

Public Law 113-128
113th Congress

An Act

To amend the Workforce Investment Act of 1998 to strengthen the United States workforce development system through innovation in, and alignment and improvement of, employment, training, and education programs in the United States, and to promote individual and national economic growth, and for other purposes.

July 22, 2014

[H.R. 803]

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Workforce Innovation and Opportunity Act”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Workforce
Innovation and
Opportunity Act.
29 USC 3101
note.

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29 USC 3101.

SEC. 2. PURPOSES.

The purposes of this Act are the following:

- (1) To increase, for individuals in the United States, particularly those individuals with barriers to employment,

access to and opportunities for the employment, education, training, and support services they need to succeed in the labor market.

(2) To support the alignment of workforce investment, education, and economic development systems in support of a comprehensive, accessible, and high-quality workforce development system in the United States.

(3) To improve the quality and labor market relevance of workforce investment, education, and economic development efforts to provide America's workers with the skills and credentials necessary to secure and advance in employment with family-sustaining wages and to provide America's employers with the skilled workers the employers need to succeed in a global economy.

(4) To promote improvement in the structure of and delivery of services through the United States workforce development system to better address the employment and skill needs of workers, jobseekers, and employers.

(5) To increase the prosperity of workers and employers in the United States, the economic growth of communities, regions, and States, and the global competitiveness of the United States.

(6) For purposes of subtitle A and B of title I, to provide workforce investment activities, through statewide and local workforce development systems, that increase the employment, retention, and earnings of participants, and increase attainment of recognized postsecondary credentials by participants, and as a result, improve the quality of the workforce, reduce welfare dependency, increase economic self-sufficiency, meet the skill requirements of employers, and enhance the productivity and competitiveness of the Nation.

SEC. 3. DEFINITIONS.

29 USC 3102.

In this Act, and the core program provisions that are not in this Act, except as otherwise expressly provided:

(1) **ADMINISTRATIVE COSTS.**—The term “administrative costs” means expenditures incurred by State boards and local boards, direct recipients (including State grant recipients under subtitle B of title I and recipients of awards under subtitles C and D of title I), local grant recipients, local fiscal agents or local grant subrecipients, and one-stop operators in the performance of administrative functions and in carrying out activities under title I that are not related to the direct provision of workforce investment services (including services to participants and employers). Such costs include both personnel and nonpersonnel costs and both direct and indirect costs.

(2) **ADULT.**—Except as otherwise specified in section 132, the term “adult” means an individual who is age 18 or older.

(3) **ADULT EDUCATION; ADULT EDUCATION AND LITERACY ACTIVITIES.**—The terms “adult education” and “adult education and literacy activities” have the meanings given the terms in section 203.

(4) **AREA CAREER AND TECHNICAL EDUCATION SCHOOL.**—The term “area career and technical education school” has the meaning given the term in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302).

(5) **BASIC SKILLS DEFICIENT.**—The term “basic skills deficient” means, with respect to an individual—

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

(B) who is a youth or adult, that the individual is unable to compute or solve problems, or read, write, or speak English, at a level necessary to function on the job, in the individual’s family, or in society.

(6) **CAREER AND TECHNICAL EDUCATION.**—The term “career and technical education” has the meaning given the term in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302).

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

(A) aligns with the skill needs of industries in the economy of the State or regional economy involved;

(B) prepares an individual to be successful in any of a full range of secondary or postsecondary education options, including apprenticeships registered under the Act of August 16, 1937 (commonly known as the “National Apprenticeship Act”; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.) (referred to individually in this Act as an “apprenticeship”, except in section 171);

(C) includes counseling to support an individual in achieving the individual’s education and career goals;

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

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

(F) enables an individual to attain a secondary school diploma or its recognized equivalent, and at least 1 recognized postsecondary credential; and

(G) helps an individual enter or advance within a specific occupation or occupational cluster.

(8) **CAREER PLANNING.**—The term “career planning” means the provision of a client-centered approach in the delivery of services, designed—

(A) to prepare and coordinate comprehensive employment plans, such as service strategies, for participants to ensure access to necessary workforce investment activities and supportive services, using, where feasible, computer-based technologies; and

(B) to provide job, education, and career counseling, as appropriate during program participation and after job placement.

(9) **CHIEF ELECTED OFFICIAL.**—The term “chief elected official” means—

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

(B) in a case in which a local area includes more than 1 unit of general local government, the individuals

designated under the agreement described in section 107(c)(1)(B).

(10) **COMMUNITY-BASED ORGANIZATION.**—The term “community-based organization” means a private nonprofit organization (which may include a faith-based organization), that is representative of a community or a significant segment of a community and that has demonstrated expertise and effectiveness in the field of workforce development.

(11) **COMPETITIVE INTEGRATED EMPLOYMENT.**—The term “competitive integrated employment” has the meaning given the term in section 7 of the Rehabilitation Act of 1973 (29 U.S.C. 705), for individuals with disabilities.

(12) **CORE PROGRAM.**—The term “core programs” means a program authorized under a core program provision.

(13) **CORE PROGRAM PROVISION.**—The term “core program provision” means—

(A) chapters 2 and 3 of subtitle B of title I (relating to youth workforce investment activities and adult and dislocated worker employment and training activities);

(B) title II (relating to adult education and literacy activities);

(C) sections 1 through 13 of the Wagner-Peyser Act (29 U.S.C. 49 et seq.) (relating to employment services); and

(D) title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.), other than section 112 or part C of that title (29 U.S.C. 732, 741) (relating to vocational rehabilitation services).

(14) **CUSTOMIZED TRAINING.**—The term “customized training” means training—

(A) that is designed to meet the specific requirements of an employer (including a group of employers);

(B) that is conducted with a commitment by the employer to employ an individual upon successful completion of the training; and

(C) for which the employer pays—

(i) a significant portion of the cost of training, as determined by the local board involved, taking into account the size of the employer and such other factors as the local board determines to be appropriate, which may include the number of employees participating in training, wage and benefit levels of those employees (at present and anticipated upon completion of the training), relation of the training to the competitiveness of a participant, and other employer-provided training and advancement opportunities; and

(ii) in the case of customized training (as defined in subparagraphs (A) and (B)) involving an employer located in multiple local areas in the State, a significant portion of the cost of the training, as determined by the Governor of the State, taking into account the size of the employer and such other factors as the Governor determines to be appropriate.

(15) **DISLOCATED WORKER.**—The term “dislocated worker” means an individual who—

(A)(i) has been terminated or laid off, or who has received a notice of termination or layoff, from employment;

(ii)(I) is eligible for or has exhausted entitlement to unemployment compensation; or

(II) has been employed for a duration sufficient to demonstrate, to the appropriate entity at a one-stop center referred to in section 121(e), attachment to the workforce, but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that were not covered under a State unemployment compensation law; and

(iii) is unlikely to return to a previous industry or occupation;

(B)(i) has been terminated or laid off, or has received a notice of termination or layoff, from employment as a result of any permanent closure of, or any substantial layoff at, a plant, facility, or enterprise;

(ii) is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days; or

(iii) for purposes of eligibility to receive services other than training services described in section 134(c)(3), career services described in section 134(c)(2)(A)(xii), or supportive services, is employed at a facility at which the employer has made a general announcement that such facility will close;

(C) was self-employed (including employment as a farmer, a rancher, or a fisherman) but is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters;

(D) is a displaced homemaker; or

(E)(i) is the spouse of a member of the Armed Forces on active duty (as defined in section 101(d)(1) of title 10, United States Code), and who has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such member; or

(ii) is the spouse of a member of the Armed Forces on active duty and who meets the criteria described in paragraph (16)(B).

(16) **DISPLACED HOME MAKER.**—The term “displaced homemaker” means an individual who has been providing unpaid services to family members in the home and who—

(A)(i) has been dependent on the income of another family member but is no longer supported by that income; or

(ii) is the dependent spouse of a member of the Armed Forces on active duty (as defined in section 101(d)(1) of title 10, United States Code) and whose family income is significantly reduced because of a deployment (as defined in section 991(b) of title 10, United States Code, or pursuant to paragraph (4) of such section), a call or order to active duty pursuant to a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code, a permanent change of station, or the service-connected (as defined in section 101(16) of title 38, United States Code) death or disability of the member; and

(B) is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

(17) **ECONOMIC DEVELOPMENT AGENCY.**—The term “economic development agency” includes a local planning or zoning commission or board, a community development agency, or another local agency or institution responsible for regulating, promoting, or assisting in local economic development.

(18) **ELIGIBLE YOUTH.**—Except as provided in subtitles C and D of title I, the term “eligible youth” means an in-school youth or out-of-school youth.

(19) **EMPLOYMENT AND TRAINING ACTIVITY.**—The term “employment and training activity” means an activity described in section 134 that is carried out for an adult or dislocated worker.

(20) **ENGLISH LANGUAGE ACQUISITION PROGRAM.**—The term “English language acquisition program” has the meaning given the term in section 203.

(21) **ENGLISH LANGUAGE LEARNER.**—The term “English language learner” has the meaning given the term in section 203.

(22) **GOVERNOR.**—The term “Governor” means the chief executive of a State or an outlying area.

(23) **IN-DEMAND INDUSTRY SECTOR OR OCCUPATION.**—

(A) **IN GENERAL.**—The term “in-demand industry sector or occupation” means—

(i) an industry sector that has a substantial current or potential impact (including through jobs that lead to economic self-sufficiency and opportunities for advancement) on the State, regional, or local economy, as appropriate, and that contributes to the growth or stability of other supporting businesses, or the growth of other industry sectors; or

(ii) an occupation that currently has or is projected to have a number of positions (including positions that lead to economic self-sufficiency and opportunities for advancement) in an industry sector so as to have a significant impact on the State, regional, or local economy, as appropriate.

(B) **DETERMINATION.**—The determination of whether an industry sector or occupation is in-demand under this paragraph shall be made by the State board or local board, as appropriate, using State and regional business and labor market projections, including the use of labor market information.

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

(A) Displaced homemakers.

(B) Low-income individuals.

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

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

(E) Older individuals.

(F) Ex-offenders.

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

defined in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)).

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

(I) Individuals who are English language learners, individuals who have low levels of literacy, and individuals facing substantial cultural barriers.

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

(K) Individuals within 2 years of exhausting lifetime eligibility under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).

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

(M) Long-term unemployed individuals.

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

(25) INDIVIDUAL WITH A DISABILITY.—

(A) IN GENERAL.—The term “individual with a disability” means an individual with a disability as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102).

(B) INDIVIDUALS WITH DISABILITIES.—The term “individuals with disabilities” means more than 1 individual with a disability.

(26) INDUSTRY OR SECTOR PARTNERSHIP.—The term “industry or sector partnership” means a workforce collaborative, convened by or acting in partnership with a State board or local board, that—

(A) organizes key stakeholders in an industry cluster into a working group that focuses on the shared goals and human resources needs of the industry cluster and that includes, at the appropriate stage of development of the partnership—

(i) representatives of multiple businesses or other employers in the industry cluster, including small and medium-sized employers when practicable;

(ii) 1 or more representatives of a recognized State labor organization or central labor council, or another labor representative, as appropriate; and

(iii) 1 or more representatives of an institution of higher education with, or another provider of, education or training programs that support the industry cluster; and

(B) may include representatives of—

(i) State or local government;

(ii) State or local economic development agencies;

(iii) State boards or local boards, as appropriate;

(iv) a State workforce agency or other entity providing employment services;

(v) other State or local agencies;

(vi) business or trade associations;

(vii) economic development organizations;

(viii) nonprofit organizations, community-based organizations, or intermediaries;

(ix) philanthropic organizations;

(x) industry associations; and

(xi) other organizations, as determined to be necessary by the members comprising the industry or sector partnership.

(27) **IN-SCHOOL YOUTH.**—The term “in-school youth” means a youth described in section 129(a)(1)(C).

(28) **INSTITUTION OF HIGHER EDUCATION.**—The term “institution of higher education” has the meaning given the term in section 101, and subparagraphs (A) and (B) of section 102(a)(1), of the Higher Education Act of 1965 (20 U.S.C. 1001, 1002(a)(1)).

(29) **INTEGRATED EDUCATION AND TRAINING.**—The term “integrated education and training” has the meaning given the term in section 203.

(30) **LABOR MARKET AREA.**—The term “labor market area” means an economically integrated geographic area within which individuals can reside and find employment within a reasonable distance or can readily change employment without changing their place of residence. Such an area shall be identified in accordance with criteria used by the Bureau of Labor Statistics of the Department of Labor in defining such areas or similar criteria established by a Governor.

(31) **LITERACY.**—The term “literacy” has the meaning given the term in section 203.

(32) **LOCAL AREA.**—The term “local area” means a local workforce investment area designated under section 106, subject to sections 106(c)(3)(A), 107(c)(4)(B)(i), and 189(i).

(33) **LOCAL BOARD.**—The term “local board” means a local workforce development board established under section 107, subject to section 107(c)(4)(B)(i).

(34) **LOCAL EDUCATIONAL AGENCY.**—The term “local educational agency” has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(35) **LOCAL PLAN.**—The term “local plan” means a plan submitted under section 108, subject to section 106(c)(3)(B).

(36) **LOW-INCOME INDIVIDUAL.**—

(A) **IN GENERAL.**—The term “low-income individual” means an individual who—

(i) receives, or in the past 6 months has received, or is a member of a family that is receiving or in the past 6 months has received, assistance through the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), the program of block grants to States for temporary assistance for needy families program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), or the supplemental security income program established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.), or State or local income-based public assistance;

(ii) is in a family with total family income that does not exceed the higher of—

(I) the poverty line; or

(II) 70 percent of the lower living standard income level;

(iii) is a homeless individual (as defined in section 41403(6) of the Violence Against Women Act of 1994

(42 U.S.C. 14043e-2(6))), or a homeless child or youth (as defined under section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)));

(iv) receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

(v) is a foster child on behalf of whom State or local government payments are made; or

(vi) is an individual with a disability whose own income meets the income requirement of clause (ii), but who is a member of a family whose income does not meet this requirement.

(B) LOWER LIVING STANDARD INCOME LEVEL.—The term “lower living standard income level” means that income level (adjusted for regional, metropolitan, urban, and rural differences and family size) determined annually by the Secretary of Labor based on the most recent lower living family budget issued by the Secretary.

(37) NONTRADITIONAL EMPLOYMENT.—The term “nontraditional employment” refers to occupations or fields of work, for which individuals from the gender involved comprise less than 25 percent of the individuals employed in each such occupation or field of work.

(38) OFFENDER.—The term “offender” means an adult or juvenile—

(A) who is or has been subject to any stage of the criminal justice process, and for whom services under this Act may be beneficial; or

(B) who requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction.

(39) OLDER INDIVIDUAL.—The term “older individual” means an individual age 55 or older.

(40) ONE-STOP CENTER.—The term “one-stop center” means a site described in section 121(e)(2).

(41) ONE-STOP OPERATOR.—The term “one-stop operator” means 1 or more entities designated or certified under section 121(d).

(42) ONE-STOP PARTNER.—The term “one-stop partner” means—

(A) an entity described in section 121(b)(1); and

(B) an entity described in section 121(b)(2) that is participating, with the approval of the local board and chief elected official, in the operation of a one-stop delivery system.

(43) ONE-STOP PARTNER PROGRAM.—The term “one-stop partner program” means a program or activities described in section 121(b) of a one-stop partner.

(44) ON-THE-JOB TRAINING.—The term “on-the-job training” means training by an employer that is provided to a paid participant while engaged in productive work in a job that—

(A) provides knowledge or skills essential to the full and adequate performance of the job;

(B) is made available through a program that provides reimbursement to the employer of up to 50 percent of the wage rate of the participant, except as provided in section 134(c)(3)(H), for the extraordinary costs of providing

the training and additional supervision related to the training; and

(C) is limited in duration as appropriate to the occupation for which the participant is being trained, taking into account the content of the training, the prior work experience of the participant, and the service strategy of the participant, as appropriate.

(45) **OUTLYING AREA.**—The term “outlying area” means—

(A) American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands; and

(B) the Republic of Palau, except during any period for which the Secretary of Labor and the Secretary of Education determine that a Compact of Free Association is in effect and contains provisions for training and education assistance prohibiting the assistance provided under this Act.

(46) **OUT-OF-SCHOOL YOUTH.**—The term “out-of-school youth” means a youth described in section 129(a)(1)(B).

(47) **PAY-FOR-PERFORMANCE CONTRACT STRATEGY.**—The term “pay-for-performance contract strategy” means a procurement strategy that uses pay-for-performance contracts in the provision of training services described in section 134(c)(3) or activities described in section 129(c)(2), and includes—

(A) contracts, each of which shall specify a fixed amount that will be paid to an eligible service provider (which may include a local or national community-based organization or intermediary, community college, or other training provider, that is eligible under section 122 or 123, as appropriate) based on the achievement of specified levels of performance on the primary indicators of performance described in section 116(b)(2)(A) for target populations as identified by the local board (including individuals with barriers to employment), within a defined timetable, and which may provide for bonus payments to such service provider to expand capacity to provide effective training;

(B) a strategy for independently validating the achievement of the performance described in subparagraph (A); and

(C) a description of how the State or local area will reallocate funds not paid to a provider because the achievement of the performance described in subparagraph (A) did not occur, for further activities related to such a procurement strategy, subject to section 189(g)(4).

(48) **PLANNING REGION.**—The term “planning region” means a region described in subparagraph (B) or (C) of section 106(a)(2), subject to section 107(c)(4)(B)(i).

(49) **POVERTY LINE.**—The term “poverty line” means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

(50) **PUBLIC ASSISTANCE.**—The term “public assistance” means Federal, State, or local government cash payments for which eligibility is determined by a needs or income test.

(51) **RAPID RESPONSE ACTIVITY.**—The term “rapid response activity” means an activity provided by a State, or by an entity

designated by a State, with funds provided by the State under section 134(a)(1)(A), in the case of a permanent closure or mass layoff at a plant, facility, or enterprise, or a natural or other disaster, that results in mass job dislocation, in order to assist dislocated workers in obtaining reemployment as soon as possible, with services including—

(A) the establishment of onsite contact with employers and employee representatives—

(i) immediately after the State is notified of a current or projected permanent closure or mass layoff;

or

(ii) in the case of a disaster, immediately after the State is made aware of mass job dislocation as a result of such disaster;

(B) the provision of information on and access to available employment and training activities;

(C) assistance in establishing a labor-management committee, voluntarily agreed to by labor and management, with the ability to devise and implement a strategy for assessing the employment and training needs of dislocated workers and obtaining services to meet such needs;

(D) the provision of emergency assistance adapted to the particular closure, layoff, or disaster; and

(E) the provision of assistance to the local community in developing a coordinated response and in obtaining access to State economic development assistance.

(52) **RECOGNIZED POSTSECONDARY CREDENTIAL.**—The term “recognized postsecondary credential” means a credential consisting of an industry-recognized certificate or certification, a certificate of completion of an apprenticeship, a license recognized by the State involved or Federal Government, or an associate or baccalaureate degree.

(53) **REGION.**—The term “region”, used without further description, means a region identified under section 106(a), subject to section 107(c)(4)(B)(i) and except as provided in section 106(b)(1)(B)(ii).

(54) **SCHOOL DROPOUT.**—The term “school dropout” means an individual who is no longer attending any school and who has not received a secondary school diploma or its recognized equivalent.

(55) **SECONDARY SCHOOL.**—The term “secondary school” has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

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

(57) **STATE BOARD.**—The term “State board” means a State workforce development board established under section 101.

(58) **STATE PLAN.**—The term “State plan”, used without further description, means a unified State plan under section 102 or a combined State plan under section 103.

(59) **SUPPORTIVE SERVICES.**—The term “supportive services” means services such as transportation, child care, dependent care, housing, and needs-related payments, that are necessary to enable an individual to participate in activities authorized under this Act.

(60) TRAINING SERVICES.—The term “training services” means services described in section 134(c)(3).

(61) UNEMPLOYED INDIVIDUAL.—The term “unemployed individual” means an individual who is without a job and who wants and is available for work. The determination of whether an individual is without a job, for purposes of this paragraph, shall be made in accordance with the criteria used by the Bureau of Labor Statistics of the Department of Labor in defining individuals as unemployed.

(62) UNIT OF GENERAL LOCAL GOVERNMENT.—The term “unit of general local government” means any general purpose political subdivision of a State that has the power to levy taxes and spend funds, as well as general corporate and police powers.

(63) VETERAN; RELATED DEFINITION.—

(A) VETERAN.—The term “veteran” has the meaning given the term in section 101 of title 38, United States Code.

(B) RECENTLY SEPARATED VETERAN.—The term “recently separated veteran” means any veteran who applies for participation under this Act within 48 months after the discharge or release from active military, naval, or air service.

(64) VOCATIONAL REHABILITATION PROGRAM.—The term “vocational rehabilitation program” means a program authorized under a provision covered under paragraph (13)(D).

(65) WORKFORCE DEVELOPMENT ACTIVITY.—The term “workforce development activity” means an activity carried out through a workforce development program.

(66) WORKFORCE DEVELOPMENT PROGRAM.—The term “workforce development program” means a program made available through a workforce development system.

(67) WORKFORCE DEVELOPMENT SYSTEM.—The term “workforce development system” means a system that makes available the core programs, the other one-stop partner programs, and any other programs providing employment and training services as identified by a State board or local board.

(68) WORKFORCE INVESTMENT ACTIVITY.—The term “workforce investment activity” means an employment and training activity, and a youth workforce investment activity.

(69) WORKFORCE PREPARATION ACTIVITIES.—The term “workforce preparation activities” has the meaning given the term in section 203.

(70) WORKPLACE LEARNING ADVISOR.—The term “workplace learning advisor” means an individual employed by an organization who has the knowledge and skills necessary to advise other employees of that organization about the education, skill development, job training, career counseling services, and credentials, including services provided through the workforce development system, required to progress toward career goals of such employees in order to meet employer requirements related to job openings and career advancements that support economic self-sufficiency.

(71) YOUTH WORKFORCE INVESTMENT ACTIVITY.—The term “youth workforce investment activity” means an activity described in section 129 that is carried out for eligible youth (or as described in section 129(a)(3)(A)).

TITLE I—WORKFORCE DEVELOPMENT ACTIVITIES

Subtitle A—System Alignment

CHAPTER 1—STATE PROVISIONS

29 USC 3111.

SEC. 101. STATE WORKFORCE DEVELOPMENT BOARDS.

(a) **IN GENERAL.**—The Governor of a State shall establish a State workforce development board to carry out the functions described in subsection (d).

(b) **MEMBERSHIP.**—

(1) **IN GENERAL.**—The State board shall include—

- (A) the Governor;
- (B) a member of each chamber of the State legislature (to the extent consistent with State law), appointed by the appropriate presiding officers of such chamber; and
- (C) members appointed by the Governor, of which—
 - (i) a majority shall be representatives of businesses in the State, who—

- (I) are owners of businesses, chief executives or operating officers of businesses, or other business executives or employers with optimum policy-making or hiring authority, and who, in addition, may be members of a local board described in section 107(b)(2)(A)(i);

- (II) represent businesses (including small businesses), or organizations representing businesses described in this subclause, that provide employment opportunities that, at a minimum, include high-quality, work-relevant training and development in in-demand industry sectors or occupations in the State; and

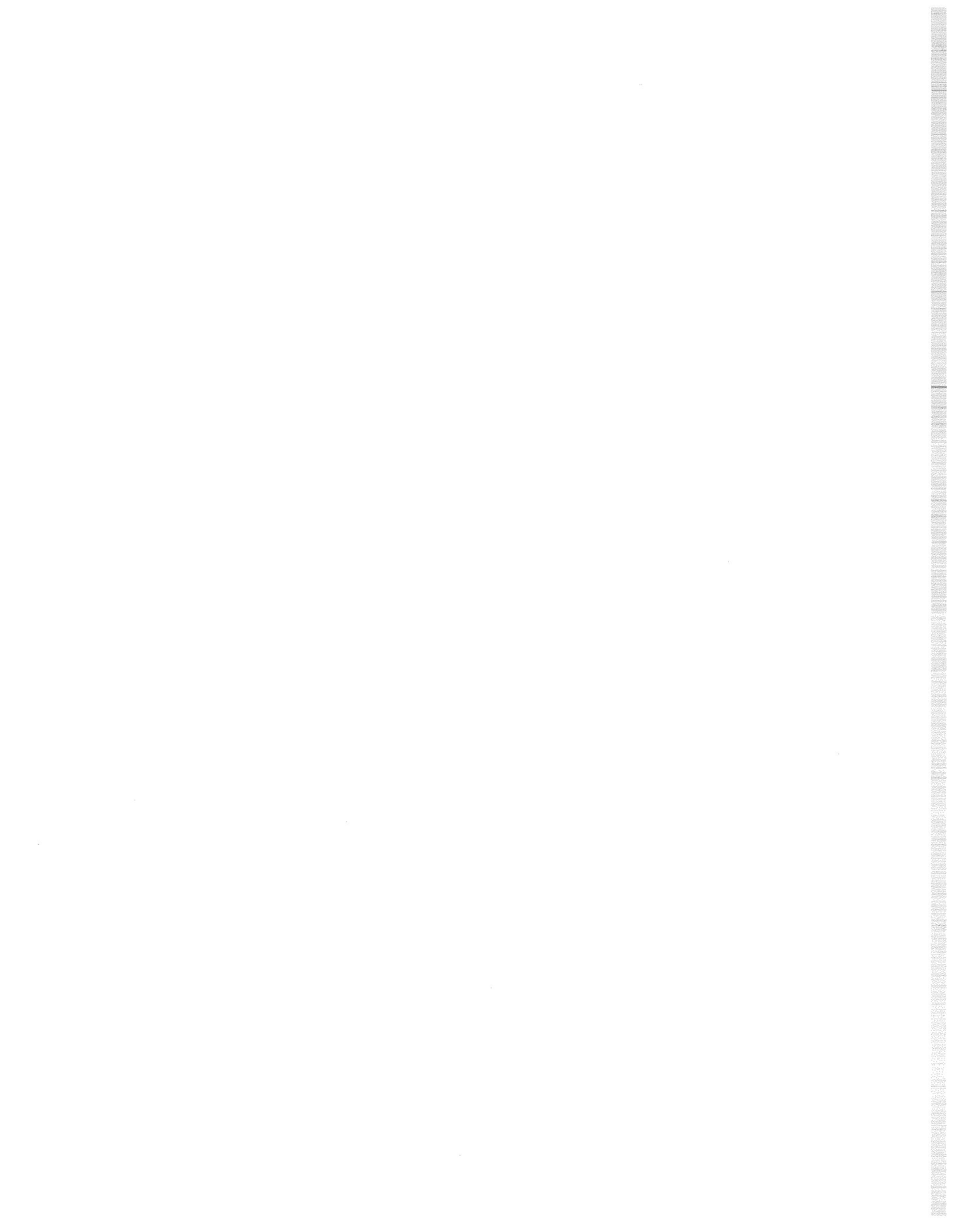
- (III) are appointed from among individuals nominated by State business organizations and business trade associations;

(ii) not less than 20 percent shall be representatives of the workforce within the State, who—

- (I) shall include representatives of labor organizations, who have been nominated by State labor federations;

- (II) shall include a representative, who shall be a member of a labor organization or a training director, from a joint labor-management apprenticeship program, or if no such joint program exists in the State, such a representative of an apprenticeship program in the State;

- (III) may include representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of individuals with barriers to employment, including organizations that serve veterans or that provide or support competitive, integrated employment for individuals with disabilities; and



(i) the enactment of legislation before Congress or any State or local legislature or legislative body; or

(ii) any proposed or pending regulation, administrative action, or order issued by the executive branch of any State or local government.

(2) EXCEPTION.—Paragraph (1) shall not apply to—

(A) normal and recognized executive-legislative relationships;

(B) the preparation, distribution, or use of the materials described in paragraph (1)(B) in presentation to Congress or any State or local legislature or legislative body; or

(C) such preparation, distribution, or use of such materials in presentation to the executive branch of any State or local government.

(b) SALARY RESTRICTIONS.—

(1) IN GENERAL.—No funds provided under this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence the enactment or issuance of legislation, appropriations, regulations, administrative action, or an Executive order proposed or pending before Congress or any State government, or a State or local legislature or legislative body.

(2) EXCEPTION.—Paragraph (1) shall not apply to—

(A) normal and recognized executive-legislative relationships; or

(B) participation by an agency or officer of a State, local, or tribal government in policymaking and administrative processes within the executive branch of that government.

Adult Education
and Family
Literacy Act.

TITLE II—ADULT EDUCATION AND LITERACY

29 USC 3101
note.

SEC. 201. SHORT TITLE.

This title may be cited as the “Adult Education and Family Literacy Act”.

29 USC 3271.

SEC. 202. PURPOSE.

It is the purpose of this title to create a partnership among the Federal Government, States, and localities to provide, on a voluntary basis, adult education and literacy activities, in order to—

(1) assist adults to become literate and obtain the knowledge and skills necessary for employment and economic self-sufficiency;

(2) assist adults who are parents or family members to obtain the education and skills that—

(A) are necessary to becoming full partners in the educational development of their children; and

(B) lead to sustainable improvements in the economic opportunities for their family;

(3) assist adults in attaining a secondary school diploma and in the transition to postsecondary education and training, including through career pathways; and

(4) assist immigrants and other individuals who are English language learners in—

(A) improving their—

(i) reading, writing, speaking, and comprehension skills in English; and

(ii) mathematics skills; and

(B) acquiring an understanding of the American system of Government, individual freedom, and the responsibilities of citizenship.

SEC. 203. DEFINITIONS.

29 USC 3272.

In this title:

(1) **ADULT EDUCATION.**—The term “adult education” means academic instruction and education services below the postsecondary level that increase an individual’s ability to—

(A) read, write, and speak in English and perform mathematics or other activities necessary for the attainment of a secondary school diploma or its recognized equivalent;

(B) transition to postsecondary education and training; and

(C) obtain employment.

(2) **ADULT EDUCATION AND LITERACY ACTIVITIES.**—The term “adult education and literacy activities” means programs, activities, and services that include adult education, literacy, workplace adult education and literacy activities, family literacy activities, English language acquisition activities, integrated English literacy and civics education, workforce preparation activities, or integrated education and training.

(3) **ELIGIBLE AGENCY.**—The term “eligible agency” means the sole entity or agency in a State or an outlying area responsible for administering or supervising policy for adult education and literacy activities in the State or outlying area, respectively, consistent with the law of the State or outlying area, respectively.

(4) **ELIGIBLE INDIVIDUAL.**—The term “eligible individual” means an individual—

(A) who has attained 16 years of age;

(B) who is not enrolled or required to be enrolled in secondary school under State law; and

(C) who—

(i) is basic skills deficient;

(ii) does not have a secondary school diploma or its recognized equivalent, and has not achieved an equivalent level of education; or

(iii) is an English language learner.

(5) **ELIGIBLE PROVIDER.**—The term “eligible provider” means an organization that has demonstrated effectiveness in providing adult education and literacy activities that may include—

(A) a local educational agency;

(B) a community-based organization or faith-based organization;

(C) a volunteer literacy organization;

(D) an institution of higher education;
 (E) a public or private nonprofit agency;
 (F) a library;
 (G) a public housing authority;
 (H) a nonprofit institution that is not described in any of subparagraphs (A) through (G) and has the ability to provide adult education and literacy activities to eligible individuals;

(I) a consortium or coalition of the agencies, organizations, institutions, libraries, or authorities described in any of subparagraphs (A) through (H); and

(J) a partnership between an employer and an entity described in any of subparagraphs (A) through (I).

(6) **ENGLISH LANGUAGE ACQUISITION PROGRAM.**—The term “English language acquisition program” means a program of instruction—

(A) designed to help eligible individuals who are English language learners achieve competence in reading, writing, speaking, and comprehension of the English language; and

(B) that leads to—

(i)(I) attainment of a secondary school diploma or its recognized equivalent; and

(II) transition to postsecondary education and training; or

(ii) employment.

(7) **ENGLISH LANGUAGE LEARNER.**—The term “English language learner” when used with respect to an eligible individual, means an eligible individual who has limited ability in reading, writing, speaking, or comprehending the English language, and—

(A) whose native language is a language other than English; or

(B) who lives in a family or community environment where a language other than English is the dominant language.

(8) **ESSENTIAL COMPONENTS OF READING INSTRUCTION.**—The term “essential components of reading instruction” has the meaning given the term in section 1208 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6368).

(9) **FAMILY LITERACY ACTIVITIES.**—The term “family literacy activities” means activities that are of sufficient intensity and quality, to make sustainable improvements in the economic prospects for a family and that better enable parents or family members to support their children’s learning needs, and that integrate all of the following activities:

(A) Parent or family adult education and literacy activities that lead to readiness for postsecondary education or training, career advancement, and economic self-sufficiency.

(B) Interactive literacy activities between parents or family members and their children.

(C) Training for parents or family members regarding how to be the primary teacher for their children and full partners in the education of their children.

(D) An age-appropriate education to prepare children for success in school and life experiences.

(10) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education” has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(11) INTEGRATED EDUCATION AND TRAINING.—The term “integrated education and training” means a service approach that provides adult education and literacy activities concurrently and contextually with workforce preparation activities and workforce training for a specific occupation or occupational cluster for the purpose of educational and career advancement.

(12) INTEGRATED ENGLISH LITERACY AND CIVICS EDUCATION.—The term “integrated English literacy and civics education” means education services provided to English language learners who are adults, including professionals with degrees and credentials in their native countries, that enables such adults to achieve competency in the English language and acquire the basic and more advanced skills needed to function effectively as parents, workers, and citizens in the United States. Such services shall include instruction in literacy and English language acquisition and instruction on the rights and responsibilities of citizenship and civic participation, and may include workforce training.

(13) LITERACY.—The term “literacy” means an individual’s ability to read, write, and speak in English, compute, and solve problems, at levels of proficiency necessary to function on the job, in the family of the individual, and in society.

(14) POSTSECONDARY EDUCATIONAL INSTITUTION.—The term “postsecondary educational institution” means—

(A) an institution of higher education that provides not less than a 2-year program of instruction that is acceptable for credit toward a bachelor’s degree;

(B) a tribally controlled college or university; or

(C) a nonprofit educational institution offering certificate or apprenticeship programs at the postsecondary level.

(15) SECRETARY.—The term “Secretary” means the Secretary of Education.

(16) WORKPLACE ADULT EDUCATION AND LITERACY ACTIVITIES.—The term “workplace adult education and literacy activities” means adult education and literacy activities offered by an eligible provider in collaboration with an employer or employee organization at a workplace or an off-site location that is designed to improve the productivity of the workforce.

(17) WORKFORCE PREPARATION ACTIVITIES.—The term “workforce preparation activities” means activities, programs, or services designed to help an individual acquire a combination of basic academic skills, critical thinking skills, digital literacy skills, and self-management skills, including competencies in utilizing resources, using information, working with others, understanding systems, and obtaining skills necessary for successful transition into and completion of postsecondary education or training, or employment.

SEC. 204. HOME SCHOOLS.

29 USC 3273.

Nothing in this title shall be construed to affect home schools, whether a home school is treated as a home school or a private school under State law, or to compel a parent or family member

engaged in home schooling to participate in adult education and literacy activities.

29 USC 3274. **SEC. 205. RULE OF CONSTRUCTION REGARDING POSTSECONDARY TRANSITION AND CONCURRENT ENROLLMENT ACTIVITIES.**

Nothing in this title shall be construed to prohibit or discourage the use of funds provided under this title for adult education and literacy activities that help eligible individuals transition to postsecondary education and training or employment, or for concurrent enrollment activities.

29 USC 3275. **SEC. 206. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to carry out this title \$577,667,000 for fiscal year 2015, \$622,286,000 for fiscal year 2016, \$635,198,000 for fiscal year 2017, \$649,287,000 for fiscal year 2018, \$664,552,000 for fiscal year 2019, and \$678,640,000 for fiscal year 2020.

Subtitle A—Federal Provisions

29 USC 3291. **SEC. 211. RESERVATION OF FUNDS; GRANTS TO ELIGIBLE AGENCIES; ALLOTMENTS.**

(a) **RESERVATION OF FUNDS.**—From the sum appropriated under section 206 for a fiscal year, the Secretary—

(1) shall reserve 2 percent to carry out section 242, except that the amount so reserved shall not exceed \$15,000,000; and

(2) shall reserve 12 percent of the amount that remains after reserving funds under paragraph (1) to carry out section 243.

(b) **GRANTS TO ELIGIBLE AGENCIES.**—

(1) **IN GENERAL.**—From the sum appropriated under section 206 and not reserved under subsection (a) for a fiscal year, the Secretary shall award a grant to each eligible agency having a unified State plan approved under section 102 or a combined State plan approved under section 103 in an amount equal to the sum of the initial allotment under subsection (c)(1) and the additional allotment under subsection (c)(2) for the eligible agency for the fiscal year, subject to subsections (f) and (g), to enable the eligible agency to carry out the activities assisted under this title.

(2) **PURPOSE OF GRANTS.**—The Secretary may award a grant under paragraph (1) only if the eligible entity involved agrees to expend the grant for adult education and literacy activities in accordance with the provisions of this title.

(c) **ALLOTMENTS.**—

(1) **INITIAL ALLOTMENTS.**—From the sum appropriated under section 206 and not reserved under subsection (a) for a fiscal year, the Secretary shall allot to each eligible agency having a unified State plan approved under section 102 or a combined State plan approved under section 103—

(A) \$100,000, in the case of an eligible agency serving an outlying area; and

(B) \$250,000, in the case of any other eligible agency.

(2) **ADDITIONAL ALLOTMENTS.**—From the sum appropriated under section 206, not reserved under subsection (a), and not

allotted under paragraph (1), for a fiscal year, the Secretary shall allot to each eligible agency that receives an initial allotment under paragraph (1) an additional amount that bears the same relationship to such sum as the number of qualifying adults in the State or outlying area served by the eligible agency bears to the number of such adults in all States and outlying areas.

(d) **QUALIFYING ADULT.**—For the purpose of subsection (c)(2), the term “qualifying adult” means an adult who—

Definition.

- (1) is at least 16 years of age;
- (2) is beyond the age of compulsory school attendance under the law of the State or outlying area;
- (3) does not have a secondary school diploma or its recognized equivalent; and
- (4) is not enrolled in secondary school.

(e) **SPECIAL RULE.**—

(1) **IN GENERAL.**—From amounts made available under subsection (c) for the Republic of Palau, the Secretary shall award grants to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or the Republic of Palau to carry out activities described in this title in accordance with the provisions of this title, as determined by the Secretary.

Territories.

(2) **AWARD BASIS.**—The Secretary shall award grants pursuant to paragraph (1) on a competitive basis and pursuant to the recommendations from the Pacific Region Educational Laboratory in Honolulu, Hawaii.

(3) **TERMINATION OF ELIGIBILITY.**—Notwithstanding any other provision of law, the Republic of Palau shall be eligible to receive a grant under this title except during the period described in section 3(45).

(4) **ADMINISTRATIVE COSTS.**—The Secretary may provide not more than 5 percent of the funds made available for grants under this subsection to pay the administrative costs of the Pacific Region Educational Laboratory regarding activities assisted under this subsection.

(f) **HOLD-HARMLESS PROVISIONS.**—

(1) **IN GENERAL.**—Notwithstanding subsection (c), for fiscal year 2015 and each succeeding fiscal year, no eligible agency shall receive an allotment under this section that is less than 90 percent of the allotment the eligible agency received for the preceding fiscal year under this section.

(2) **RATABLE REDUCTION.**—If for any fiscal year the amount available for allotment under this title is insufficient to satisfy the provisions of paragraph (1) the Secretary shall ratably reduce the payments to all eligible agencies, as necessary.

(g) **REALLOTMENT.**—The portion of any eligible agency’s allotment under this title for a fiscal year that the Secretary determines will not be required for the period such allotment is available for carrying out activities under this title, shall be available for reallocation from time to time, on such dates during such period as the Secretary shall fix, to other eligible agencies in proportion to the original allotments to such agencies under this title for such year.

29 USC 3292. **SEC. 212. PERFORMANCE ACCOUNTABILITY SYSTEM.**

Programs and activities authorized in this title are subject to the performance accountability provisions described in section 116.

Subtitle B—State Provisions

29 USC 3301. **SEC. 221. STATE ADMINISTRATION.**

Each eligible agency shall be responsible for the State or outlying area administration of activities under this title, including—

(1) the development, implementation, and monitoring of the relevant components of the unified State plan in section 102 or the combined State plan in section 103;

(2) consultation with other appropriate agencies, groups, and individuals that are involved in, or interested in, the development and implementation of activities assisted under this title; and

(3) coordination and nonduplication with other Federal and State education, training, corrections, public housing, and social service programs.

29 USC 3302. **SEC. 222. STATE DISTRIBUTION OF FUNDS; MATCHING REQUIREMENT.**

(a) **STATE DISTRIBUTION OF FUNDS.**—Each eligible agency receiving a grant under section 211(b) for a fiscal year—

(1) shall use not less than 82.5 percent of the grant funds to award grants and contracts under section 231 and to carry out section 225, of which not more than 20 percent of such amount shall be available to carry out section 225;

(2) shall use not more than 12.5 percent of the grant funds to carry out State leadership activities under section 223; and

(3) shall use not more than 5 percent of the grant funds, or \$85,000, whichever is greater, for the administrative expenses of the eligible agency.

(b) **MATCHING REQUIREMENT.**—

(1) **IN GENERAL.**—In order to receive a grant from the Secretary under section 211(b) each eligible agency shall provide, for the costs to be incurred by the eligible agency in carrying out the adult education and literacy activities for which the grant is awarded, a non-Federal contribution in an amount that is not less than—

(A) in the case of an eligible agency serving an outlying area, 12 percent of the total amount of funds expended for adult education and literacy activities in the outlying area, except that the Secretary may decrease the amount of funds required under this subparagraph for an eligible agency; and

(B) in the case of an eligible agency serving a State, 25 percent of the total amount of funds expended for adult education and literacy activities in the State.

(2) **NON-FEDERAL CONTRIBUTION.**—An eligible agency's non-Federal contribution required under paragraph (1) may be provided in cash or in kind, fairly evaluated, and shall include only non-Federal funds that are used for adult education and literacy activities in a manner that is consistent with the purpose of this title.

SEC. 223. STATE LEADERSHIP ACTIVITIES.

29 USC 3303.

(a) ACTIVITIES.—

(1) REQUIRED.—Each eligible agency shall use funds made available under section 222(a)(2) for the following adult education and literacy activities to develop or enhance the adult education system of the State or outlying area:

(A) The alignment of adult education and literacy activities with other core programs and one-stop partners, including eligible providers, to implement the strategy identified in the unified State plan under section 102 or the combined State plan under section 103, including the development of career pathways to provide access to employment and training services for individuals in adult education and literacy activities.

(B) The establishment or operation of high quality professional development programs to improve the instruction provided pursuant to local activities required under section 231(b), including instruction incorporating the essential components of reading instruction as such components relate to adults, instruction related to the specific needs of adult learners, instruction provided by volunteers or by personnel of a State or outlying area, and dissemination of information about models and promising practices related to such programs.

(C) The provision of technical assistance to eligible providers of adult education and literacy activities receiving funds under this title, including—

(i) the development and dissemination of instructional and programmatic practices based on the most rigorous or scientifically valid research available and appropriate, in reading, writing, speaking, mathematics, English language acquisition programs, distance education, and staff training;

(ii) the role of eligible providers as a one-stop partner to provide access to employment, education, and training services; and

(iii) assistance in the use of technology, including for staff training, to eligible providers, especially the use of technology to improve system efficiencies.

(D) The monitoring and evaluation of the quality of, and the improvement in, adult education and literacy activities and the dissemination of information about models and proven or promising practices within the State.

(2) PERMISSIBLE ACTIVITIES.—Each eligible agency may use funds made available under section 222(a)(2) for 1 or more of the following adult education and literacy activities:

(A) The support of State or regional networks of literacy resource centers.

(B) The development and implementation of technology applications, translation technology, or distance education, including professional development to support the use of instructional technology.

(C) Developing and disseminating curricula, including curricula incorporating the essential components of reading instruction as such components relate to adults.

(D) Developing content and models for integrated education and training and career pathways.

(E) The provision of assistance to eligible providers in developing and implementing programs that achieve the objectives of this title and in measuring the progress of those programs in achieving such objectives, including meeting the State adjusted levels of performance described in section 116(b)(3).

(F) The development and implementation of a system to assist in the transition from adult education to postsecondary education, including linkages with postsecondary educational institutions or institutions of higher education.

(G) Integration of literacy and English language instruction with occupational skill training, including promoting linkages with employers.

(H) Activities to promote workplace adult education and literacy activities.

(I) Identifying curriculum frameworks and aligning rigorous content standards that—

(i) specify what adult learners should know and be able to do in the areas of reading and language arts, mathematics, and English language acquisition; and

(ii) take into consideration the following:

(I) State adopted academic standards.

(II) The current adult skills and literacy assessments used in the State or outlying area.

(III) The primary indicators of performance described in section 116.

(IV) Standards and academic requirements for enrollment in nonremedial, for-credit courses in postsecondary educational institutions or institutions of higher education supported by the State or outlying area.

(V) Where appropriate, the content of occupational and industry skill standards widely used by business and industry in the State or outlying area.

(J) Developing and piloting of strategies for improving teacher quality and retention.

(K) The development and implementation of programs and services to meet the needs of adult learners with learning disabilities or English language learners, which may include new and promising assessment tools and strategies that are based on scientifically valid research, where appropriate, and identify the needs and capture the gains of such students at the lowest achievement levels.

(L) Outreach to instructors, students, and employers.

(M) Other activities of statewide significance that promote the purpose of this title.

(b) COLLABORATION.—In carrying out this section, eligible agencies shall collaborate where possible, and avoid duplicating efforts, in order to maximize the impact of the activities described in subsection (a).

(c) STATE-IMPOSED REQUIREMENTS.—Whenever a State or outlying area implements any rule or policy relating to the administration or operation of a program authorized under this title that has the effect of imposing a requirement that is not imposed under Federal law (including any rule or policy based on a State or

outlying area interpretation of a Federal statute, regulation, or guideline), the State or outlying area shall identify, to eligible providers, the rule or policy as being imposed by the State or outlying area.

SEC. 224. STATE PLAN.

29 USC 3304.

Each State desiring to receive funds under this title for any fiscal year shall submit and have approved a unified State plan in accordance with section 102 or a combined State plan in accordance with section 103.

SEC. 225. PROGRAMS FOR CORRECTIONS EDUCATION AND OTHER INSTITUTIONALIZED INDIVIDUALS.

29 USC 3305.

(a) **PROGRAM AUTHORIZED.**—From funds made available under section 222(a)(1) for a fiscal year, each eligible agency shall carry out corrections education and education for other institutionalized individuals.

(b) **USES OF FUNDS.**—The funds described in subsection (a) shall be used for the cost of educational programs for criminal offenders in correctional institutions and for other institutionalized individuals, including academic programs for—

- (1) adult education and literacy activities;
- (2) special education, as determined by the eligible agency;
- (3) secondary school credit;
- (4) integrated education and training;
- (5) career pathways;
- (6) concurrent enrollment;
- (7) peer tutoring; and
- (8) transition to re-entry initiatives and other postrelease services with the goal of reducing recidivism.

(c) **PRIORITY.**—Each eligible agency that is using assistance provided under this section to carry out a program for criminal offenders within a correctional institution shall give priority to serving individuals who are likely to leave the correctional institution within 5 years of participation in the program.

(d) **REPORT.**—In addition to any report required under section 116, each eligible agency that receives assistance provided under this section shall annually prepare and submit to the Secretary a report on the progress, as described in section 116, of the eligible agency with respect to the programs and activities carried out under this section, including the relative rate of recidivism for the criminal offenders served.

(e) **DEFINITIONS.**—In this section:

(1) **CORRECTIONAL INSTITUTION.**—The term “correctional institution” means any—

- (A) prison;
- (B) jail;
- (C) reformatory;
- (D) work farm;
- (E) detention center; or
- (F) halfway house, community-based rehabilitation center, or any other similar institution designed for the confinement or rehabilitation of criminal offenders.

(2) **CRIMINAL OFFENDER.**—The term “criminal offender” means any individual who is charged with or convicted of any criminal offense.

Subtitle C—Local Provisions

29 USC 3321.

SEC. 231. GRANTS AND CONTRACTS FOR ELIGIBLE PROVIDERS.

(a) GRANTS AND CONTRACTS.—From grant funds made available under section 222(a)(1), each eligible agency shall award multiyear grants or contracts, on a competitive basis, to eligible providers within the State or outlying area to enable the eligible providers to develop, implement, and improve adult education and literacy activities within the State.

(b) REQUIRED LOCAL ACTIVITIES.—The eligible agency shall require that each eligible provider receiving a grant or contract under subsection (a) use the grant or contract to establish or operate programs that provide adult education and literacy activities, including programs that provide such activities concurrently.

(c) DIRECT AND EQUITABLE ACCESS; SAME PROCESS.—Each eligible agency receiving funds under this title shall ensure that—

(1) all eligible providers have direct and equitable access to apply and compete for grants or contracts under this section; and

(2) the same grant or contract announcement process and application process is used for all eligible providers in the State or outlying area.

(d) SPECIAL RULE.—Each eligible agency awarding a grant or contract under this section shall not use any funds made available under this title for adult education and literacy activities for the purpose of supporting or providing programs, services, or activities for individuals who are not individuals described in subparagraphs (A) and (B) of section 203(4), except that such agency may use such funds for such purpose if such programs, services, or activities are related to family literacy activities. In providing family literacy activities under this title, an eligible provider shall attempt to coordinate with programs and services that are not assisted under this title prior to using funds for adult education and literacy activities under this title for activities other than activities for eligible individuals.

(e) CONSIDERATIONS.—In awarding grants or contracts under this section, the eligible agency shall consider—

(1) the degree to which the eligible provider would be responsive to—

(A) regional needs as identified in the local plan under section 108; and

(B) serving individuals in the community who were identified in such plan as most in need of adult education and literacy activities, including individuals—

(i) who have low levels of literacy skills; or

(ii) who are English language learners;

(2) the ability of the eligible provider to serve eligible individuals with disabilities, including eligible individuals with learning disabilities;

(3) past effectiveness of the eligible provider in improving the literacy of eligible individuals, to meet State-adjusted levels of performance for the primary indicators of performance described in section 116, especially with respect to eligible individuals who have low levels of literacy;

(4) the extent to which the eligible provider demonstrates alignment between proposed activities and services and the

strategy and goals of the local plan under section 108, as well as the activities and services of the one-stop partners;

(5) whether the eligible provider's program—

(A) is of sufficient intensity and quality, and based on the most rigorous research available so that participants achieve substantial learning gains; and

(B) uses instructional practices that include the essential components of reading instruction;

(6) whether the eligible provider's activities, including whether reading, writing, speaking, mathematics, and English language acquisition instruction delivered by the eligible provider, are based on the best practices derived from the most rigorous research available and appropriate, including scientifically valid research and effective educational practice;

(7) whether the eligible provider's activities effectively use technology, services, and delivery systems, including distance education in a manner sufficient to increase the amount and quality of learning and how such technology, services, and systems lead to improved performance;

(8) whether the eligible provider's activities provide learning in context, including through integrated education and training, so that an individual acquires the skills needed to transition to and complete postsecondary education and training programs, obtain and advance in employment leading to economic self-sufficiency, and to exercise the rights and responsibilities of citizenship;

(9) whether the eligible provider's activities are delivered by well-trained instructors, counselors, and administrators who meet any minimum qualifications established by the State, where applicable, and who have access to high quality professional development, including through electronic means;

(10) whether the eligible provider's activities coordinate with other available education, training, and social service resources in the community, such as by establishing strong links with elementary schools and secondary schools, postsecondary educational institutions, institutions of higher education, local workforce investment boards, one-stop centers, job training programs, and social service agencies, business, industry, labor organizations, community-based organizations, nonprofit organizations, and intermediaries, for the development of career pathways;

(11) whether the eligible provider's activities offer flexible schedules and coordination with Federal, State, and local support services (such as child care, transportation, mental health services, and career planning) that are necessary to enable individuals, including individuals with disabilities or other special needs, to attend and complete programs;

(12) whether the eligible provider maintains a high-quality information management system that has the capacity to report measurable participant outcomes (consistent with section 116) and to monitor program performance; and

(13) whether the local areas in which the eligible provider is located have a demonstrated need for additional English language acquisition programs and civics education programs.

29 USC 3322.

SEC. 232. LOCAL APPLICATION.

Each eligible provider desiring a grant or contract from an eligible agency shall submit an application to the eligible agency containing such information and assurances as the eligible agency may require, including—

(1) a description of how funds awarded under this title will be spent consistent with the requirements of this title;

(2) a description of any cooperative arrangements the eligible provider has with other agencies, institutions, or organizations for the delivery of adult education and literacy activities;

(3) a description of how the eligible provider will provide services in alignment with the local plan under section 108, including how such provider will promote concurrent enrollment in programs and activities under title I, as appropriate;

(4) a description of how the eligible provider will meet the State adjusted levels of performance described in section 116(b)(3), including how such provider will collect data to report on such performance indicators;

(5) a description of how the eligible provider will fulfill one-stop partner responsibilities as described in section 121(b)(1)(A), as appropriate;

(6) a description of how the eligible provider will provide services in a manner that meets the needs of eligible individuals; and

(7) information that addresses the considerations described under section 231(e), as applicable.

29 USC 3323.

SEC. 233. LOCAL ADMINISTRATIVE COST LIMITS.

(a) **IN GENERAL.**—Subject to subsection (b), of the amount that is made available under this title to an eligible provider—

(1) not less than 95 percent shall be expended for carrying out adult education and literacy activities; and

(2) the remaining amount, not to exceed 5 percent, shall be used for planning, administration (including carrying out the requirements of section 116), professional development, and the activities described in paragraphs (3) and (5) of section 232.

(b) **SPECIAL RULE.**—In cases where the cost limits described in subsection (a) are too restrictive to allow for the activities described in subsection (a)(2), the eligible provider shall negotiate with the eligible agency in order to determine an adequate level of funds to be used for noninstructional purposes.

Subtitle D—General Provisions

29 USC 3331.

SEC. 241. ADMINISTRATIVE PROVISIONS.

(a) **SUPPLEMENT NOT SUPPLANT.**—Funds made available for adult education and literacy activities under this title shall supplement and not supplant other State or local public funds expended for adult education and literacy activities.

(b) **MAINTENANCE OF EFFORT.**—

(1) **IN GENERAL.**—

(A) **DETERMINATION.**—An eligible agency may receive funds under this title for any fiscal year if the Secretary finds that the fiscal effort per student or the aggregate

expenditures of such eligible agency for activities under this title, in the second preceding fiscal year, were not less than 90 percent of the fiscal effort per student or the aggregate expenditures of such eligible agency for adult education and literacy activities in the third preceding fiscal year.

(B) **PROPORTIONATE REDUCTION.**—Subject to paragraphs (2), (3), and (4), for any fiscal year with respect to which the Secretary determines under subparagraph (A) that the fiscal effort or the aggregate expenditures of an eligible agency for the preceding program year were less than such effort or expenditures for the second preceding program year, the Secretary—

(i) shall determine the percentage decreases in such effort or in such expenditures; and

(ii) shall decrease the payment made under this title for such program year to the agency for adult education and literacy activities by the lesser of such percentages.

(2) **COMPUTATION.**—In computing the fiscal effort and aggregate expenditures under paragraph (1), the Secretary shall exclude capital expenditures and special one-time project costs.

(3) **DECREASE IN FEDERAL SUPPORT.**—If the amount made available for adult education and literacy activities under this title for a fiscal year is less than the amount made available for adult education and literacy activities under this title for the preceding fiscal year, then the fiscal effort per student and the aggregate expenditures of an eligible agency required in order to avoid a reduction under paragraph (1)(B) shall be decreased by the same percentage as the percentage decrease in the amount so made available.

(4) **WAIVER.**—The Secretary may waive the requirements of this subsection for not more than 1 fiscal year, if the Secretary determines that a waiver would be equitable due to exceptional or uncontrollable circumstances, such as a natural disaster or an unforeseen and precipitous decline in the financial resources of the State or outlying area of the eligible agency. If the Secretary grants a waiver under the preceding sentence for a fiscal year, the level of effort required under paragraph (1) shall not be reduced in the subsequent fiscal year because of the waiver.

Determination.

SEC. 242. NATIONAL LEADERSHIP ACTIVITIES.

29 USC 3332.

(a) **IN GENERAL.**—The Secretary shall establish and carry out a program of national leadership activities to enhance the quality and outcomes of adult education and literacy activities and programs nationwide.

(b) **REQUIRED ACTIVITIES.**—The national leadership activities described in subsection (a) shall include technical assistance, including—

(1) assistance to help States meet the requirements of section 116;

(2) upon request by a State, assistance provided to eligible providers in using performance accountability measures based on indicators described in section 116, and data systems for the improvement of adult education and literacy activities;

(3) carrying out rigorous research and evaluation on effective adult education and literacy activities, as well as estimating the number of adults functioning at the lowest levels of literacy proficiency, which shall be coordinated across relevant Federal agencies, including the Institute of Education Sciences; and

(4) carrying out an independent evaluation at least once every 4 years of the programs and activities under this title, taking into consideration the evaluation subjects referred to in section 169(a)(2).

(c) ALLOWABLE ACTIVITIES.—The national leadership activities described in subsection (a) may include the following:

(1) Technical assistance, including—

(A) assistance related to professional development activities, and assistance for the purposes of developing, improving, identifying, and disseminating the most successful methods and techniques for providing adult education and literacy activities, based on scientifically valid research where available;

(B) assistance in distance education and promoting and improving the use of technology in the classroom, including instruction in English language acquisition for English language learners;

(C) assistance in the development and dissemination of proven models for addressing the digital literacy needs of adults, including older adults; and

(D) supporting efforts aimed at strengthening programs at the State and local levels, such as technical assistance in program planning, assessment, evaluation, and monitoring of activities carried out under this title.

(2) Funding national leadership activities either directly or through grants, contracts, or cooperative agreements awarded on a competitive basis to or with postsecondary educational institutions, institutions of higher education, public or private organizations or agencies (including public libraries), or consortia of such institutions, organizations, or agencies, which may include—

(A) developing, improving, and identifying the most successful methods and techniques for addressing the education needs of adults, including instructional practices using the essential components of reading instruction based on the work of the National Institute of Child Health and Human Development;

(B) supporting national, regional, or local networks of private nonprofit organizations, public libraries, or institutions of higher education to strengthen the ability of such networks' members to meet the performance requirements described in section 116 of eligible providers;

(C) increasing the effectiveness, and improving the quality, of adult education and literacy activities, which may include—

(i) carrying out rigorous research;

(ii) carrying out demonstration programs;

(iii) accelerating learning outcomes for eligible individuals with the lowest literacy levels;

(iv) developing and promoting career pathways for eligible individuals;

- (v) promoting concurrent enrollment programs in adult education and credit bearing postsecondary coursework;
- (vi) developing high-quality professional development activities for eligible providers; and
- (vii) developing, replicating, and disseminating information on best practices and innovative programs, such as—
 - (I) the identification of effective strategies for working with adults with learning disabilities and with adults who are English language learners;
 - (II) integrated education and training programs;
 - (III) workplace adult education and literacy activities; and
 - (IV) postsecondary education and training transition programs;
- (D) providing for the conduct of an independent evaluation and assessment of adult education and literacy activities through grants and contracts awarded on a competitive basis, which shall include descriptions of—
 - (i) the effect of performance accountability measures and other measures of accountability on the delivery of adult education and literacy activities;
 - (ii) the extent to which the adult education and literacy activities increase the literacy skills of eligible individuals, lead to involvement in education and training, enhance the employment and earnings of such participants, and, if applicable, lead to other positive outcomes, such as success in re-entry and reductions in recidivism in the case of prison-based adult education and literacy activities;
 - (iii) the extent to which the provision of support services to eligible individuals enrolled in adult education and literacy activities increase the rate of enrollment in, and successful completion of, such programs; and
 - (iv) the extent to which different types of providers measurably improve the skills of eligible individuals in adult education and literacy activities;
- (E) collecting data, such as data regarding the improvement of both local and State data systems, through technical assistance and development of model performance data collection systems;
- (F) determining how participation in adult education and literacy activities prepares eligible individuals for entry into postsecondary education and employment and, in the case of programs carried out in correctional institutions, has an effect on recidivism; and
- (G) other activities designed to enhance the quality of adult education and literacy activities nationwide.

SEC. 243. INTEGRATED ENGLISH LITERACY AND CIVICS EDUCATION. 29 USC 3333.

(a) **IN GENERAL.**—From funds made available under section 211(a)(2) for each fiscal year, the Secretary shall award grants to States, from allotments under subsection (b), for integrated

Grants.

English literacy and civics education, in combination with integrated education and training activities.

(b) ALLOTMENT.—

(1) IN GENERAL.—Subject to paragraph (2), from amounts made available under section 211(a)(2) for a fiscal year, the Secretary shall allocate—

(A) 65 percent to the States on the basis of a State's need for integrated English literacy and civics education, as determined by calculating each State's share of a 10-year average of the data of the Office of Immigration Statistics of the Department of Homeland Security for immigrants admitted for legal permanent residence for the 10 most recent years; and

(B) 35 percent to the States on the basis of whether the State experienced growth, as measured by the average of the 3 most recent years for which the data of the Office of Immigration Statistics of the Department of Homeland Security for immigrants admitted for legal permanent residence are available.

(2) MINIMUM.—No State shall receive an allotment under paragraph (1) in an amount that is less than \$60,000.

(c) GOAL.—Each program that receives funding under this section shall be designed to—

(1) prepare adults who are English language learners for, and place such adults in, unsubsidized employment in in-demand industries and occupations that lead to economic self-sufficiency; and

(2) integrate with the local workforce development system and its functions to carry out the activities of the program.

(d) REPORT.—The Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate and make available to the public, a report on the activities carried out under this section.

TITLE III—AMENDMENTS TO THE WAGNER-PEYSER ACT

SEC. 301. EMPLOYMENT SERVICE OFFICES.

Section 1 of the Wagner-Peyser Act (29 U.S.C. 49) is amended by inserting “service” before “offices”.

SEC. 302. DEFINITIONS.

Section 2 of the Wagner-Peyser Act (29 U.S.C. 49a) is amended—

(1) by striking paragraph (1) and inserting the following: “(1) the terms ‘chief elected official’, ‘institution of higher education’, ‘one-stop center’, ‘one-stop partner’, ‘training services’, ‘workforce development activity’, and ‘workplace learning advisor’, have the meaning given the terms in section 3 of the Workforce Innovation and Opportunity Act;”;

(2) in paragraph (2)—

(A) by striking “investment board” each place it appears and inserting “development board”; and

