

Workforce Investment Act of 2013 (WIA 2013)

Section-by-Section Analysis

Sec. 1. Short title; Table of Contents

The short title of the bill is the Workforce Investment Act of 2013.

Sec. 2. Purposes.

Identifies the purposes of the title.

TITLE I: SYSTEM ALIGNMENT AND INNOVATION

Section 101. Definitions.

Defines terms that are common to all titles, except where otherwise noted.

Subtitle A—Workforce Boards and Plans

Chapter 1—State Provisions

Section 111. State workforce development boards.

Establishes state boards. Membership includes the Governor; two members of each chamber of the State legislature; and members appointed by the Governor of which the majority shall remain representatives of business, and adds a requirement that business board members represent businesses that provide employment opportunities that ensure workers an improvement in standard of living, provide pathways for career advancement, and provide high-quality training in in-demand jobs; requires that at least 20% of board represent the workforce, including labor organizations; requires the balance of the board to include state government officials responsible for core programs (WIA formula grant programs, adult education programs, the Employment Service, and vocational rehabilitation), chief elected officials, and a representative of apprenticeship programs. The board selects its chairperson from the members appointed by the Governor. Identifies the functions of the board, which includes providing guidance on designing and implementing common, integrated intake, case management, and performance reporting systems. Includes conflict of interest language and authorizes approved alternative entities to serve as the board. Permits the state WIB to hire staff, using a portion of state formula grant funds or other non-federal sources.

Section 112. Unified State plan.

Establishes unified state plans which expand upon state plans under current-law WIA 1998 title I. Unified state plans (hereafter referred to as state plans) now cover all four core programs: job training formula programs; adult education programs; employment services under the Wagner Peyser Act; and state vocational rehabilitation programs. State plans must be approved by the Secretary of Labor and the Secretary of Education. State plans include several elements common to all core programs (strategic planning elements; operational planning elements; and state operating systems and policies); program specific requirements; and assurances. Describes the process for plan submission, approval, and modification.

Section 113. Combined State plan.

Establishes a process (similar to Sec. 501 of WIA 1998) allowing for optional, additional workforce development-related programs to participate in and submit federally required plans through the state planning process. Establishes guidelines for planning and implementation of coordination among participating programs. Describes the process by which the Secretaries approve plans for participating programs.

Chapter 2—Local Provisions

Section 116. Local workforce development areas.

Describes criteria that Governors will use in designating local workforce areas. Similar to HR 27 EAS (2005), allows for automatic designation for qualifying local workforce areas. Provides an appeal process and continues to provide for single states to be designated as local workforce areas. Requires regional planning, information sharing, and coordination of service delivery for those local workforce areas that, due to automatic designation, do not align with regional labor market areas. Requires states to provide funding and technical assistance to local areas in a regional planning process that choose to become a single local workforce area.

Section 117. Local workforce development boards.

Establishes local boards, whose membership must consist of a majority of representatives of businesses in the local area and a business chairperson, consistent with current law. Adds a requirement that business board members represent businesses that provide employment opportunities that ensure workers an improvement in standard of living, provide pathways for career advancement, and provide high-quality training in in-demand jobs. Of the other members, at least 20% of the representatives must come from the workforce community; other representatives must come from education and training providers in the local area, including eligible providers of adult education and literacy under title III; and other representatives must come from government and economic and community development, including a local representative of state employment service under title IV, a local representative of the state vocational rehabilitation program under title V, and apprenticeship programs. With the exception of core programs, one-stop required programs are not required to be represented on the board. Describes standing committees designed to assist the board in addressing, at a minimum: operational issues relating to the one-stop delivery system; the provision of youth services; and the provision of services to individuals with disabilities. Requires the appointment and certification of local board members and local boards. Continues the allowability of the state board of a single state to function as the local board for the state. Identifies the functions of the local board. Provides guidelines for hiring staff for the board. Similar to current law, provides certain limitation for the local board concerning the delivery of training, core and intensive services. Provides for certain alternative entities, which may serve as the board.

Section 118. Local plan.

Requires each local board to develop and submit a local plan to the Governor and identifies the required contents of such a plan. Requires the strategy described in the local plan to align with the state strategy for workforce development. Local boards participating in a regional planning process are required to contribute to and submit a regional plan. Consistent with the state plan,

the local plan must describe a strategy for delivering workforce development activities in the local area. Describes the process for plan submission, approval, and modifications.

Chapter 3—General Provisions

Section 121. Qualifications for directors.

Requires that the Secretary of Labor (in consultation with the Secretary of Education, employers, state and local officials, educators, stakeholders and experts) to develop and identify guidelines for qualifications of directors of state WIBs.

Section 122. Funding for state and local boards.

Clarifies that funding to support state and local boards must be provided by title II administrative funds, which may be supplemented by non-Federal funds.

Subtitle B—Workforce Development Performance Accountability System

Section 131. Performance accountability system.

Establishes performance accountability indicators at the state level that are common to each of the core programs for adults and performance accountability indicators for the youth formula program under title II. Requires states to negotiate with the Secretary of Labor and the Secretary of Education a level of expected performance for each of the indicators. Describes adjustment factors that the State and the Secretaries must consider when establishing levels of performance. Requires the Secretaries to adjust the state levels of performance based on economic conditions and the characteristics of the population actually served during the program year using an objective statistical model. Establishes performance accountability indicators for local programs, for Title II programs. Describes a performance negotiation process similar to that of the state. Requires performance reports to be prepared and submitted by states; local areas; and eligible training providers. Requires states to conduct an evaluation of the core programs, use the results to continuously improve programs, and make results available to the public. Establishes sanctions for poor performance, including corrective actions. Requires states to establish and operate a fiscal and management accountability information system for the core programs using guidance provided by the Secretaries. Requires states to utilize quarterly wage records, consistent with state law, to measure progress on state performance accountability measures. Describes a pilot program to support states in developing and implementing system-process measures to increase efficiency and coordination of a state's workforce development system and how that leads to better performance. Also the bill requires that DOL and ED conduct a return on investment analysis of workforce programs at least once every three years.

Subtitle C—Workforce Innovation and Replication Grants

Section 141. Purposes.

Identifies the purposes of the subtitle.

Section 142. Workforce innovation and replication grants.

Requires the Secretaries of Labor and Education to use funds that are reserved to support transition assistance under Sec. 144 for the first program year and, with the remaining funds and fully after the first program year, to support innovation and replication. Funds innovation grants from a percentage of an increase FY10 appropriated levels from each of the core programs. Stipulates that no funding will be made available to fund these activities unless all four core programs contribute funding. Requires the Secretaries to award grants on a competitive basis to either a state partnership or a regional entity. Funds may be used to support innovative strategies and activities, or to replicate and expand effective evidence-based strategies and activities. The grant activities must also support alignment among the core programs and be consistent with applicable state and local plans. Requires that grantees match funds taking into consideration extreme financial hardship. Grants may be awarded for no more than 3 years. The Secretaries may reserve up to 5% for administration and technical assistance.

Section 143. Youth innovation and replication grants.

Describes a similar grant structure for youth, which is solely funded by a percentage of an increase in FY10 appropriations levels for youth formula funds under title II. Challenges eligible entities to use funds to support the implementation, replication, and expansion of innovative and proven strategies designed to substantially improve education and employment outcomes for eligible youth.

Section 144. Transition grants to States.

Describes how transition grants should be used, in the first program year after enactment, to support states and sub-states areas in the implementation of the requirements of title I to improve system-wide performance in order to become competitive for the innovation and replication grants. Limits transition grants to the states. States may reserve 40% of the funds received to support the activities necessary to achieve the unified state plan under Sec. 112. States must use 60% of the funds received to award sub-grants to local areas to support their transition. No state may receive more than one transition grant, and no state may receive a transition grant and an innovation grant simultaneously. Grants may be provided for no more than two years.

Section 145. Interagency agreement.

Requires the Secretary of Labor and the Secretary of Education to develop an interagency agreement outlining how the Departments will jointly develop and administer the provisions of Title I.

TITLE II: WORKFORCE INVESTMENT AND RELATED ACTIVITIES

Subtitle A. Definition

Section 201: Definitions

Subtitle B. Workforce Investment Activities and Providers

Section 211: Purposes

Describes the purpose of the subtitle.

Chapter 1: Workforce Investment Activities Providers

Section 221: Establishment of One-Stop Delivery Systems.

Establishes of the one-stop delivery system. Identifies one-stop partners and their roles and responsibilities. Describes the MOUs that will be entered into between the local workforce development boards and the one stop partner organizations to operate the one-stop delivery system. Outlines the process for designating or certifying one-stop operators. Consistent with HR27EAS (2005), provides for infrastructure funding through MOUs (similar to current law). In the absence of an MOU, provides a mechanism for the State to determine how the one-stop partner programs in a local area will contribute to infrastructure costs. Under the state mechanism, caps are included on the amounts that each program may be required to contribute.

Section 222: Identification of Eligible Providers of Training Services

Similar to HR27EAS, describes eligibility for providers, and provides state criteria for selecting providers. Describes application procedures.

Section 223: Eligible Providers of Youth Workforce Investment Activities

Similar to HR27EAS, requires local boards to award grants or contracts for youth workforce investment activities.

Chapter 2: Youth Workforce Investment Activities

Section 226: General Authorization.

Requires the Secretary to allot funding to states and grant money to outlying areas for youth services.

Section 227: State Allotments.

Establishes state allotment reservations, limitations, requirements, and formulas. Provides a mechanism for contributing to the youth innovation fund. Makes adjustments to update and align the formula to the intentions of the Chapter. Maintains minimum allotment percentage (90%), and adds a maximum allotment percentage of (130%). Maintains small state minimums. Changes the reallocation threshold from 20% unobligated funds to 10%, and lays out reallocation procedures.

Section 228: Within State Allocations.

Allows Governors to reserve 15% of state allotments for state workforce investment activities. Maintains a within-state formula, with adjustments. Maintains current-law minimum allocation percentage (90%), and adds a maximum allocation percentage of (130%). Changes the reallocation threshold from 20% unobligated funds to 10%, and lays out reallocation procedures.

Section 229: Use of Funds for Youth Workforce Investment Activities.

Describes eligibility for youth participants. Similar to HR27EAS, defines out-of-school and in-school youth. Establishes the percentage of youth funds that required for out-of-school youth. Describes statewide activities and local program elements and requirements. Clarifies that, while all elements must be available in a local area, nothing requires each provider to offer all of the

elements listed. Includes a priority for the provision of paid and unpaid work experiences for youth.

Chapter 3: Adult and Dislocated Worker Employment and Training Activities.

Section 231: General Authorization.

Requires the Secretary to allot funding to states and grant money to outlying areas for the provision of adult and dislocated worker activities.

Section 232: State Allotments.

Continues to provide state allotment reservations, limitations, requirements and formulas. Provides a mechanism for contributing to the workforce innovation fund. Updates and aligns the formulas to the intentions of Chapter 3. For the adult formula, maintains current-law 90% minimum and 130% maximum for allotments. For dislocated worker formula, adds 90% minimum and 130% maximum for allotments, based on the previous program year allotments. Changes the reallocation threshold from 20% unobligated funds to 10%, and lays out reallocation procedures.

Section 233: Within State Allocations.

Provides reservations for Governor's percentage and statewide rapid response activities. Similar to HR27EAS, provides local boards with the authority to transfer 100% of funds between adult and dislocated worker programs at the local level. Maintains a within-state formula. Maintains 90% minimum for allocations. Describes reallocation procedures.

Section 234: Use of Funds for Employment and Training Activities.

Specifies that Governor's funds shall be used for rapid response activities, as well as for a set of required and allowable statewide employment and training activities. Statewide allowable activities include incumbent and customized training, sector strategies, career ladders, layoff aversion, serving, innovative services to individuals with barriers to employment, and coordination with other workforce-related programs from other agencies. Describes core, intensive and training services at the local level. Clarifies that "sequence of services" is not required – that is, an individual is not required to receive core or intensive services prior to receiving training services. Maintains customer choice requirements, including the use of individual training accounts. Allows for the combined use of individual training accounts and cohort training.

Chapter 4: General Workforce Investment Provisions.

Section 236: Authorization of Appropriations

Authorizes appropriations for youth, adult and dislocated worker programs.

Subtitle C. Job Corps

Section 241: Purposes.

Sets out the purposes of the subtitle and for Job Corps.

Section 242: Definitions.

Provides those definitions specific to Job Corps.

Section 243: Establishment.

Establishes with the Department of Labor a “Job Corps”.

Section 244: Individuals Eligible for the Job Corps.

Describes eligibility, and includes a special rule for veterans.

Section 245: Recruitment, Screening, Selection, and Assignment of Enrollees

Generally maintains current law. Adds a consultative role for Job Corps operators into the development of the Assignment Plan by the Secretary. Also adds consideration of a Job Corps Center’s performance as part of the analysis for the assignment plan.

Section 246: Enrollment.

Generally maintains current law, but adds two exceptions to the two-year enrollment limit.

Section 247: Job Corps Centers.

Describes eligibility requirements to become a Job Corps Center operator or service provider.

Section 248: Program Activities.

Generally maintains current law, describing the activities, education and training, and graduate services provided by Job Corps Centers.

Section 249: Counseling and Job Placement.

Generally maintains current law, describing the assessment, counseling and placement assistance for enrollees, and allows for services to former enrollees.

Section 250: Support.

Maintains personal allowances. Provides for transition allowances for graduates and transition support for former enrollees.

Section 251: Operating Plan.

Maintains current law related to the operating plan.

Section 252: Standards of Conduct.

Maintains current law, describing disciplinary measures and zero tolerance standard. Provides for an appeals process.

Section 253: Community Participation.

Generally maintains current law, while expanding the list of the type of entities with which Job Corps Centers should have relationships.

Section 254: Industry Councils.

Generally maintains current law. Allows industry councils to include employers outside the local area who may hire a significant number of enrollees from that center. Provides a special rule for single state local areas.

Section 255: Advisory Committees.

Allows the Secretary to establish advisory committees as necessary, consistent with current law.

Section 256: Experimental, Research, and Demonstration Projects.

Requires that the Secretary inform Senate HELP Committee and House Education and Workforce Committee if a waiver is required to carry out initiatives under this section.

Section 257: Application of Provisions of Federal Law.

Establishes that enrollees are not federal employees, consistent with current law.

Section 258: Special Provisions.

Generally maintains current law related to various aspects of Jobs Corps.

Section 259: Management Information.

Describes financial management controls and procedures, as well as audit requirements. Aligns performance indicators for Job Corps with those indicators used for all WIA programs, as described in Sec. 131 of Title I. Adjusts performance indicators for recruiters. Clarifies the information that the Secretary will collect related to the performance of Job Corps Centers and the program overall. Describes performance improvement plan requirements for centers that fail to reach expected levels of performance. Requires Job Corps contractors' to be in compliance with the applicable provisions of the Occupational Safety and Health Act. Adds reporting requirements related to the state of Job Corps building and facilities, and the national and community service activities of enrollees.

Section 260: General Provisions.

Generally maintains current law.

Section 261: Authorization of Appropriations.

Authorizes such sums as may be necessary for Job Corps.

Subtitle D. National Programs

Section 266: Native American Programs.

Generally maintains current law. Aligns performance indicators for Native American Programs with those indicators used for all WIA programs, as described in Sec. 131 of Title I, and provides for special considerations. Clarifies the authority of the Advisory Council. Expands authority for the Secretary to provide assistance to unique populations in Hawaii, in addition to Alaska (already in current law). Authorizes appropriations.

Section 267: Migrant and Seasonal Farmworker Programs.

Generally maintains current law. Aligns performance indicators for Migrant and Seasonal Farmworker Programs with those indicators used for all WIA programs, as described in Sec. 131

of Title I. Expands on the range of activities authorized to allow for more access to education, training and employment opportunities. Provides a definition of a “dependent” when used with respect to an eligible migrant or seasonal farmworker.

Section 268: Veterans’ Workforce Investment Programs.

Generally maintains current law. Aligns performance indicators for Veterans’ Programs with those indicators used for all WIA programs, as described in Sec. 131 of Title I.

Note: Old Section 169—Youth Opportunity Grants—is struck.

Section 269: Technical Assistance.

Generally maintains current law. Expands the list of activities to be undertaken by the Secretary to support an effective workforce development system. Requires the Secretary to establish a system to collect, evaluate, and disseminate promising and proven practices.

Section 270: Demonstration, Pilot, Research, and Multistate Projects.

Requires that demonstration and pilot programs be subject to the performance indicators used for all WIA programs, as described in Section 131. Adjusts the list of the types of projects that may be funded as demonstrations and pilots, and removes restrictions on the conditions for competitive awards for such projects.

Section 271: Evaluations.

Generally maintains current law. Mandates that the Secretary must specifically deny a request to publish a report resulting from an evaluation for the report to not be published after 90 days of such a request being submitted to the Secretary.

Section 272: National Dislocated Worker Grants.

Changes largely build on HR27EAS. Provides definitions for “emergency or disaster” and “disaster area.” Expands the Secretary’s authority to provide assistance to such areas.

Section 273: YouthBuild Program.

Largely maintains current law. Offers small adjustments to some of the definitions, and to some of the eligible activities, both for education and workforce investment activities as well as for supervision and training for participants. Aligns performance indicators for YouthBuild with those indicators used for all WIA programs, as described in Sec. 131 of Title I. Provides a small adjustment to participant eligibility.

Section 274: Authorization of Appropriations.

Authorizes appropriations for Native American Programs, Migrant and Seasonal Farmworker Programs, Veterans’ Workforce Investment Programs, Technical Assistance, Demonstration and Pilot Projects, Evaluations, and for other programs.

Subtitle E. Administration

Sec. 281: Requirements and Restrictions.

Maintains intent of current law to apply provisions to activities supported by job training formula funds by including grants under subtitle C of title I. Adds incumbent worker training and transitional jobs as restricted activity to prohibited activities 120 days after relocation because the activities are now allowable at the local level.

Sec. 282: Prompt Allocation of Funds.

Generally maintains current law. Makes technical changes. Requires the Secretary of Labor to use current data and to publish the formula used for funding distribution. Requires the state to distribute funds to local areas in a timely fashion.

Sec. 283: Monitoring.

Maintains intent of current law regarding Secretary's authority to monitor and investigate regarding compliance by adding references to relevant provisions in subtitles A and B of title I that formerly resided in title I of current law (e.g., state plans, boards; local plans, boards; etc.).

Sec. 284. Fiscal Controls; Sanctions.

Generally maintains current law. In addition to technical changes, references to relevant provisions in subtitles A and B of title I that formerly resided in title I of current law were included to maintain current law intent. Provides requirements regarding use of fiscal controls; requirements for repayment, when appropriate, and amounts; and response and remedies regarding discrimination.

Sec. 285. Reports; Recordkeeping; Investigations.

Generally maintains current law. In addition to technical changes, references to relevant provisions in subtitles A and B of title I that formerly resided in title I of current law were included to maintain current law intent. Builds on HR27EAS provision by requiring fund recipients to submit or make available any reports required under this title or relevant provisions of title I to do so electronically.

Sec. 286. Administrative Adjudication.

Generally maintains current law.

Sec. 287. Judicial Review.

Generally maintains current law.

Sec. 288. Nondiscrimination.

Seeks to maintain the intent and scope of current law by including reference to subtitle C of title I, which receives funds from title II formula funds.

Sec. 289. Secretarial Administrative Authorities and Responsibilities.

Generally maintains current law. In addition to technical changes, references to relevant provisions in title I that formerly resided in title I of current law were included to maintain current law intent. Builds on HR27EAS provision by excluding requirements regarding funding of infrastructure costs for one-stop centers from provisions the Secretary may waive. Also excludes other requirements related to the basic purposes of this title and title I from those provisions that may be waived by the Secretary. Maintains HR27EAS change from 90 to 60 days

to determine waiver approval. Maintains HR27EAS provision requiring expedited approval of waiver requests that have been previously approved by the Secretary for any other state or local area.

Sec. 290. Workforce Flexibility Plans (formerly Sec. 192).

Generally maintains current law. In addition to technical changes, references to relevant provisions in subtitles A and B of title I that formerly resided in title I of current law were included to maintain current law intent. Allows states to submit a plan to the Secretary for waiver approval regarding relevant requirements applicable to local areas.

Sec. 291. State Legislative Authority.

Generally maintains current law. In addition to technical changes, references to relevant provisions in title I that formerly resided in title I of current law were included to maintain current law intent. Clarifies nothing in statute prevents the enactment of state legislation regarding implementation of provisions, consistent with the requirements of the Act.

Sec. 292. Transfer of Federal Equity in State Employment Security Agency Real Property to the States.

Maintains current law as amended in the Revised Continuing Appropriations Resolution of 2007 (PL 110-5).

Sec. 293. Continuation of State Activities and Policies (formerly Sec. 194).

Generally maintains current law. In addition to technical changes, references to relevant provisions in Subtitle A of title I that formerly resided in title I of current law were included to maintain current law intent.

Sec. 294. General Program Requirements (formerly Sec. 195).

In addition to technical changes, seeks to maintain the intent and scope of current law by including reference to appropriate provisions of title I, as appropriate. Includes HR27EAS provision that prohibits the use of federal funds under this title to establish or operate stand-alone, fee-for-service enterprises. Nothing in this provision is intended to prohibit or discourage one-stop centers from using such agencies or companies to assist them in serving program participants. Builds on HR27EAS provisions and ongoing provisions in LHHS appropriations bills by including a maximum rate of pay for staff hired with funds provided under this title.

TITLE III: ADULT EDUCATION AND LITERACY

Section 301: Short Title.

Cited as the Adult Education and Family Literacy Act.

Section 302: Purpose.

Establishes the purposes of this title.

Section 303: Definitions

Defines those terms specific to this Title and to adult education. Defines activities that increase coordination between programs and services to better meet the needs of adult learners and workers, as well as models that integrate adult education and literacy activities with workforce preparation activities and workforce training skills.

Section 304: Home Schools

Retains autonomy of home schools.

Section 305: Rule of Construction Regarding Postsecondary Transition and Concurrent Enrollment Activities

Makes clear that nothing in the title shall be construed to prohibit or discourage eligible individuals' transition to postsecondary education or training or employment, or for concurrent enrollment activities.

Section 306: Authorization of Appropriations.

Authorizes such sums as necessary for 5 years.

Subtitle A: Federal Provisions

Section 311: Reservation of Funds; Grants to Eligible Agencies; Allotments

Describes required reservations for certain programs. Provides a mechanism for contributing to the workforce innovation fund as described in title I. Requires eligible state agencies to participate in the state planning process covering all WIA programs described in Title I. Describes process for the allotment and reallocation of funds to eligible agencies.

Section 312: Performance Accountability System

Aligns performance indicators for this title with those indicators used for all WIA programs, as described in Sec. 131 of Title I.

Subtitle B: State Provisions

Section 321: State Administration

Describes responsibilities of eligible state agencies.

Section 322: State Distribution of Funds; Matching Requirement

Describes requirements for state distribution of funds and agency matches.

Section 323: State Leadership Activities.

Based largely on HR27EAS, delineates required and permissible state activities. Requires alignment of adult education activities with those of other WIA programs and one-stop partners. Strengthens and improves instruction for adult learners, integrated education and training, and career pathways.

Section 324: State Plan

Requires state agencies to be part of the state planning requirements for all WIA programs as described in Title I.

Section 325: Programs for Corrections Education and Other Institutionalized Individuals
Authorizes and describes the use of funds under this section.

Subtitle C: Local Provisions

Section 331: Grants and Contracts for Eligible Providers
Describes minimum requirements for grants or contracts, and the considerations the eligible state agency must take into account when making such awards, including alignment with local plans. Describes required local activities for the use of such grants or contracts.

Section 332: Local Application
Describes minimum requirements for applications from eligible providers.

Section 333: Local Administrative Cost Limits
Establishes limits for use of funds for administrative purposes.

Subtitle D: General Provisions

Section 341: Administrative Provisions
Maintains requirements related to “supplement not supplant” and maintenance of effort. Includes considerations for extreme financial hardship.

Section 342: National Institute for Adult Education and Literacy
Authorizes the National Institute for Adult Education and Literacy.

Section 343: National Leadership Activities
Delineates allowable national activities to be carried out by the Secretary to enhance the quality and outcomes of adult education and literacy activities and programs nationwide.

Section 344: Integrated English Literacy and Civics Education
Authorizes the Integrated English Literacy and Civics Education program.

TITLE IV: AMENDMENTS TO THE WAGNER-PEYSER ACT

Section 401: Employment Service Offices.
Clarifies that the offices referred to are a part of the public employment service.

Section 402: Definitions.
References definitions now located in title I, and adds definitions specific to title IV.

Section 403: Federal and State Employment Service Offices
Clarifies that the public employment service offices will be coordinated by the Secretary. Promotes the use of best practices across the system. Requires co-location of employment

service offices with one-stop centers. Increases access to and improve the quality of workforce information.

Section 404: Allotment of Sums.

Maintains procedures to allot funds to the states, and provides a mechanism for contributing to the workforce innovation fund.

Section 405: Use of Sums.

Adds a requirement that employment service offices provide unemployment insurance claimants with information about and assistance with applying for education and training programs and services. Indicates that performance indicators are aligned with those indicators used for all WIA programs, as described in Sec. 131 of Title I.

Section 406: State Plan.

Includes state employment services in the unified state plan described in title I.

Section 407: Performance Measures.

Removes the Secretary's authority to establish performance standards. Aligns performance indicators with those indicators used for core programs, as described in Sec. 131 of Title I.

Section 408: Pilot Projects.

Establishes authority to conduct pilot projects to improve services under Wagner-Peyser.

Section 409: Workforce and Labor Market Information System.

Renames "employment statistics" to the "workforce and labor market information system." Clarifies the duties of the Secretary. Provides for a 2-year plan. Clarifies the relationship between the Department of Labor and the Workforce Information Advisory Council. Establishes the composition, roles and responsibilities of the Council.

TITLE V: AMENDMENTS TO THE REHABILITATION ACT

The current 2013 staff discussion draft of Title V reflects the changes proposed in the bipartisan staff discussion draft that we circulated in June 2011, and do not yet reflect the additional changes that Chairman Harkin and Ranking Member Alexander are discussing and expect to make public as soon as practicable. Positive conversations are ongoing, but work still has to be done.

Sec. 1. Short title; Table of Contents

No changes were made to this section.

Sec. 2. Findings and Purposes

Identifies the purposes of the title.

Sec. 3. Rehabilitation Services Administration

Consistent with current practice, places the Rehabilitation Services Administration in the Office of Special Education and Rehabilitative Services. Directs the Secretary of Education to ensure that the Rehabilitation Services Administration provides effective oversight of the designated state agencies and that staff have training and experience related to vocational rehabilitation services.

Sec. 4. Advance Funding

No changes were made to this section.

Sec. 5. Joint Funding

No changes were made to this section.

Sec. 7. Definitions

Includes new definitions.

Sec. 8. Allotment Percentage

No changes were made to this section.

Sec. 10. Nonduplication

No changes were made to this section.

Sec. 11. Application of other laws

No changes were made to this section.

Sec. 12. Administration of the Act

Adds additional technical assistance that the Commission may provide to the designated State units.

Sec. 13. Reports

Requires the Commissioner make data, information, and reports publicly available, including through electronic means.

Sec. 14. Evaluation

No substantive changes were made to this section.

Sec. 15. Information Clearinghouse

No substantive changes were made to this section.

Sec. 16. Transfer of Funds

No changes were made to this section.

Sec. 17. State Administration

No changes were made to this section.

Sec. 18. Review of Applications

No changes were made to this section.

Sec. 19. Carryover

Includes the process for carryover of funds for Client Assistance Programs.

Sec. 20. Client Assistance Information

No changes were made to this section.

Sec. 21. Traditionally Underserved Populations

Updates statistics.

Title I: Vocational Rehabilitation Services
Part A-General Provisions

Sec. 100. Declaration of policy, authorization of appropriations

No substantive changes were made in this section.

Sec. 101. State Plans

Specifies that the unified State plan under section 112 of WIA, or the combined State plan under section 113 of WIA, must include the provisions of the State plan for vocational rehabilitation services. Permits the state vocational rehabilitation program to prioritize serving individuals who require specific services or equipment to maintain employment. Additional State data is required. Requires state plan to detail the state's strategies to serve students with disabilities so that they are prepared for post-school employment. Requires the state plan to address coordination with employers and other program serving individuals with disabilities.

Sec. 102. Eligibility and individualized plan for employment

Requires that applicants for vocational rehabilitation services be presumed to be able to benefit from an employment outcome, and individuals should be provided with greater opportunities for different employment experiences, including supported employment, and the opportunity for competitive integrated employment.

Sec. 103. Vocational Rehabilitation services

Adds "customized employment" as a vocational rehabilitation service.

Sec. 104. Non-Federal share for establishment of program or construction

No changes made to this section.

Sec. 105. State Rehabilitation Council

Includes the director of the State's comprehensive statewide program of technology-related assistance (funded under section 4 of the Assistive Technology Act of 1998) on the State Rehabilitation Council.

Sec. 106. Evaluation standards and performance indicators

Requires that standards and indicators for the Vocational Rehabilitation program are subject to the common performance accountability provisions described in title I of the Workforce

Investment Act. Permits the Commissioner to establish additional performance accountability indicators.

Sec. 107. Monitoring and review

Requires the Commissioner to review and monitor State data on applicants' eligibility for vocational rehabilitation services and the provision of supported employment services and pre-employment transition services.

Sec. 108. Expenditure of certain amounts

No changes made to this section.

Sec. 109 Training and services for employers

Allows States to educate and provide training and technical assistance to employers.

Part B-Basic Vocational Rehabilitation Services

Sec. 110. State allotments

Requires that not less than 10% of a state's allotment for vocational rehabilitation services be designated to assist students with disabilities and youth with disabilities in transitioning from education to employment.

Sec. 111. Payments to States

No changes made to this section.

Sec. 112. Client assistance program

Consistent with HR 27, requires states to designate a client assistance program in the order to receive funds. If funds appropriated exceed \$13M, the Secretary shall reserve funds to provide services to American Indians. If the funds appropriated exceed \$14M, the Secretary shall reserve a small percentage for grants to provide training and technical assistance to the client assistance programs in the states.

Sec. 113. Additional technical assistance

Requires the Commissioner to provide technical assistance to improve the quality of programs provided under this title.

Sec. 114. Provision of pre-employment transition services for students with disabilities

Requires States to ensure that designated State units provide, or arrange for the provision of, pre-employment transition services for students with disabilities who are in need of these services. Also describes local and national coordination efforts.

Part C-American Indian Vocational Rehabilitation Services

Sec. 121. Vocational rehabilitation services grants

Permits the Commissioner to renew current grants. Reserves a small percentage of program funds to make grants to provide technical assistance and training.

Part D-Vocational Rehabilitation Services Client Information

Requires a GAO study on interaction with the ticket to work and self-sufficiency program, consistent with HR 27.

Title II-Research and Training

Sec. 200. Declaration of purpose

Updates purposes of the title.

Sec. 201. Authorization of appropriations

No substantive changes were made to this section.

Sec. 202. National Institute on Disability and Rehabilitation Research

Requires the dissemination of educational materials and research results to nongovernmental agencies and organizations, employers and employer organizations, and relevant Congressional Committees. Describes the research activities and findings, demonstration projects, reports, evaluations, and studies that will be made available, including through electronic means.

Sec. 203. Interagency Committee

Describes a disability and rehabilitation research summit of funders, researchers, and individuals with disabilities to develop a comprehensive strategic plan for disability and rehabilitation research.

Sec. 204. Research and other covered activities

Expands allowable research activities that improve the daily lives of individuals with disabilities, including addressing employment needs of individuals with disabilities.

Sec. 205. Rehabilitation Research Advisory Council

Specifies Council membership.

Sec. 206 Definition of covered school

Adds a definition.

Title III-Professional Development and Special Projects and Demonstrations

Sec. 301. Declaration of purpose and competitive basis of grants and contracts

No substantive changes were made to this section.

Sec. 302. Training

Makes minimal changes, specifies that any technical assistance provided to community rehabilitation programs shall be focused on competitive integrated employment.

Sec. 303. Demonstration and training programs

Prioritizes two demonstration programs; one focused on increasing the employment opportunities for adults who are deaf or hard of hearing and who have cognitive disabilities; and the other focused on improving transition from education to employment for youth who are

individuals with significant disabilities, particularly in competitive integrated employment. Retains authorization from HR 27 for a technical assistance center focused on improving high quality employment outcomes for individuals receiving vocational rehabilitation services. Out of funds reserved for state allotments, provides for activities that support individuals with significant disabilities in the successful completion of a postgraduate degrees

Sec. 304. Migrant and seasonal farmworkers

No substantive changes were made to this section.

Sec. 305. Recreational programs

Minimal changes were made to this section.

Sec. 306. Measuring of project outcomes and performance

No substantive changes were made to this section.

Title IV-National Council on Disability

No substantive changes made to this title.

Title V-Rights and Advocacy

Sec. 501. Employment of individuals with disabilities

No changes were made to this section.

Sec. 502. Architectural and Transportation Barriers Compliance Board

No changes were made to this section.

Sec. 503. Employment under Federal contracts

No changes were made to this section.

Sec. 504. Nondiscrimination under Federal grants and programs

No substantive changes were made to this section.

Sec. 505. Remedies and attorneys' fees

No changes were made to this section.

Sec. 506. Secretarial responsibilities

No changes were made to this section.

Sec. 507. Interagency Disability Coordinating Council

The Chairperson of the National Council on Disability shall be included on this Council.

Sec. 508. Electronic and information technology regulations

No changes were made to this section.

Sec. 509. Protection and advocacy of individual rights

Requires program income generated from the amount paid to an eligible system for a fiscal year remain available to such system for the following 4 years (retained from HR 27). Requires an eligible system to have the same general authorities, including access to records, as the system is afforded under subtitle C of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000.

Sec. 510 Establishment of Standards for Accessible Medical Diagnostic Equipment

Directs appropriate federal agencies to prescribe regulations that are consistent with the Access Board's standards on accessible medical equipment.

Sec. 511. Employment of Individuals with Significant Disabilities at Wages below Minimum Wage

Describes how an entity may not newly employ an individual with a disability under the age of 24 at wages less than the Federal minimum wage (except for work readiness or job training purposes) unless the individual has first received available pre-employment transition services; applied for vocational rehabilitation services and if eligible, worked toward competitive integrated employment; and received counseling and information and referral about alternatives to subminimum wage employment. Individuals with disabilities who are currently employed at subminimum wage shall be provided ongoing career counseling, information and referrals, and notification of training opportunities in the individual's geographic area, in order to promote opportunities to move into competitive integrated employment, as appropriate. Describes a process for the state vocational rehabilitation agency and state educational agency to improve the coordination of transition services for students with disabilities.

Title VI-Employment Opportunities for Individuals with Disabilities

Sec. 601. Short title

No changes were made to this section.

Part A-Projects with Industry

Sec. 611. Projects with industry

Makes minimal changes to current law, clarifies that funds provided under this section are to be used to create and expand jobs for individuals with disabilities in competitive integrated employment.

Sec. 612. Authorization appropriations

No substantive changes were made to this section.

Part B-Supported Employment Services for Individuals with the Most Significant Disabilities

Splits the current law program to have two different focuses— one focused on supported employment for individuals with the most significant disabilities (subpart A) and the other

focused on supported employment for youth with the most significant disabilities (subpart B). Funds authorized are to be split between the two programs.

Title VII-Independent Living Services and Centers for Independent Living
Chapter 1-Individuals with Significant Disabilities
Part A – General Provisions

Sec. 701A. Independent Living Administration

Establishes within the Department of Education an Independent Living Administration (ILA), independent of the Rehabilitation Services Administration.

Sec. 702. Definitions

Requires that centers for independent living provide, at a minimum, independent living core services and has sufficient staff to provide such services.

Sec. 703. Eligibility for receipt of services

No changes were made to this section.

Sec. 704. State plan

Specifies that the State plan shall be jointly developed by the chairperson of the Statewide Independent Living Council, the director of the designated state entity, and the directors of centers for independent living in the State.

Sec. 705. Statewide Independent Living Council

Requires representation by directors of American Indian centers for independent living in the State.

Sec. 706. Responsibilities of the ILA Commissioner

Requires the ILA Director to develop standards and indicators for centers for independent living and Statewide Independent Living Councils, and to conduct onsite compliance reviews of such centers and Councils.

Part B--Independent Living Services

Sec. 711. Allotments

Clarifies that funds allotted or made available to a State under the section shall be administered by the designated state entity, in accordance with the approved State plan.

Sec. 711A. Training and Technical Assistance

Reserves a small percentage of program funds to make grants to provide training and technical assistance to Statewide Independent Living Councils.

Sec. 712. Payments to States from allotments

No substantive changes were made to this section.

Sec. 713. Authorized uses of funds

Specifies that the state may use funds received under this part may be used to support the Statewide Independent Living Council and may be provided to centers for independent living in the State.

Sec. 714. Authorization of appropriations

No substantive changes were made to this section.

Part C -- Centers for Independent Living

Sec. 721. Program authorization

Reserves a percentage of program funds to make grants to provide training and technical assistance to centers for independent living. Retains the change to the funding formula that was in HR 27. Permits the ILA Director to reserve not more than 5 percent of the additional appropriations for a fiscal year to make individual grants to support new or existing centers of independent living run by, or in conjunction with, American Indian tribes.

Sec. 722. Centers in States in which Federal funding exceeds State funding

Details how the ILA Director should determine whether to fund new centers for independent living.

Sec. 723. Centers in States in which funding exceeds Federal funding

No substantive changes were made to this section.

Sec. 724. Centers operated by State agencies

No substantive changes were made to this section.

Sec. 725. Standards and assurances

No substantive changes were made to this section.

Sec. 726. Definitions

No changes were made to this section.

Sec. 727. Authorization of appropriations

No substantive changes were made to this section.

Chapter 2-Independent Living Services for Older Individuals who are Blind

Sec. 751. Definition

No changes were made to this section.

Sec. 752. Training and technical assistance

Reserves a percentage of program funds to make grants to provide training and technical assistance to designated State agencies or other providers of independent living services for older individuals who are blind.

Sec. 753. Program of grants

Makes adjustments to the formula, consistent with HR 27.

Sec. 754. Independent living services for older individuals who are blind authorization of appropriations

No substantive changes were made to this section.

Title VIII-Increasing Employment Opportunities for Individuals with Disabilities

Sec. 801. Office of Disability Employment Policy

Authorizes the Office of Disability Employment Policy and specifies the purposes and functions.

Sec. 802. Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities

Establishes an Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities.

Sec. 803. Public education campaigns about hiring individuals with disabilities

Requires the Secretary of Labor in coordination with the Commissioner, to develop and carry out public education campaigns that educate employers on the benefits of hiring individuals with disabilities.

TITLE VI: GENERAL PROVISIONS

Subtitle A. Workforce Investment

Section 601: Privacy.

Sets out general privacy protections.

Section 602: Buy-American Requirements.

Requires compliance with the Buy American Act. Includes a Sense of the Congress for the purchase of American-made Equipment and Products. Prohibits contracts with persons falsely labeling products as made in America.

Section 603: Transition Provisions.

Lays out transition provisions for the various titles and programs under the legislation.

Sec. 604: Effective Dates.

Stipulates that unless otherwise provided in this Act, and the amendments made by this Act, the effective date of the Act is the date of enactment of the Act.

Subtitle B. Amendment to Other Laws

Section 611: Repeal of the Workforce Investment Act of 1998.

Specifically repeals Youth Opportunity Grants and the Twenty-First Century Workforce Commission. Generally repeals the entire Workforce Investment Act of 1998.

Section 612: Preparation and Submission of Conforming Amendments.

Calls for the Secretaries of Labor and Education to submit recommended legislation containing technical and conforming amendments to Titles I through V.

Sec. 613: Workforce Investment-Related Conforming Amendments.

To be supplied, conforming amendments to other legislation, as necessary and appropriate.