 (3) OTHER ENTITIES.—Each other direct re-
10 cipient shall submit to the Secretary, on a quarterly
11 basis, a report containing the information required
12 under this subsection.

13 (f) COST CATEGORIES.—In requiring entities to
14 maintain records of costs by category under this Act, the
15 Secretary shall require only that the costs be categorized
16 as administrative or programmatic costs.

17 **SEC. 405. REQUIREMENTS AND RESTRICTIONS.**

18 (a) BENEFITS.—

19 (1) WAGES.—

20 (A) IN GENERAL.—Individuals in on-the-
21 job training or individuals employed in worker
22 training services and activities under this Act
23 shall be compensated at the same rates, includ-
24 ing periodic increases, as trainees or employees
25 who are similarly situated in similar occupa-

1 tions by the same employer and who have simi-
2 lar training, experience, and skills, and such
3 rates shall be in accordance with applicable law,
4 but in no event less than the higher of the rate
5 specified in section 6(a)(1) of the Fair Labor
6 Standards Act of 1938 (29 U.S.C. 206(a)(1))
7 or the applicable State or local minimum wage
8 law.

9 (B) RULE OF CONSTRUCTION.—The ref-
10 erence in subparagraph (A) to section 6(a)(1)
11 of the Fair Labor Standards Act of 1938 (29
12 U.S.C. 206(a)(1)) shall not be applicable for in-
13 dividuals in other territorial jurisdictions in
14 which section 6(a)(1) does not apply.

15 (2) TREATMENT OF ALLOWANCES, EARNINGS,
16 AND PAYMENTS.—Allowances, earnings, and pay-
17 ments to individuals participating in worker training
18 services and activities under this Act shall not be
19 considered as income for the purposes of deter-
20 mining eligibility for and the amount of income
21 transfer and in-kind aid furnished under any Fed-
22 eral or federally assisted program based on need,
23 other than as provided under the Social Security Act
24 (42 U.S.C. 301 et seq.).

25 (b) LABOR STANDARDS.—

1 (1) LIMITATIONS ON ACTIVITIES THAT IMPACT
2 WAGES OF EMPLOYEES.—No funds provided under
3 this Act shall be used to pay the wages of incumbent
4 employees during their participation in economic de-
5 velopment activities provided through a program
6 providing worker training services and activities.

7 (2) DISPLACEMENT.—

8 (A) PROHIBITION.—A participant in a
9 worker training service or activity authorized
10 under this Act (referred to in this section as a
11 “specified activity”) shall not displace (includ-
12 ing a partial displacement, such as a reduction
13 in the hours of nonovertime work, wages, or
14 employment benefits) any currently employed
15 employee (as of the date of the participation).

16 (B) PROHIBITION ON IMPAIRMENT OF
17 CONTRACTS.—A specified activity shall not im-
18 pair an existing contract for services or collec-
19 tive bargaining agreement, and no such activity
20 that would be inconsistent with the terms of a
21 collective bargaining agreement shall be under-
22 taken without the written concurrence of the
23 labor organization and employer concerned.

24 (3) OTHER PROHIBITIONS.—A participant in a
25 specified activity shall not be employed in a job if—

1 (A) any other individual is on layoff from
2 the same or any substantially equivalent job;

3 (B) the employer has terminated the em-
4 ployment of any regular employee or otherwise
5 reduced the workforce of the employer with the
6 intention of filling the vacancy so created with
7 the participant; or

8 (C) the job is created in a promotional line
9 that will infringe in any way upon the pro-
10 motional opportunities of currently employed in-
11 dividuals (as of the date of the participation).

12 (4) HEALTH AND SAFETY.—Health and safety
13 standards established under Federal and State law
14 otherwise applicable to working conditions of em-
15 ployees shall be equally applicable to working condi-
16 tions of participants engaged in specified activities.
17 To the extent that a State workers' compensation
18 law applies, workers' compensation shall be provided
19 to participants on the same basis as the compensa-
20 tion is provided to other individuals in the State in
21 similar employment.

22 (5) EMPLOYMENT CONDITIONS.—Individuals in
23 on-the-job training, or individuals employed through
24 worker training services and activities, under this
25 Act, shall be provided benefits and working condi-

1 tions at the same level and to the same extent as
2 other trainees or employees working a similar length
3 of time and doing the same type of work.

4 (6) OPPORTUNITY TO SUBMIT COMMENTS.—In-
5 terested members of the public, including represent-
6 atives of businesses and of labor organizations, shall
7 be provided an opportunity to submit comments to
8 the Secretary with respect to programs and activities
9 proposed to be funded under title III.

10 (7) NO IMPACT ON UNION ORGANIZING.—Each
11 recipient of funds under this Act shall provide to the
12 Secretary assurances that none of such funds will be
13 used to assist, promote, or deter union organizing.

14 (c) GRIEVANCE PROCEDURE.—

15 (1) IN GENERAL.—Each recipient of funds
16 under this Act shall establish and maintain a proce-
17 dure for grievances or complaints alleging violations
18 of the requirements of this Act from participants
19 and other interested or affected parties. Such proce-
20 dure shall include an opportunity for a hearing and
21 be completed within 60 days after the filing of the
22 grievance or complaint.

23 (2) INVESTIGATION.—

1 (A) IN GENERAL.—The Secretary shall in-
2 vestigate an allegation of a violation described
3 in paragraph (1) if—

4 (i) a decision relating to such violation
5 has not been reached within 60 days after
6 the date of the filing of the grievance or
7 complaint and either party appeals to the
8 Secretary; or

9 (ii) a decision relating to such viola-
10 tion has been reached within such 60 days
11 and the party to which such decision is ad-
12 verse appeals such decision to the Sec-
13 retary.

14 (B) ADDITIONAL REQUIREMENT.—The
15 Secretary shall make a final determination re-
16 lating to an appeal made under subparagraph
17 (A) not later than 120 days after receiving such
18 appeal.

19 (3) REMEDIES.—Remedies that may be im-
20 posed under this section for a violation of any re-
21 quirement of this Act shall be limited—

22 (A) to suspension or termination of pay-
23 ments under this Act;

1 (B) to prohibition of placement of a partic-
2 ipant with an employer that has violated any
3 requirement under this Act;

4 (C) where applicable, to reinstatement of
5 an employee, payment of lost wages and bene-
6 fits, and reestablishment of other relevant
7 terms, conditions, and privileges of employment;
8 and

9 (D) where appropriate, to other equitable
10 relief.

11 (4) RULE OF CONSTRUCTION.—Nothing in
12 paragraph (3) shall be construed to prohibit a griev-
13 ant or complainant from pursuing a remedy author-
14 ized under another Federal, State, or local law for
15 a violation of this Act.

16 (d) RELOCATION.—

17 (1) PROHIBITION ON USE OF FUNDS TO EN-
18 COURAGE OR INDUCE RELOCATION.—No funds pro-
19 vided under this Act shall be used, or proposed for
20 use, to encourage or induce the relocation of a busi-
21 ness or part of a business if such relocation would
22 result in a loss of employment for any employee of
23 such business at the original location and such origi-
24 nal location is within the United States.

1 (2) PROHIBITION ON USE OF FUNDS FOR CUS-
2 TOMIZED OR SKILL TRAINING AND RELATED ACTIVI-
3 TIES AFTER RELOCATION.—No funds provided
4 under this Act for a worker training service or activ-
5 ity shall be used for customized or skill training, on-
6 the-job training, or company-specific assessments of
7 job applicants or employees, for any business or part
8 of a business that has relocated, until the date that
9 is 120 days after the date on which such business
10 commences operations at the new location, if the re-
11 location of such business or part of a business re-
12 sults in a loss of employment for any employee of
13 such business at the original location and such origi-
14 nal location is within the United States.

15 (3) REPAYMENT.—If the Secretary determines
16 that a violation of paragraph (1) or (2) has oc-
17 curred, the Secretary shall require the State that
18 has violated such paragraph to repay to the United
19 States an amount equal to the amount expended in
20 violation of such paragraph.

21 (e) LIMITATION ON USE OF FUNDS.—No funds avail-
22 able under this Act shall be used for employment gener-
23 ating activities, economic development activities, invest-
24 ment in revolving loan funds, capitalization of businesses,
25 investment in contract bidding resource centers, and simi-

1 lar activities that are not directly related to training for
2 eligible individuals under this Act. No funds available
3 under this Act shall be used for foreign travel.

4 (f) TESTING AND SANCTIONING FOR USE OF CON-
5 TROLLED SUBSTANCES.—

6 (1) IN GENERAL.—Notwithstanding any other
7 provision of law, a recipient of funds under this Act
8 shall not be prohibited by the Federal Government
9 from—

10 (A) testing participants in worker training
11 services and activities for the use of controlled
12 substances; and

13 (B) sanctioning such participants who test
14 positive for the use of such controlled sub-
15 stances.

16 (2) ADDITIONAL REQUIREMENTS.—

17 (A) PERIOD OF SANCTION.—In sanctioning
18 participants in worker training services and ac-
19 tivities under this Act who test positive for the
20 use of controlled substances—

21 (i) with respect to the first occurrence
22 for which a participant tests positive, the
23 recipient of funds under this Act may ex-
24 clude the participant from the service or

1 activity for a period not to exceed 6
2 months; and

3 (ii) with respect to the second occur-
4 rence and each subsequent occurrence for
5 which a participant tests positive, the re-
6 cipient may exclude the participant from
7 the service or activity for a period not to
8 exceed 2 years.

9 (B) APPEAL.—The testing of participants
10 and the imposition of sanctions under this sub-
11 section shall be subject to expeditious appeal in
12 accordance with due process procedures estab-
13 lished by the State or, in the case of other di-
14 rect recipients, in accordance with regulations
15 established by the Secretary.

16 (C) PRIVACY.—A recipient of funds under
17 this Act shall establish procedures for testing
18 participants for the use of controlled substances
19 that ensure a maximum degree of privacy for
20 the participants.

21 (3) FUNDING REQUIREMENT FOR STATES.—In
22 the testing and sanctioning of participants in worker
23 training services and activities for the use of con-
24 trolled substances in accordance with this sub-
25 section, the only Federal funds that a State may use

1 are the amounts made available for the administra-
2 tion of statewide worker training services and activi-
3 ties under sections 313(c), 333(c), and 373(d), as
4 applicable based on the worker training service or
5 activity.

6 **SEC. 406. MONITORING.**

7 (a) IN GENERAL.—The Secretary is authorized to
8 monitor all recipients of funds under this Act to determine
9 whether the recipients are complying with the provisions
10 of this Act, including the regulations issued under this
11 Act.

12 (b) INVESTIGATIONS.—The Secretary may inves-
13 tigate any matter the Secretary determines to be necessary
14 to determine the compliance of the recipients with this
15 Act, including the regulations issued under this Act. The
16 investigations authorized by this subsection may include
17 examining records (including making certified copies of
18 the records), questioning employees, and entering any
19 premises or onto any site in which any part of a worker
20 training service or activity of such a recipient is conducted
21 or in which any of the records of the recipient are kept.

22 (c) ADDITIONAL REQUIREMENT.—For the purpose of
23 any investigation or hearing conducted under this Act by
24 the Secretary, the provisions of section 49 of title 15,
25 United States Code (relating to the attendance of wit-

1 nesses and the production of documents), apply to the Sec-
2 retary, in the same manner and to the same extent as the
3 provisions apply to the Federal Trade Commission.

4 **SEC. 407. JUDICIAL REVIEW.**

5 (a) REVIEW.—

6 (1) PETITION.—With respect to any final order
7 by the Secretary under section 403(f) by which the
8 Secretary awards, declines to award, or only condi-
9 tionally awards, financial assistance under this Act,
10 any party to a proceeding which resulted in such
11 final order may obtain review of such final order in
12 the United States Court of Appeals having jurisdic-
13 tion over the applicant or recipient of funds involved,
14 by filing a review petition within 30 days after the
15 date of issuance of such final order.

16 (2) ACTION ON PETITION.—The clerk of the
17 court shall transmit a copy of the review petition to
18 the Secretary who shall file the record on which the
19 final order was entered as provided in section 2112
20 of title 28, United States Code. The filing of a re-
21 view petition shall not stay the order of the Sec-
22 retary, unless the court orders a stay. Petitions filed
23 under this subsection shall be heard expeditiously, if
24 possible within 10 days after the date of filing of a
25 reply to the petition.

1 (3) STANDARD AND SCOPE OF REVIEW.—No
2 objection to the order of the Secretary shall be con-
3 sidered by the court unless the objection was specifi-
4 cally urged, in a timely manner, before the Sec-
5 retary. The review shall be limited to questions of
6 law and the findings of fact of the Secretary shall
7 be conclusive if supported by substantial evidence.

8 (b) JUDGMENT.—The court shall have jurisdiction to
9 make and enter a decree affirming, modifying, or setting
10 aside the order of the Secretary in whole or in part. The
11 judgment of the court regarding the order shall be final,
12 subject to certiorari review by the Supreme Court as pro-
13 vided in section 1254(1) of title 28, United States Code.

14 **SEC. 408. GENERAL PROGRAM REQUIREMENTS.**

15 Except as otherwise provided in this Act, the fol-
16 lowing conditions apply to all worker training services and
17 activities offered under this Act:

18 (1) No person or organization may charge an
19 individual a fee for the placement or referral of the
20 individual in or to a worker training service or activ-
21 ity supported under this Act.

22 (2) The Secretary shall not provide financial as-
23 sistance for any worker training service or activity
24 supported under this Act that involves political ac-
25 tivities.

1 (3)(A) Income under any such service or activ-
2 ity administered by a public or private nonprofit en-
3 tity may be retained by such entity only if such in-
4 come is used to continue to carry out the service or
5 activity.

6 (B) Income subject to the requirements of sub-
7 paragraph (A) shall include—

8 (i) receipts from goods or services (includ-
9 ing conferences) provided as a result of activi-
10 ties funded under this Act;

11 (ii) funds provided to a service provider
12 under this Act that are in excess of the costs
13 associated with the services provided; and

14 (iii) interest income earned on funds re-
15 ceived under this Act.

16 (C) For purposes of this paragraph, each entity
17 receiving financial assistance under this Act shall
18 maintain records sufficient to determine the amount
19 of such income received and the purposes for which
20 such income is expended.

21 **SEC. 409. ORGANIZATION.**

22 (a) DELEGATION AND ASSIGNMENT.—Except where
23 otherwise expressly prohibited by law or otherwise pro-
24 vided by this Act, the Secretary may delegate any of the
25 functions specified in this Act to such officers and employ-

1 ees of the Department of Labor as the Secretary may des-
2 ignite, and may authorize successive redelegations of such
3 functions as may be necessary or appropriate. No delega-
4 tion of functions by the Secretary under this section or
5 under any other provision of this Act shall relieve such
6 Secretary of responsibility for the administration of such
7 functions.

8 (b) REORGANIZATION.—The Secretary is authorized
9 to allocate or reallocate any function specified in this Act
10 among the officers of the Department of Labor, and to
11 establish, consolidate, alter, or discontinue such organiza-
12 tional entities in the Department of Labor as may be nec-
13 essary or appropriate.

14 **SEC. 410. BUDGETARY EFFECTS.**

15 The budgetary effects of this Act, for the purpose of
16 complying with the Statutory Pay-As-You-Go Act of 2010,
17 shall be determined by reference to the latest statement
18 titled “Budgetary Effects of PAYGO Legislation” for this
19 Act, submitted for printing in the Congressional Record
20 by the Chairman of the Senate Budget Committee, pro-
21 vided that such statement has been submitted prior to the
22 vote on passage.

1 **TITLE V—REPEALS AND**
2 **TRANSITION PROVISIONS**

3 **SEC. 501. REPEALED PROVISIONS.**

4 (a) WORKFORCE INVESTMENT ACT OF 1998.—The
5 following provisions are repealed:

6 (1) ADULT PROVISIONS.—The Workforce In-
7 vestment Act of 1998 (29 U.S.C. 2801 et seq.),
8 other than sections 123, 126, 127, 128, 129, 166,
9 169, and 173A of such Act (29 U.S.C. 2843, 2851,
10 2852, 2853, 2854, 2911, 2914, and 2918a).

11 (2) YOUTH PROVISIONS.—Sections 123, 126,
12 127, 128, 129, 169, and 173A of such Act (29
13 U.S.C. 2843, 2851, 2852, 2853, 2854, 2914, and
14 2918a).

15 (3) NATIVE AMERICAN PROVISIONS.—Section
16 166 of such Act (29 U.S.C. 2911).

17 (b) REMAINING REPEALED PROVISIONS.—In addi-
18 tion to the provisions repealed under subsection (a), the
19 following provisions are repealed:

20 (1) ADULT PROVISIONS.—

21 (A) The Wagner-Peyser Act (29 U.S.C. 49
22 et seq.).

23 (B) Section 16(h) of the Food and Nutri-
24 tion Act of 2008 (7 U.S.C. 2025(h)).

1 (C) The Women in Apprenticeship and
2 Nontraditional Occupations Act (29 U.S.C.
3 2501 et seq.).

4 (D) Section 104(k)(6) of the Comprehen-
5 sive Environmental Response, Compensation,
6 and Liability Act of 1980 (42 U.S.C.
7 9604(k)(6)).

8 (E) Section 505 of the Family Support Act
9 of 1988 (42 U.S.C. 9926).

10 (F) Section 414(c) of the American Com-
11 petitiveness and Workforce Improvement Act of
12 1998 (29 U.S.C. 2916a).

13 (G) Title V of the Older Americans Act of
14 1965 (42 U.S.C. 3056 et seq.).

15 (2) YOUTH PROVISIONS.—

16 (A) The Carl D. Perkins Career and Tech-
17 nical Education Act of 2006 (29 U.S.C. 2301
18 et seq.).

19 (B) Title I of Public Law 91–378 (com-
20 monly known as the “Youth Conservation Corps
21 Act of 1970”) (16 U.S.C. 1701 et seq.).

22 (3) DISABILITIES PROVISIONS.—

23 (A) Part A of title I of the Rehabilitation
24 Act of 1973 (29 U.S.C. 720 et seq.).

1 (B) Sections 110, 111, 112, 113, 131,
2 303, and 304 of such Act (29 U.S.C. 730, 731,
3 732, 733, 751, 773, and 776).

4 (C) Title VI of such Act (29 U.S.C. 795g
5 et seq.).

6 (4) NATIVE AMERICAN PROVISIONS.—

7 (A) Section 121 of the Rehabilitation Act
8 of 1973 (29 U.S.C. 741).

9 (B) The Indian Employment, Training and
10 Related Services Demonstration Act of 1992
11 (25 U.S.C. 3401 et seq.).

12 (C) Title V of the Tribally Controlled Col-
13 leges and Universities Assistance Act of 1978
14 (25 U.S.C. 1861 et seq.).

15 (D) Section 412 of the Social Security Act
16 (42 U.S.C. 612).

17 **SEC. 502. SAVINGS PROVISIONS FOR ADULT PROGRAMS.**

18 (a) REFERENCES.—Except as otherwise expressly
19 provided, a reference in this section to a provision of the
20 Workforce Investment Act of 1998 (29 U.S.C. 2801 et
21 seq.), the Wagner-Peyser Act (29 U.S.C. 49 et seq.), sec-
22 tions 6(d)(4)(I) and 16(h) of the Food and Nutrition Act
23 of 2008 (7 U.S.C. 2015(d)(4)(I), 2025(h)), the Women
24 in Apprenticeship and Nontraditional Occupations Act (29
25 U.S.C. 2501 et seq.), section 104(k)(6) of the Comprehen-

1 sive Environmental Response, Compensation, and Liabil-
2 ity Act of 1980 (42 U.S.C. 9604(k)(6)), section 505 of
3 the Family Support Act of 1988 (42 U.S.C. 9926), section
4 414(c) of the American Competitiveness and Workforce
5 Improvement Act of 1998 (29 U.S.C. 2916a), or title V
6 of the Older Americans Act of 1965 (42 U.S.C. 3056 et
7 seq.) shall be considered to be a reference to such provi-
8 sion as in effect on the day before the effective date of
9 this section.

10 (b) DEFINITIONS.—For purposes of this section, un-
11 less otherwise provided or indicated by the context—

12 (1) the term “Federal agency” has the meaning
13 given to the term “agency” by section 551(1) of title
14 5, United States Code;

15 (2) the term “function” means any duty, obli-
16 gation, power, authority, responsibility, right, privi-
17 lege, activity, or program;

18 (3) the term “new authority” means the au-
19 thority provided under subtitle A of title III of this
20 Act; and

21 (4) the term “repealed authority” means the
22 authority provided under the provisions repealed by
23 subsections (a)(1) and (b)(1) of section 501, and
24 section 6(d)(4)(I) of the Food and Nutrition Act of
25 2008 (7 U.S.C. 2015(d)(4)(I)).

1 (c) GRANTS; CONTRACTS; ALLOTMENTS.—

2 (1) IN GENERAL.—Notwithstanding the new
3 authority, the agreements for the grants, contracts,
4 and allotments listed in paragraph (2) that are in ef-
5 fect on the day before the effective date of this sec-
6 tion, or were final before the effective date of this
7 section and are to become effective on or after the
8 effective date of this section, shall continue in effect
9 according to their terms until modified or termi-
10 nated in accordance with law by the President, the
11 Secretary of Labor or other authorized official, a
12 court of competent jurisdiction, or by operation of
13 law.

14 (2) LIST.—The grants, contracts, and allot-
15 ments described in paragraph (1) are all grants,
16 contracts (including cooperative agreements, joint
17 agreements, and reimbursable agreements and pur-
18 chase of service contracts or vouchers), and allot-
19 ments (including allocations) under—

20 (A) the Workforce Investment Act of 1998
21 (29 U.S.C. 2801 et seq.), other than sections
22 123, 126, 127, 128, 129, 166, 169, and 173A
23 of such Act (29 U.S.C. 2843, 2851, 2852,
24 2853, 2854, 2911, 2914, and 2918a);

1 (B) the Wagner-Peyser Act (29 U.S.C. 49
2 et seq.);

3 (C) sections 6(d)(4)(I) and 16(h) of the
4 Food and Nutrition Act of 2008 (7 U.S.C.
5 2015(d)(4)(I), 2025(h));

6 (D) the Women in Apprenticeship and
7 Nontraditional Occupations Act (29 U.S.C.
8 2501 et seq.);

9 (E) section 104(k)(6) of the Comprehen-
10 sive Environmental Response, Compensation,
11 and Liability Act of 1980 (42 U.S.C.
12 9604(k)(6)), including any agreements for the
13 funding described in that section;

14 (F) section 505 of the Family Support Act
15 of 1988 (42 U.S.C. 9926), including agree-
16 ments with nonprofit organizations (including
17 community development corporations) described
18 in subsection (a) of such section;

19 (G) section 414(c) of the American Com-
20 petitiveness and Workforce Improvement Act of
21 1998 (29 U.S.C. 2916a); and

22 (H) title V of the Older Americans Act of
23 1965 (42 U.S.C. 3056 et seq.), including the
24 agreements under section 502(e) of such Act
25 (42 U.S.C. 3056(e)).

1 (3) INCIDENTAL SAVINGS.—The Director of the
2 Office of Management and Budget shall make such
3 dispositions of the personnel, funds, contracts,
4 agreements, and other resources related to the
5 grants, contracts, and allotments listed in paragraph
6 (2) as may be necessary to continue the agreements
7 for the grants, contracts, and allotments for the du-
8 ration described in paragraph (1).

9 (d) REPAYMENT OF FUNDS.—

10 (1) CONTINUING EFFECT OF LEGAL DOCU-
11 MENTS.—With respect to the repayment of funds re-
12 ceived to carry out the repealed authority, all orders
13 and determinations—

14 (A) which have been issued, made, or al-
15 lowed to become effective by the President, any
16 Federal agency or official thereof, or by a court
17 of competent jurisdiction, in the performance of
18 functions carried out under such repealed au-
19 thority; and

20 (B) which are in effect on the day before
21 the effective date of this section, or were final
22 before the effective date of this section and are
23 to become effective on or after the effective date
24 of this section,

1 shall continue in effect according to their terms until
2 modified, terminated, superseded, set aside, or re-
3 voked in accordance with law by the President, the
4 Secretary of Labor or other authorized official, a
5 court of competent jurisdiction, or by operation of
6 law.

7 (2) PROCEEDINGS NOT AFFECTED.—The provi-
8 sions of this section shall not affect any proceedings
9 or applications, in connection with adjudications re-
10 garding the repayment of funds received to carry out
11 the repealed authority, that are pending before the
12 Department of Labor, the Department of Education,
13 the Department of Agriculture, the Department of
14 Health and Human Services, or the Environmental
15 Protection Agency, as the case may be, on the effec-
16 tive date of this section, but such proceedings and
17 applications shall be continued. Orders shall be
18 issued in such proceedings, appeals shall be taken
19 therefrom, and payments shall be made pursuant to
20 such orders, as if this section had not been enacted,
21 and orders issued in any such proceedings shall con-
22 tinue in effect until modified, terminated, super-
23 seded, set aside, or revoked by a duly authorized of-
24 ficial, by a court of competent jurisdiction, or by op-
25 eration of law. Nothing in this paragraph shall be

1 deemed to prohibit the discontinuance or modifica-
2 tion of any such proceeding under the same terms
3 and conditions and to the same extent that such pro-
4 ceeding could have been discontinued or modified if
5 this section had not been enacted.

6 (3) SUITS NOT AFFECTED.—The provisions of
7 this section shall not affect suits, regarding the re-
8 payment of funds received to carry out the repealed
9 authority, that have commenced before the effective
10 date of this section, and in all such suits, pro-
11 ceedings shall be had, appeals taken, and judgments
12 rendered in the same manner and with the same ef-
13 fect as if this section had not been enacted.

14 (4) NONABATEMENT OF ACTIONS.—No suit, ac-
15 tion, or other proceeding, regarding the repayment
16 of funds received to carry out the repealed authority,
17 that is commenced by or against the Department of
18 Labor, the Department of Education, the Depart-
19 ment of Agriculture, the Department of Health and
20 Human Services, or the Environmental Protection
21 Agency, as the case may be, or by or against any in-
22 dividual in the official capacity of such individual as
23 an officer of any of such Departments or Agency,
24 shall abate by reason of the enactment of this sec-
25 tion.

1 (e) TRANSFERS.—

2 (1) RECORDS.—Except as otherwise provided in
3 this section, any records in connection with functions
4 to carry out the repealed authority shall be trans-
5 ferred to the Department of Labor.

6 (2) UNEXPENDED BALANCES; CERTAIN OTHER
7 FUNDS.—Subject to subsections (c) and (g) and not-
8 withstanding section 1531 of title 31, United States
9 Code, the unexpended balances of appropriations
10 and other funds employed in connection with the re-
11 pealed authority shall be returned to the general
12 fund of the Treasury.

13 (f) SEVERABILITY.—If a provision of this section or
14 its application to any person or circumstance is held in-
15 valid, neither the remainder of this section nor the applica-
16 tion of the provision to other persons or circumstances
17 shall be affected.

18 (g) TRANSITION.—For such period of time as may
19 reasonably be necessary to facilitate the orderly implemen-
20 tation of this section, the Secretary of Labor is authorized
21 to utilize—

22 (1) the services of such officers, employees, and
23 other personnel of the Department of Labor, the De-
24 partment of Education, the Department of Agri-
25 culture, the Department of Health and Human

1 Services, or the Environmental Protection Agency,
2 as the case may be, with respect to the new author-
3 ity; and

4 (2) funds appropriated to carry out the re-
5 pealed authority.

6 (h) REFERENCES IN OTHER LAWS.—Except with re-
7 spect to the grants, contracts, and allotments described
8 in subsection (c) and the repayment of funds described
9 in subsection (d), a reference in any other Federal law
10 to the Secretary of Labor, the Secretary of Education, the
11 Secretary of Agriculture, the Secretary of Health and
12 Human Services, the Administrator of the Environmental
13 Protection Agency, the Department of Labor, the Depart-
14 ment of Education, the Department of Agriculture, the
15 Department of Health and Human Services, or the Envi-
16 ronmental Protection Agency, with regard to the repealed
17 authority, shall be deemed to have no effect.

18 (i) RECOMMENDED LEGISLATION.—

19 (1) IN GENERAL.—After consultation with the
20 appropriate committees of Congress and the Direc-
21 tor of the Office of Management and Budget, the
22 Secretary of Labor shall prepare and submit to Con-
23 gress recommended legislation containing technical
24 and conforming amendments to reflect the changes
25 made by this section.

1 (2) SUBMISSION TO CONGRESS.—Not later than
2 6 months after the effective date of this section, the
3 Secretary of Labor shall submit the recommended
4 legislation referred to in paragraph (1).

5 (j) CONFORMING AMENDMENTS.—

6 (1) FOOD AND NUTRITION ACT OF 2008.—The
7 Food and Nutrition Act of 2008 is amended—

8 (A) in section 5 (7 U.S.C. 2014)—

9 (i) in subsection (d)(14), by striking
10 “household under” and all that follows
11 through the semicolon at the end and in-
12 serting “household under section 317 of
13 the CAREER Act;”;

14 (ii) in subsection (e)(3)(B)—

15 (I) in clause (i), by adding “;
16 and” after the semicolon at the end;

17 (II) in clause (ii), by striking “;
18 and” at the end and inserting a pe-
19 riod; and

20 (III) by striking clause (iii);

21 (iii) in subsection (g)(3), in the first
22 sentence, by striking “or a pilot project
23 under section 16(h)(1)(F)”;

24 (iv) by striking subsection (l) and in-
25 serting the following:

1 “(l) EARNINGS TO PARTICIPANTS OF ON-THE-JOB
 2 TRAINING PROGRAMS.—Any earnings to an individual
 3 participating in on-the-job training under a work program
 4 (as defined in section 6(o)) shall be considered to be
 5 earned income for purposes of the supplemental nutrition
 6 assistance program, except for an individual who is a de-
 7 pendent less than 19 years of age.”;

8 (B) in section 16 (7 U.S.C. 2025), as
 9 amended by section 501(b)(1)(B), by inserting
 10 after subsection (g) the following:

11 “(h) FUNDING OF WORKER TRAINING SERVICES AND
 12 ACTIVITIES.—Of the amounts made available for each fis-
 13 cal year under section 18(a)(1), the Secretary shall allo-
 14 cate to States for distribution to State boards under sec-
 15 tion 313(b) of the CAREER Act \$90,000,000 for each
 16 fiscal year, to remain available for the 2-year period begin-
 17 ning on the date of allocation.”;

18 (C) in section 17 (7 U.S.C. 2026)—

19 (i) in subsection (b)—

20 (I) in paragraph

21 (1)(B)(iv)(III)—

22 (aa) in item (dd), by strik-

23 ing “, (4)(F)(i), or (4)(K)” and

24 inserting “or (4)(D)(i)”; and

1 (bb) in item (hh), by strik-
2 ing “(g), (h)(1)(F), (h)(2), or
3 (h)(3)” and inserting “or (g)”;
4 and

5 (II) in paragraph (2), in the sec-
6 ond sentence, by striking “a program
7 carried out under” and all that fol-
8 lows through “for which employment”
9 and inserting “a program of worker
10 training services and activities carried
11 out under the CAREER Act, for
12 which employment”; and

13 (ii) in subsection (g), in the first sen-
14 tence, by striking “established under” and
15 inserting “described in”; and

16 (D) in section 22(d)(1)(B)(ii) (7 U.S.C.
17 2031(d)(1)(B)(ii)), in the matter preceding the
18 proviso, by striking “subsections (a), (g),
19 (h)(2), and (h)(3)” and inserting “subsections
20 (a) and (g)”.

21 (2) OLDER AMERICANS ACT OF 1965.—The
22 Older Americans Act of 1965 is amended—

23 (A) in section 102(45) (42 U.S.C.
24 3002(45)), by striking “, except that for pur-

1 poses of title V such term means the Secretary
2 of Labor”;

3 (B) in section 201(a) (42 U.S.C. 3011(a)),
4 by striking “Except for title V, the” and insert-
5 ing “The”;

6 (C) in section 203(a) (42 U.S.C.
7 3013(a))—

8 (i) in paragraph (1), in the second
9 sentence, by striking “with the Secretary
10 of Labor in carrying out title V and”;

11 (ii) in paragraph (3)(A), by inserting
12 “as in effect on the day before the effective
13 date of section 501 of the CAREER Act”
14 after “(as defined in section 518”;

15 (D) in section 212(a) (42 U.S.C.
16 3020c(a)), by striking “(other than title V)”.

17 **SEC. 503. SAVINGS PROVISIONS FOR YOUTH PROGRAMS.**

18 (a) REFERENCES.—Except as otherwise expressly
19 provided, a reference in this section to a provision of the
20 Workforce Investment Act of 1998 (29 U.S.C. 2801 et
21 seq.), the Carl D. Perkins Career and Technical Education
22 Act of 2006 (29 U.S.C. 2301 et seq.), and title I of Public
23 Law 91–378 (commonly known as the “Youth Conserva-
24 tion Corps Act of 1970”) (16 U.S.C. 1701 et seq.) shall

1 be considered to be a reference to such provision as in
2 effect on the day before the effective date of this section.

3 (b) DEFINITIONS.—For purposes of this section, un-
4 less otherwise provided or indicated by the context—

5 (1) the term “Federal agency” has the meaning
6 given to the term “agency” by section 551(1) of title
7 5, United States Code;

8 (2) the term “function” means any duty, obli-
9 gation, power, authority, responsibility, right, privi-
10 lege, activity, or program;

11 (3) the term “new authority” means the au-
12 thority provided under subtitle B of title III of this
13 Act; and

14 (4) the term “repealed authority” means the
15 authority provided under the provisions repealed by
16 subsections (a)(2) and (b)(2) of section 501.

17 (c) GRANTS; CONTRACTS; ALLOTMENTS.—

18 (1) SAVINGS PROVISIONS.—

19 (A) IN GENERAL.—Notwithstanding the
20 new authority, the agreements for the grants,
21 contracts, and allotments listed in subpara-
22 graph (B) that are in effect on the day before
23 the effective date of this section, or were final
24 before the effective date of this section and are
25 to become effective on or after the effective date

1 of this section, shall continue in effect accord-
2 ing to their terms until modified or terminated
3 in accordance with law by the President, the
4 Secretary of Labor or other authorized official,
5 a court of competent jurisdiction, or by oper-
6 ation of law.

7 (B) LIST.—The grants, contracts, and al-
8 lotments described in subparagraph (A) are all
9 grants, contracts (including cooperative agree-
10 ments), and allotments (including allocations)
11 under—

12 (i) the Workforce Investment Act of
13 1998 (29 U.S.C. 2801 et seq.), other than
14 section 166 of such Act (29 U.S.C. 2911);
15 and

16 (ii) the Carl D. Perkins Career and
17 Technical Education Act of 2006 (29
18 U.S.C. 2301 et seq.).

19 (C) INCIDENTAL SAVINGS.—The Director
20 of the Office of Management and Budget shall
21 make such dispositions of the personnel, funds,
22 contracts, agreements, and other resources re-
23 lated to the grants, contracts, and allotments
24 listed in subparagraph (B) as may be necessary
25 to continue the agreements for the grants, con-

1 tracts, and allotments for the duration de-
2 scribed in subparagraph (A).

3 (2) TERMINATION PROVISIONS.—The agree-
4 ments for all grants and contracts under title I of
5 Public Law 91–378 (commonly known as the
6 “Youth Conservation Corps Act of 1970”) (16
7 U.S.C. 1701 et seq.) shall terminate on the effective
8 date of this section.

9 (d) REPAYMENT OF FUNDS.—

10 (1) CONTINUING EFFECT OF LEGAL DOCU-
11 MENTS.—With respect to the repayment of funds re-
12 ceived to carry out the repealed authority, all orders
13 and determinations—

14 (A) which have been issued, made, or al-
15 lowed to become effective by the President, any
16 Federal agency or official thereof, or by a court
17 of competent jurisdiction, in the performance of
18 functions carried out under such repealed au-
19 thority; and

20 (B) which are in effect on the day before
21 the effective date of this section, or were final
22 before the effective date of this section and are
23 to become effective on or after the effective date
24 of this section,

1 shall continue in effect according to their terms until
2 modified, terminated, superseded, set aside, or re-
3 voked in accordance with law by the President, the
4 Secretary of Labor or other authorized official, a
5 court of competent jurisdiction, or by operation of
6 law.

7 (2) PROCEEDINGS NOT AFFECTED.—The provi-
8 sions of this section shall not affect any proceedings
9 or applications, in connection with adjudications re-
10 garding the repayment of funds received to carry out
11 the repealed authority, that are pending before the
12 Department of Labor, Education, Agriculture, or the
13 Interior, as the case may be, on the effective date of
14 this section, but such proceedings and applications
15 shall be continued. Orders shall be issued in such
16 proceedings, appeals shall be taken therefrom, and
17 payments shall be made pursuant to such orders, as
18 if this section had not been enacted, and orders
19 issued in any such proceedings shall continue in ef-
20 fect until modified, terminated, superseded, set
21 aside, or revoked by a duly authorized official, by a
22 court of competent jurisdiction, or by operation of
23 law. Nothing in this paragraph shall be deemed to
24 prohibit the discontinuance or modification of any
25 such proceeding under the same terms and condi-

1 tions and to the same extent that such proceeding
2 could have been discontinued or modified if this sec-
3 tion had not been enacted.

4 (3) SUITS NOT AFFECTED.—The provisions of
5 this section shall not affect suits, regarding the re-
6 payment of funds received to carry out the repealed
7 authority, that have commenced before the effective
8 date of this section, and in all such suits, pro-
9 ceedings shall be had, appeals taken, and judgments
10 rendered in the same manner and with the same ef-
11 fect as if this section had not been enacted.

12 (4) NONABATEMENT OF ACTIONS.—No suit, ac-
13 tion, or other proceeding, regarding the repayment
14 of funds received to carry out the repealed authority,
15 that is commenced by or against the Department of
16 Labor, Education, Agriculture, or the Interior, as
17 the case may be, or by or against any individual in
18 the official capacity of such individual as an officer
19 of any of such Departments, shall abate by reason
20 of the enactment of this section.

21 (e) TRANSFERS.—

22 (1) RECORDS.—Except as otherwise provided in
23 this section, any records in connection with functions
24 to carry out the repealed authority shall be trans-
25 ferred to the Department of Labor.

1 (2) UNEXPENDED BALANCES; CERTAIN OTHER
2 FUNDS.—Subject to subsections (c)(1) and (g) and
3 notwithstanding section 1531 of title 31, United
4 States Code, the unexpended balances of appropria-
5 tions and other funds employed in connection with
6 the repealed authority shall be returned to the gen-
7 eral fund of the Treasury.

8 (f) SEVERABILITY.—If a provision of this section or
9 its application to any person or circumstance is held in-
10 valid, neither the remainder of this section nor the applica-
11 tion of the provision to other persons or circumstances
12 shall be affected.

13 (g) TRANSITION.—For such period of time as may
14 reasonably be necessary to facilitate the orderly implemen-
15 tation of this section, the Secretary of Labor is authorized
16 to utilize—

17 (1) the services of such officers, employees, and
18 other personnel of the Department of Education,
19 Agriculture, or the Interior, as the case may be, with
20 respect to the new authority; and

21 (2) funds appropriated to carry out the re-
22 pealed authority.

23 (h) REFERENCES IN OTHER LAWS.—Except with re-
24 spect to the grants, contracts, and allotments described
25 in subsection (c)(1) and the repayment of funds described

1 in subsection (d), a reference in any other Federal law
2 to the Secretary of Education, the Secretary of Labor, the
3 Secretary of Agriculture, the Secretary of the Interior, or
4 the Department of Education, Labor, Agriculture, or the
5 Interior, with regard to the repealed authority, shall be
6 deemed to have no effect.

7 (i) RECOMMENDED LEGISLATION.—

8 (1) IN GENERAL.—After consultation with the
9 appropriate committees of Congress and the Direc-
10 tor of the Office of Management and Budget, the
11 Secretary of Labor shall prepare and submit to Con-
12 gress recommended legislation containing technical
13 and conforming amendments to reflect the changes
14 made by this section.

15 (2) SUBMISSION TO CONGRESS.—Not later than
16 6 months after the effective date of this section, the
17 Secretary of Labor shall submit the recommended
18 legislation referred to in paragraph (1).

19 **SEC. 504. SAVINGS PROVISIONS FOR DISABILITIES PRO-**
20 **GRAMS.**

21 (a) REFERENCES.—Except as otherwise expressly
22 provided, a reference in this section to a provision of the
23 Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) shall
24 be considered to be a reference to such provision as in
25 effect on the day before the effective date of this section.

1 (b) DEFINITIONS.—For purposes of this section, un-
2 less otherwise provided or indicated by the context—

3 (1) the term “Federal agency” has the meaning
4 given to the term “agency” by section 551(1) of title
5 5, United States Code;

6 (2) the term “function” means any duty, obli-
7 gation, power, authority, responsibility, right, privi-
8 lege, activity, or program;

9 (3) the term “new authority” means the au-
10 thority provided under subtitle C of title III of this
11 Act; and

12 (4) the term “repealed authority” means the
13 authority provided under the provisions repealed by
14 section 501(b)(3).

15 (c) GRANTS; CONTRACTS; ALLOTMENTS.—

16 (1) SAVINGS PROVISIONS.—

17 (A) IN GENERAL.—Notwithstanding the
18 new authority, the agreements for the grants,
19 contracts, and allotments listed in subpara-
20 graph (B) that are in effect on the day before
21 the effective date of this section, or were final
22 before the effective date of this section and are
23 to become effective on or after the effective date
24 of this section, shall continue in effect accord-
25 ing to their terms until modified or terminated

1 in accordance with law by the President, the
2 Secretary of Labor or other authorized official,
3 a court of competent jurisdiction, or by oper-
4 ation of law.

5 (B) LIST.—The grants, contracts, and al-
6 lotments described in subparagraph (A) are the
7 following:

8 (i) The allotments under section 110
9 of the Rehabilitation Act of 1973 (29
10 U.S.C. 730).

11 (ii) The grants under section 112 of
12 such Act (29 U.S.C. 732), other than the
13 grant under subsection (e)(1)(F) of such
14 section, to establish and carry out client
15 assistance programs.

16 (iii) The grants under section 303(a)
17 of such Act (29 U.S.C. 773(a)) to States
18 and public or nonprofit agencies and orga-
19 nizations.

20 (iv) The grants to, or contracts with,
21 eligible entities under section 303(b) of
22 such Act (29 U.S.C. 773(b)).

23 (v) The grants to, and contracts with,
24 States and public or nonprofit agencies
25 and organizations under section 303(d) of

1 such Act (29 U.S.C. 773(d)) to pay all or
2 part of the cost of training in the use of
3 braille for personnel providing vocational
4 rehabilitation services or educational serv-
5 ices to youth and adults who are blind.

6 (vi) The allotments under section 603
7 of such Act (29 U.S.C. 795h) to States
8 and territories.

9 (C) INCIDENTAL SAVINGS.—The Director
10 of the Office of Management and Budget shall
11 make such dispositions of the personnel, funds,
12 contracts, agreements, and other resources re-
13 lated to the grants, contracts, and allotments
14 listed in subparagraph (B) as may be necessary
15 to continue the agreements for the grants, con-
16 tracts, and allotments for the duration de-
17 scribed in subparagraph (A).

18 (2) TERMINATION PROVISIONS.—The agree-
19 ments for grants, contracts, and allotments that
20 shall terminate on the effective date of this section
21 are the agreements for the following:

22 (A) The grant under section 112(e)(1)(F)
23 of the Rehabilitation Act of 1973 (29 U.S.C.
24 732(e)(1)(F)) for training and technical assist-

1 ance for the programs established under section
2 112 of such Act.

3 (B) The grants under section 303(c)(1) of
4 such Act (29 U.S.C. 773(c)(1)) to private non-
5 profit organizations for the purpose of estab-
6 lishing programs to provide training and infor-
7 mation.

8 (C) The grants or cooperative agreements
9 under section 303(c)(6) of such Act (29 U.S.C.
10 773(c)(6)) for establishing, developing, and co-
11 ordinating training and information programs
12 described in subparagraph (B).

13 (D) All contracts, agreements, and allot-
14 ments that are not necessary to carry out a
15 grant, contract, or allotment described in para-
16 graph (1)(B).

17 (d) REPAYMENT OF FUNDS.—

18 (1) CONTINUING EFFECT OF LEGAL DOCU-
19 MENTS.—With respect to the repayment of funds re-
20 ceived to carry out the repealed authority, all orders
21 and determinations—

22 (A) which have been issued, made, or al-
23 lowed to become effective by the President, any
24 Federal agency or official thereof, or by a court
25 of competent jurisdiction, in the performance of

1 functions carried out under such repealed au-
2 thority; and

3 (B) which are in effect on the day before
4 the effective date of this section, or were final
5 before the effective date of this section and are
6 to become effective on or after the effective date
7 of this section,

8 shall continue in effect according to their terms until
9 modified, terminated, superseded, set aside, or re-
10 voked in accordance with law by the President, the
11 Secretary of Labor or other authorized official, a
12 court of competent jurisdiction, or by operation of
13 law.

14 (2) PROCEEDINGS NOT AFFECTED.—The provi-
15 sions of this section shall not affect any proceedings
16 or applications, in connection with adjudications re-
17 garding the repayment of funds received to carry out
18 the repealed authority, that are pending before the
19 Department of Education on the effective date of
20 this section, but such proceedings and applications
21 shall be continued. Orders shall be issued in such
22 proceedings, appeals shall be taken therefrom, and
23 payments shall be made pursuant to such orders, as
24 if this section had not been enacted, and orders
25 issued in any such proceedings shall continue in ef-

1 fect until modified, terminated, superseded, set
2 aside, or revoked by a duly authorized official, by a
3 court of competent jurisdiction, or by operation of
4 law. Nothing in this paragraph shall be deemed to
5 prohibit the discontinuance or modification of any
6 such proceeding under the same terms and condi-
7 tions and to the same extent that such proceeding
8 could have been discontinued or modified if this sec-
9 tion had not been enacted.

10 (3) SUITS NOT AFFECTED.—The provisions of
11 this section shall not affect suits, regarding the re-
12 payment of funds received to carry out the repealed
13 authority, that have commenced before the effective
14 date of this section, and in all such suits, pro-
15 ceedings shall be had, appeals taken, and judgments
16 rendered in the same manner and with the same ef-
17 fect as if this section had not been enacted.

18 (4) NONABATEMENT OF ACTIONS.—No suit, ac-
19 tion, or other proceeding, regarding the repayment
20 of funds received to carry out the repealed authority,
21 that is commenced by or against the Department of
22 Education, or by or against any individual in the of-
23 ficial capacity of such individual as an officer of
24 such Department, shall abate by reason of the enact-
25 ment of this section.

1 (e) TRANSFERS.—

2 (1) RECORDS.—Except as otherwise provided in
3 this section, any records in connection with functions
4 described in part A of title I of the Rehabilitation
5 Act of 1973 (29 U.S.C. 720 et seq.), sections 110,
6 111, 112, and 131 of such Act (29 U.S.C. 730, 731,
7 732, and 751), and title VI of such Act (29 U.S.C.
8 795g et seq.) shall be transferred to the Department
9 of Labor.

10 (2) UNEXPENDED BALANCES; CERTAIN OTHER
11 FUNDS.—Subject to subsections (c)(1) and (g) and
12 notwithstanding section 1531 of title 31, United
13 States Code, the unexpended balances of appropria-
14 tions and other funds employed in connection with
15 the repealed authority shall be returned to the gen-
16 eral fund of the Treasury.

17 (f) SEVERABILITY.—If a provision of this section or
18 its application to any person or circumstance is held in-
19 valid, neither the remainder of this section nor the applica-
20 tion of the provision to other persons or circumstances
21 shall be affected.

22 (g) TRANSITION.—For such period of time as may
23 reasonably be necessary to facilitate the orderly implemen-
24 tation of this section, the Secretary of Labor is authorized
25 to utilize—

1 (1) the services of such officers, employees, and
2 other personnel of the Department of Education
3 with respect to the new authority; and

4 (2) funds appropriated to carry out the re-
5 pealed authority.

6 (h) REFERENCES IN OTHER LAWS.—Except with re-
7 spect to the grants, contracts, and allotments described
8 in subsection (c)(1) and the repayment of funds described
9 in subsection (d), a reference in any other Federal law
10 to the Secretary of Education, or the Department of Edu-
11 cation, with regard to the repealed authority shall be
12 deemed to have no effect.

13 (i) RECOMMENDED LEGISLATION.—

14 (1) IN GENERAL.—After consultation with the
15 appropriate committees of Congress and the Direc-
16 tor of the Office of Management and Budget, the
17 Secretary of Labor shall prepare and submit to Con-
18 gress recommended legislation containing technical
19 and conforming amendments to reflect the changes
20 made by this section.

21 (2) SUBMISSION TO CONGRESS.—Not later than
22 6 months after the effective date of this section, the
23 Secretary of Labor shall submit the recommended
24 legislation referred to in paragraph (1).

1 **SEC. 505. SAVINGS PROVISIONS FOR PROGRAMS FOR INDI-**
2 **ANS (INCLUDING ALASKA NATIVES) AND NA-**
3 **TIVE HAWAIIANS.**

4 (a) REFERENCES.—Except as otherwise expressly
5 provided, a reference in this section to a provision of sec-
6 tion 166 of the Workforce Investment Act of 1998 (29
7 U.S.C. 2911), section 121 of the Rehabilitation Act of
8 1973 (29 U.S.C. 741), the Indian Employment, Training
9 and Related Services Demonstration Act of 1992 (25
10 U.S.C. 3401 et seq.), title V of the Tribally Controlled
11 Colleges and Universities Assistance Act of 1978 (25
12 U.S.C. 1861 et seq.), and section 412 of the Social Secu-
13 rity Act (42 U.S.C. 612) shall be considered to be a ref-
14 erence to such provision as in effect on the day before the
15 effective date of this section.

16 (b) DEFINITIONS.—For purposes of this section, un-
17 less otherwise provided or indicated by the context—

18 (1) the term “Federal agency” has the meaning
19 given to the term “agency” by section 551(1) of title
20 5, United States Code;

21 (2) the term “function” means any duty, obli-
22 gation, power, authority, responsibility, right, privi-
23 lege, activity, or program;

24 (3) the term “new authority” means the au-
25 thority provided under subtitle D of title III of this
26 Act; and

1 (4) the term “repealed authority” means the
2 authority provided under the provisions repealed by
3 subsections (a)(3) and (b)(4) of section 501.

4 (c) GRANTS; CONTRACTS.—

5 (1) IN GENERAL.—Notwithstanding the new
6 authority, the agreements for the grants and con-
7 tracts (including other Federal funding) listed in
8 paragraph (2) that are in effect on the day before
9 the effective date of this section, or were final before
10 the effective date of this section and are to become
11 effective on or after the effective date of this section,
12 shall continue in effect according to their terms until
13 modified or terminated in accordance with law by
14 the President, the Secretary of Labor or other au-
15 thorized official, a court of competent jurisdiction, or
16 by operation of law.

17 (2) LIST.—The grants and contracts (including
18 other Federal funding) described in paragraph (1)
19 are all grants and contracts (including Federal fund-
20 ing) under—

21 (A) section 166 of the Workforce Invest-
22 ment Act of 1998 (29 U.S.C. 2911);

23 (B) section 121 of the Rehabilitation Act
24 of 1973 (29 U.S.C. 741);

1 (C) the Indian Employment, Training and
2 Related Services Demonstration Act of 1992
3 (25 U.S.C. 3401 et seq.);

4 (D) title V of the Tribally Controlled Col-
5 leges and Universities Assistance Act of 1978
6 (25 U.S.C. 1861 et seq.); and

7 (E) section 412 of the Social Security Act
8 (42 U.S.C. 612).

9 (3) INCIDENTAL SAVINGS.—The Director of the
10 Office of Management and Budget shall make such
11 dispositions of the personnel, funds, contracts,
12 agreements, and other resources related to the
13 grants and contracts (including other Federal fund-
14 ing) listed in paragraph (2) as may be necessary to
15 continue the agreements for the grants and con-
16 tracts (including other Federal funding) for the du-
17 ration described in paragraph (1).

18 (d) REPAYMENT OF FUNDS.—

19 (1) CONTINUING EFFECT OF LEGAL DOCU-
20 MENTS.—With respect to the repayment of funds re-
21 ceived to carry out the repealed authority, all orders
22 and determinations—

23 (A) which have been issued, made, or al-
24 lowed to become effective by the President, any
25 Federal agency or official thereof, or by a court

1 of competent jurisdiction, in the performance of
2 functions carried out under such repealed au-
3 thority; and

4 (B) which are in effect on the day before
5 the effective date of this section, or were final
6 before the effective date of this section and are
7 to become effective on or after the effective date
8 of this section,

9 shall continue in effect according to their terms until
10 modified, terminated, superseded, set aside, or re-
11 voked in accordance with law by the President, the
12 Secretary of Labor or other authorized official, a
13 court of competent jurisdiction, or by operation of
14 law.

15 (2) PROCEEDINGS NOT AFFECTED.—The provi-
16 sions of this section shall not affect any proceedings
17 or applications, in connection with adjudications re-
18 garding the repayment of funds received to carry out
19 the repealed authority, that are pending before the
20 Department of Labor, the Department of Education,
21 the Department of the Interior, or the Department
22 of Health and Human Services on the effective date
23 of this section, but such proceedings and applica-
24 tions shall be continued. Orders shall be issued in
25 such proceedings, appeals shall be taken therefrom,

1 and payments shall be made pursuant to such or-
2 ders, as if this section had not been enacted, and or-
3 ders issued in any such proceedings shall continue in
4 effect until modified, terminated, superseded, set
5 aside, or revoked by a duly authorized official, by a
6 court of competent jurisdiction, or by operation of
7 law. Nothing in this paragraph shall be deemed to
8 prohibit the discontinuance or modification of any
9 such proceeding under the same terms and condi-
10 tions and to the same extent that such proceeding
11 could have been discontinued or modified if this sec-
12 tion had not been enacted.

13 (3) SUITS NOT AFFECTED.—The provisions of
14 this section shall not affect suits, regarding the re-
15 payment of funds received to carry out the repealed
16 authority, that have commenced before the effective
17 date of this section, and in all such suits, pro-
18 ceedings shall be had, appeals taken, and judgments
19 rendered in the same manner and with the same ef-
20 fect as if this section had not been enacted.

21 (4) NONABATEMENT OF ACTIONS.—No suit, ac-
22 tion, or other proceeding, regarding the repayment
23 of funds received to carry out the repealed authority,
24 that is commenced by or against the Department of
25 Labor, the Department of Education, the Depart-

1 ment of the Interior, or the Department of Health
2 and Human Services, or by or against any individual
3 in the official capacity of such individual as an offi-
4 cer of such Department, shall abate by reason of the
5 enactment of this section.

6 (e) TRANSFERS.—

7 (1) RECORDS.—Except as otherwise provided in
8 this section, any records in connection with functions
9 to carry out the repealed authority shall be trans-
10 ferred to the Department of Labor.

11 (2) UNEXPENDED BALANCES; CERTAIN OTHER
12 FUNDS.—Subject to subsections (e) and (g) and not-
13 withstanding section 1531 of title 31, United States
14 Code, the unexpended balances of appropriations
15 and other funds employed in connection with the re-
16 pealed authority shall be returned to the general
17 fund of the Treasury.

18 (f) SEVERABILITY.—If a provision of this section or
19 its application to any person or circumstance is held in-
20 valid, neither the remainder of this section nor the applica-
21 tion of the provision to other persons or circumstances
22 shall be affected.

23 (g) TRANSITION.—For such period of time as may
24 reasonably be necessary to facilitate the orderly implemen-

1 tation of this section, the Secretary of Labor is authorized
2 to utilize—

3 (1) the services of such officers, employees, and
4 other personnel of the Department of Labor, the De-
5 partment of Education, the Department of the Inte-
6 rior, or the Department of Health and Human Serv-
7 ices with respect to the new authority; and

8 (2) funds appropriated to carry out the re-
9 pealed authority.

10 (h) REFERENCES IN OTHER LAWS.—Except with re-
11 spect to the grants and contracts (including other Federal
12 funding) described in subsection (c) and the repayment
13 of funds described in subsection (d), a reference in any
14 other Federal law to the Secretary of Labor, the Secretary
15 of Education, the Secretary of the Interior, or the Sec-
16 retary of Health and Human Services, or the Department
17 of Labor, the Department of Education, the Department
18 of the Interior, or the Department of Health and Human
19 Services, with regard to the repealed authority, shall be
20 deemed to have no effect.

21 (i) RECOMMENDED LEGISLATION.—

22 (1) IN GENERAL.—After consultation with the
23 appropriate committees of Congress and the Direc-
24 tor of the Office of Management and Budget, the
25 Secretary of Labor shall prepare and submit to Con-

1 gress recommended legislation containing technical
2 and conforming amendments to reflect the changes
3 made by this section.

4 (2) SUBMISSION TO CONGRESS.—Not later than
5 6 months after the effective date of this section, the
6 Secretary of Labor shall submit the recommended
7 legislation referred to in paragraph (1).

8 (j) CONFORMING AMENDMENTS.—Title IV of the So-
9 cial Security Act (42 U.S.C. 601 et seq.) is amended—

10 (1) in section 402(a)(5) (42 U.S.C. 602(a)(5)),
11 by striking “and is not eligible for assistance under
12 a tribal family assistance plan approved under sec-
13 tion 412”;

14 (2) in section 403(a) (42 U.S.C. 603), as
15 amended by section 322(b)—

16 (A) in paragraph (1)(B), by striking “or
17 412(a)(1)”;

18 (B) in paragraph (5)—

19 (i) by striking subparagraph (E);

20 (ii) by redesignating subparagraphs
21 (F) through (J) as subparagraphs (E)
22 through (I), respectively;

23 (iii) in subparagraph (A)—

1 (I) in clause (i), by striking “sub-
2 paragraph (H)” and inserting “sub-
3 paragraph (G)”;

4 (II) in clause (ii)(I)(ff), by strik-
5 ing “section 403(a)(5)(K) or
6 454A(f)(5)” and inserting “subpara-
7 graph (I) or section 454A(f)(5)”; and

8 (III) in clause (iv), by striking
9 subclause (I) and inserting the fol-
10 lowing:

11 “(I) 75 percent of the amount
12 obtained by subtracting, from the
13 amount specified in subparagraph (G)
14 for the fiscal year, the total of the
15 amounts reserved pursuant to sub-
16 paragraphs (E) and (F) for the fiscal
17 year; and”;

18 (iv) in subparagraph (B)(v)—

19 (I) in the matter preceding sub-
20 clause (I), by striking “subparagraph
21 (H)” and “inserting subparagraph
22 (G)”;

23 (II) by striking subclause (I) and
24 inserting the following:

1 “(I) 25 percent of the amount
2 obtained by subtracting, from the
3 amount specified in subparagraph (G)
4 for the fiscal year, the total of the
5 amounts reserved pursuant to sub-
6 paragraphs (E) and (F) for the fiscal
7 year; and”;

8 (v) in subparagraph (E), as so redes-
9 ignated, by striking “subparagraph (H)”
10 and inserting “subparagraph (G)”;

11 (vi) in subparagraph (F)(i), as so re-
12 designated, by striking “subparagraph
13 (H)” and inserting “subparagraph (G)”;

14 (3) in subsection 405 (42 U.S.C. 605)—

15 (A) by striking subsection (b);

16 (B) by redesignating subsections (c) and
17 (d) as subsections (b) and (c), respectively; and

18 (C) in subsection (c), as so redesignated,
19 by striking “(c)(2)” and inserting “(b)(2)”;

20 (4) in section 406 (42 U.S.C. 606), by striking
21 subsection (c) and inserting the following:

22 “(c) USE OF LOAN.—A State shall use a loan made
23 to the State under this section only for any purpose for
24 which grant amounts received by the State under section

1 403(a) may be used, including welfare and anti-fraud ac-
 2 tivities.”;

3 (5) in section 407(b)(4) (42 U.S.C. 607(b)(4)),
 4 by striking “under a tribal family assistance plan
 5 approved under section 412 or”;

6 (6) in section 409(a)(7)(B)(iii) (42 U.S.C.
 7 609), by striking the matter following subclause
 8 (II)(bb); and

9 (7) in section 413(j) (42 U.S.C. 613(j))—

10 (A) in paragraph (1)(A), by striking “sec-
 11 tions 403(a)(5) and 412(a)(3)” and inserting
 12 “section 403(a)(5)”; and

13 (B) in paragraph (2)(A), by striking “and
 14 412(a)(3)”.

15 **SEC. 506. OBLIGATION AND EXPENDITURE LIMITATIONS.**

16 (a) IN GENERAL.—

17 (1) DEPARTMENT OF EDUCATION.—The Sec-
 18 retary of Education shall not obligate or expend,
 19 during fiscal year 2016, more than—

20 (A) \$7,811,000, from the appropriations
 21 account under the heading “PROGRAM ADMINIS-
 22 TRATION” under the heading “DEPARTMENTAL
 23 MANAGEMENT” of the Department of Edu-
 24 cation, for activities necessary to administer the
 25 Office of Career, Technical, and Adult Edu-

1 cation established under section 206 of the De-
2 partment of Education Organization Act (20
3 U.S.C. 3416); and

4 (B) \$31,579,500, from the appropriations
5 account under the heading “PROGRAM ADMINIS-
6 TRATION” under the heading “DEPARTMENTAL
7 MANAGEMENT” of the Department of Edu-
8 cation, for activities necessary to administer the
9 Office of Special Education and Rehabilitative
10 Services established under section 207 of such
11 Act (20 U.S.C. 3417).

12 (2) DEPARTMENT OF LABOR.—The Secretary
13 of Labor shall not obligate or expend, during fiscal
14 year 2016, more than—

15 (A) \$0, for the administration of worker
16 training services and activities provided under
17 subtitle B of title III of this Act that are re-
18 lated to career and technical education;

19 (B) \$0, for workforce data quality initia-
20 tives related to any objective of this Act;

21 (C) \$18,485,000, for the employment serv-
22 ices and national activities described in section
23 7 of the Wagner-Peyser Act (29 U.S.C. 49f);
24 and

1 (D) \$0, for grants under the Women in
2 Apprenticeship and Nontraditional Occupations
3 Act (29 U.S.C. 2501 et seq.).

4 (3) DEPARTMENT OF THE INTERIOR.—The
5 Secretary of the Interior shall not obligate or ex-
6 pend, during fiscal year 2016, more than
7 \$2,600,837,000 from the appropriations account
8 under the heading “OPERATION OF INDIAN PRO-
9 GRAMS” under the heading “BUREAU OF INDIAN
10 AFFAIRS AND BUREAU OF INDIAN EDUCATION” of
11 the Department of the Interior, for the activities
12 necessary to administer the Bureau of Indian Af-
13 fairs.

14 (b) REDUCTION OF DISCRETIONARY SPENDING LIM-
15 ITS.—

16 (1) IN GENERAL.—Section 251(c)(3)(B) of the
17 Balanced Budget and Emergency Deficit Control
18 Act of 1985 (2 U.S.C. 901(c)(3)(B)) is amended by
19 striking “\$530,000,000,000” and inserting
20 “\$529,973,551,500”.

21 (2) DIRECT SPENDING ADJUSTMENTS.—Section
22 251A(10) of the Balanced Budget and Emergency
23 Deficit Control Act of 1985 (2 U.S.C. 901a(10)) is
24 amended—

1 (A) in the paragraph heading, by striking

2 “FOR FISCAL YEARS 2014 AND 2015”; and

3 (B) by adding at the end the following:

4 “(C) OMB shall make the calculations necessary to
5 implement the direct spending reductions calculated pur-
6 suant to paragraphs (3) and (4) without regard to the
7 amendment made to section 251(c) revising the discre-
8 tionary spending limits for fiscal year 2016 by the CA-
9 REER Act.”.

10 **SEC. 507. EFFECTIVE DATE.**

11 (a) IN GENERAL.—This Act takes effect on October
12 1, 2015, except as otherwise specified in this Act.

13 (b) REPEAL OF THE WORKFORCE INNOVATION AND
14 OPPORTUNITY ACT.—

15 (1) REPEAL.—The Workforce Innovation and
16 Opportunity Act (29 U.S.C. 3101 et seq.), including
17 the amendments and repeals made by that Act, is
18 repealed.

19 (2) APPLICABILITY.—Each Act amended or re-
20 pealed by the Workforce Innovation and Opportunity
21 Act shall be applied and administered as if the
22 amendments and repeals made by the Workforce In-
23 novation and Opportunity Act had not been enacted.

24 (3) EXCEPTION FOR AMENDMENTS TO THE RE-
25 HABILITATION ACT OF 1973 AND CERTAIN PROVI-

1 SIONS OF THE TRADE ACT OF 1974.—No reference to
2 an amendment in paragraph (1) or (2) shall be con-
3 sidered to apply to an amendment to the Rehabilita-
4 tion Act of 1973 (29 U.S.C. 701 et seq.) or an
5 amendment to chapter 2 of title II of the Trade Act
6 of 1974 (19 U.S.C. 2271 et seq.).

7 (4) EFFECTIVE DATE.—This subsection takes
8 effect on the earlier of—

9 (A) June 30, 2015 (as if included in an
10 Act enacted on that date); and

11 (B) the date of enactment of this Act.

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