

NGA Center for Best Practices
Side-by-Side Comparison of WIA and Wagner-Peyser Key State and Local Provisions in the
Workforce Investment Act of 1998, H.R. 803 & Senate Draft Bill

Current Law Workforce Investment Act of 1998	H.R. 803 SKILLS Act (Supporting Knowledge and Investing in Lifelong Skills) (House Republican Bill) * Passed House 3/15/13	Draft Senate Discussion Bill Workforce Investment Act of 2013
Governance		
<p>State Workforce Investment Board Membership: The State board includes the Governor, 2 members of each chamber of the state legislature, business representatives, chief elected officials, labor representatives, lead state agency officials responsible for one-stop partner programs, representatives of organizations with experience in delivery of youth and workforce services, plus such others as the Governor may designate.</p>	<p>Requires business leaders, including those representing in-demand industries, to make up a two-thirds majority on the boards. Adds that business reps should include large and small businesses, with immediate and long-term employment opportunities in in-demand industries and other occupations important to the State economy.</p> <p>Removes all of the federal requirements on board membership, except business and economic development representation and chief elected officials at the state level and business representation at the local level. Governors and chief elected officials would have the power to appoint the remaining one-third membership of each respective board, which may include members of the state legislature and representatives of youth organizations, community colleges, community-based organizations, one-Stop partners, and veterans organizations.</p>	<p>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. The board selects its chairperson from the members appointed by the Governor. (This is a change from current law, which authorizes governors to appoint the board chair.) 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 members of the State board shall represent diverse geographic areas of the State, including urban, rural, and suburban areas.</p>
<p>State Board Functions: The state board must assist the</p>	<p>Adds function of review and development of statewide policies and programs in the State in a manner that</p>	<p>Identifies the functions of the board, which includes development and implementation of the state plan,</p>

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<p>Governor in development of a state plan, designation of local areas, development and continuous improvement of state performance measures, preparation of annual report, among other functions.</p>	<p>supports a comprehensive Statewide workforce development system that will result in meeting the workforce needs of the State and its local areas. Such review shall include determining whether the State should consolidate additional programs into the Workforce Investment Fund.</p> <p>Also includes the following functions:</p> <ul style="list-style-type: none"> • Development of a statewide workforce and labor market information system. • Development of strategies across local areas that meet the needs of businesses and support economic growth in the State by enhancing communication, coordination, and collaboration among businesses, economic development entities, and service providers. • Identify and disseminate information on best practices for effective operation of one-stop centers, including use of innovative business outreach, partnerships, and service delivery strategies. • Designating local areas. • Program oversight, approval of local plans, ensure the appropriate management of funds, prepare annual report and development of comprehensive state performance measures. <p>Explicitly authorizes state board to hire staff.</p>	<p>providing guidance on designing and implementing common, integrated intake, case management, and performance reporting systems, identification of best practices, identification of regions, development of career pathways for low skilled adults and youth, the development of guidance for the implementation and continuous improvement of a workforce development system, the development and review of statewide policies affecting the coordinated provision of services through the State's one-stop delivery system, including partner contributions, cost allocation, strategies for technological improvements and data systems alignment, and the development of the statewide workforce and labor market information system. Includes conflict of interest language.</p> <p>Permits the state WIB to hire staff, using a portion of state formula grant funds or other non-federal sources.</p>
<p>Alternative Entity: Governors have broad authority to grandfather state boards that</p>	<p>Eliminates this grandfathering provision.</p>	<p>Authorizes approved alternative entities to serve as the board.</p>

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were in existence prior to WIA.		
<p>Local Area Designation: Governor must designate local areas after taking into account a number of considerations, such as consistency with labor market areas and available resources.</p> <p>Governors must approve a request for designation from any single jurisdiction with a population of 500,000 or more, a rural concentrated employment program and local areas in Rhode Island. A jurisdiction with a population of 200,000 or more that was a service delivery area under JTPA could win 2-year designation and continued designation if it performed successfully and sustained fiscal integrity.</p> <p>Jurisdictions may appeal to the state board and to the Secretary of Labor.</p>	<p>Eliminates provisions relating to automatic and temporary designation of local workforce areas.</p> <p>Modifies factors a governor must use in designating local areas to include: the extent to which local areas are consistent with labor markets; the extent to which labor market areas align with economic development regions; whether local areas have the appropriate education and training providers to meet the needs of the local workforce; and the distance individuals must travel to receive services.</p> <p>Essentially maintains current language relating to technical assistance by the Secretary, designation on the basis of recommendations from the state board, and appeals.</p> <p>Authorizes any state to be designated a single state workforce area, consistent with the factors described above.</p>	<p>Describes criteria that Governors will use in designating local workforce areas:</p> <ul style="list-style-type: none"> (i) the extent to which the areas are consistent with labor market areas in the State; (ii) the extent to which the areas are consistent with regional economic development areas in the State; and (iii) whether the areas have available the Federal and non-Federal resources necessary to effectively administer activities under title II and other applicable provisions of this Act, including whether the areas have the appropriate education and training providers, such as institutions of higher education and area career and technical education schools. <p>Provides for appeal process and continues to provide for single states to be designated as local workforce areas.</p> <p>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.</p> <p>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.</p>

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<p>States that were single state areas under JTPA as of July 1, 1998 may be designated as single state local areas under WIA.</p> <p>States may require local boards in a region to participate in a regional planning process that results in regional performance measures.</p>	<p>Adds provision authorizing states to require local areas in a designated region to prepare a single regional plan that is submitted and approved in lieu of separate local plans.</p>	
<p>Local Workforce Boards: Local boards must include representatives of business, labor, local education entities and community-based organizations. There must be a business majority and a business chair.</p> <p>Representatives of each of the one-stop partners also have seats on the local board.</p> <p>Local boards must establish a youth council to coordinate youth activities and develop youth portions of local plan among other tasks.</p>	<p>Eliminates requirements that local board include representatives from local educational entities, labor organizations, community-based organizations, economic development agencies, and one-stop partners.</p> <p>Requires two-thirds business majority on local board.</p> <p>Amends functions of the local board to include:</p> <ul style="list-style-type: none"> • Developing and submitting local plan; • Conducting workforce research and labor market analysis, and assisting the governor in developing the statewide workforce and labor market information system; • Meeting the needs of business and supporting economic growth by enhancing communication, coordination, and collaboration among businesses, economic development agencies, and service providers; • Developing a budget for local activities, including reserving a percentage of funds for training activities, 	<p>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.</p> <p>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</p>

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	<p>and administering funds received under the Workforce Investment Fund for the local area;</p> <ul style="list-style-type: none"> • Selecting one-stop operators and identifying eligible providers of work ready and training services; • Conducting program oversight; • Negotiating local performance measures; and • Developing strategies for technology improvements to facilitate access to services in the local area. <p>Eliminates provisions relating to concentrated employment programs, establishment of youth councils, and authorizing alternative entities in lieu of local boards.</p>	<p>program under title V, and apprenticeship programs.</p> <p>With the exception of core programs, one-stop required programs are not required to be represented on the board.</p> <p>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.</p> <p>Requires the appointment and certification of local board members and local boards. Governor must certify local boards every two years.</p> <p>Requires Secretary of Labor, in consultation with the Secretary of Education to develop guidelines for qualifications of the directors of state and local boards.</p> <p>Continues to allow 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.</p> <p>Functions of the local board include: 1) development of a local plan; 2) workforce research and regional labor</p>

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		market analysis; 3) convening, brokering, leveraging; 4) employer engagement; 5) career pathways development; 6) proven and promising practices; 7) technology; 8) program oversight; 9) negotiation of local performance accountability measures; 10) selection of operators and providers; 12) coordination with education providers; 12) budget and administration; and, 13) accessibility for individuals with disabilities.
<p>Planning: States and local areas must submit a plan that outlines a 5-year strategy. The plan describes workforce investment activities, how key requirements will be met and how special populations (dislocated workers, low-income individuals and others) will be served.</p>	<p>Requires 3-year plans for both state and local plans.</p> <p>Eliminates current requirement for detailed plans relating to activities carried out under the Wagner-Peyser Act.</p> <p>Adds requirement that state plan include description of state criteria for determining eligibility of training providers under sec. 122.</p> <p>Requires description of procedures that will be taken by the state to assure coordination of, and avoid duplication among, programs identified under section 501(b)(2) (relating to state unified plans), and a description of common data collection and reporting processes used for such programs.</p> <p>Eliminates requirement that state plan provide opportunity for business and labor organizations to comment on the plan prior to submission.</p> <p>Eliminates requirement that state plan describe methods</p>	<p>For a State to be eligible to receive allotments for the core programs, the Governor must submit to the Secretary of Labor and the Secretary of Education for consideration by the Secretaries, a unified State plan. The unified State plan shall outline a 4-year strategy for the core programs of the State and meet the requirements set forth in the bill.</p> <p>At the end of the first 2-year period of any 4-year unified State plan, the State Board shall review the unified State plan, and the Governor shall submit modifications to the plan to reflect changes in labor market and economic conditions or in other factors affecting the implementation of the unified State plan.</p> <p>A State may develop and submit to the appropriate Secretaries a combined State plan for the core programs and 1 or more of the programs and activities in lieu of submitting 2 or more plans, for the programs and activities and the core programs.</p> <p>The unified State plan shall include strategic planning</p>

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	<p>and factors the state will use in distributing funds to local areas for youth activities and adult employment and training activities.</p> <p>Requires state plan to include description of how the state will serve the employment and training needs of dislocated workers, low-income individuals, English learners, homeless individuals, individuals training for non-traditional employment, youth, older workers, ex-offenders, migrant and seasonal farmworkers, refugees and entrants, veterans, Native Americans, and individuals with disabilities.</p> <p>Eliminates current requirements for state plan to include information on youth activities, including state plan for serving eligible youth and criteria for awarding grants for youth activities.</p> <p>Adds requirement that state plan include description of strategies and services that will be used to more fully engage businesses, to meet business needs, and coordinate workforce development programs with economic development.</p> <p>Adds requirement that state plan include description of how the state board will convene or help to convene industry or sector partnerships.</p> <p>Adds requirement that state plan include description of how state will utilize technology to facilitate access to services in remote areas.</p>	<p>elements consisting of—</p> <p>(A) an analysis of the economic conditions in the State, including—</p> <p>(i) existing and emerging in-demand industry sectors and occupations; and</p> <p>(ii) the employment needs of employers in those industries and occupations;</p> <p>(B) an analysis of the knowledge and skills needed to meet the employment needs of the employers in the and the programs that will address the needs of the region;</p> <p>3) description of how the local board will work with entities operating core programs;</p> <p>4) The strategies and services that will be used to more fully engage businesses, to meet business needs, and coordinate workforce development programs with economic development;</p> <p>5) description of how the local board will coordinate workforce investment activities carried out in the local area with economic development activities carried out in the region in which the local area is located (or planning region), and promote entrepreneurial skills training and microenterprise services;</p> <p>(6) a description of the one-stop delivery system in the local area;</p> <p>(7) a description and assessment of the type and availability of adult and dislocated worker employment and training activities in the local area;</p> <p>(8) a description of how the local board will coordinate workforce investment activities carried out in the local area with statewide rapid response activities, as defined</p>

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	<p>Adds requirement that state plan include description of state strategy for encouraging regional cooperation within state and across state borders.</p> <p>Adds requirement that state plan include description of actions the state will take to foster communication and partnerships with non-profit organizations (including community, faith-based, and philanthropic organizations).</p> <p>Adds requirement that state plan include a description of the process and methodology for determining one-stop partner contributions for the cost of one-stop infrastructure, and the formula for allocating such infrastructure funds.</p> <p>Adds requirement that state plan include description of the strategies and services it will use to assist at-risk and out-of-school youth in acquiring the education and skills, credentials, and employment experience to succeed in the labor market.</p> <p>Adds requirement that state plan include description of how state will furnish employment, training, supportive, and placement services to veterans.</p> <p>Local plan requirements:</p> <ul style="list-style-type: none"> • The analysis of local economic and workforce conditions required under section 117, and an assurance that the local board will use such analysis in carrying out activities; 	<p>in section 201, as appropriate;</p> <p>(9) a description and assessment of the type and availability of youth workforce investment activities in the local area, including activities for youth who are individuals with disabilities, which description and assessment shall include an identification of successful models of such youth workforce investment activities;</p> <p>(10) a description of how the local board will coordinate education and workforce investment activities carried out in the local area with relevant secondary and postsecondary education programs and activities to coordinate strategies, enhance services, and avoid duplication of services;</p> <p>(11) a description of how the local board will coordinate workforce investment activities carried out under this title or title II in the local area with the provision of transportation, including public transportation, and other appropriate supportive services in the local area;</p> <p>(12) a description of plans and strategies for, and assurances concerning, maximizing coordination of services provided by the State employment service under the Wagner-Peyser Act and services provided in the local area through the one-stop delivery system, to improve service delivery and avoid duplication of services;</p> <p>(13) a description of how the local board will coordinate workforce investment activities carried out under this title or title II in the local area with the provision of adult education and literacy activities under title III in the local area;</p> <p>(14) a description of the replicated cooperative</p>

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	<ul style="list-style-type: none"> • The one-stop delivery system in the local area; • The strategies and services that will be used to more fully engage businesses, to meet business needs, and coordinate workforce development programs with economic development; • How the local board will convene or help convene industry or sector partnerships; • How funds reserved for training services will be used to carry out activities under section 134(c)(4); • How the local board will coordinate local workforce activities with statewide activities, as appropriate; • How the local area will coordinate activities with the local area’s disability community and serve the employment and training needs of individuals with disabilities; • How the local area will comply with sections 504 and 508 of the Rehabilitation Act of 1973, including the provision of outreach, intake, assessments, and service delivery, the development of performance measures, the training of staff, and other aspects of accessibility to programs and services under the subtitle; • The local levels of performance; • The process used by the board to provide an opportunity for public comment on the plan prior to submission; • How the local area will serve the employment and training needs of dislocated workers, low-income individuals, English learners, homeless individuals, individuals training for non-traditional employment, youth, older workers, exoffenders, migrant and 	<p>agreements (as defined in section 117(d)(11)) between the local board or other local entities described in section 101(a)(11)(B) of the Rehabilitation Act of 1973 and the local office of a designated State agency or designated State unit administering programs carried out under title I of such Act with respect to efforts that will enhance the provision of services to individuals with disabilities and to other individuals, such as cross training of staff, technical assistance, use and sharing of information, cooperative efforts with employers, and other efforts at cooperation, collaboration, and coordination;</p> <p>(15) an identification of the entity responsible for the disbursement of grant funds described in section 117(d)(12)(B)(i)(III), as determined by the chief elected official or the Governor under section 117(d)(12)(B)(i);</p> <p>(16) a description of the competitive process to be used to award the subgrants and contracts in the local area for activities carried out under title I or title II; (17) a description of the local levels of performance negotiated with the Governor and chief elected official pursuant to section 131(c), to be used to measure the performance of the local area and to be used by the local board for measuring the performance of the local fiscal agent (where appropriate), eligible providers under title II, and the one-stop delivery system, in the local area;</p> <p>(18) a description of the actions the local board will take toward becoming or remaining a high-performing board, consistent with the factors developed by the State board pursuant to section 111(d)(6);</p>

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	<p>seasonal farmworkers, refugees and entrants, veterans, and Native Americans; and</p> <ul style="list-style-type: none"> • The entity responsible for the disbursal of grant funds. • The strategies and services that will be used in the local area to assist at-risk youth and out-of school youth in acquiring the education and skills, credentials, and employment experience to succeed in the labor market; • How the local area will furnish employment, training, supportive, and placement services to veterans; • The duties assigned to the veterans employment specialist. <p>Eliminates requirement that local plan provide opportunity for business and labor organizations to comment on the plan prior to submission.</p>	<p>(19) a description of how training will be provided including, if contracts for the training services will be used, how the use of such contracts will be coordinated with the use of individual training accounts under that chapter and how the local board will ensure informed customer choice in the selection of training programs regardless of how the training services are to be provided;</p> <p>(20) a description of the process used by the local board, consistent with subsection (c), to provide an opportunity for public comment, including comment by representatives of businesses and comment by representatives of labor organizations, and input into the development of the local plan, prior to submission of the plan;</p> <p>(21) a description of how one-stop centers are implementing and transitioning to an integrated, technology-enabled intake and case management information system for programs carried out under the Act and programs carried out by one-stop partners; and</p> <p>(22) such other information as the Governor may require.</p> <p>Local plan requirements: The legislation lists 20+ required elements, along with a process for submission and approval by the Governor.</p>
One-Stop System		
One-Stop System: Local one-stop systems bring together a range of required (mandatory)	Requires that each one-stop partner: (i) provide access through the one-stop delivery system to programs and activities carried out by the entity, including work ready	Establishes the one-stop delivery system. Identifies one-stop partners and their roles and responsibilities. Describes the MOUs that will be entered into between

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<p>partners who must make their services available to customers and participate in the operation of the local system. Required partners include WIA, Employment Service and vocational rehabilitation.</p> <p>Additional (voluntary) partners may opt to participate in the one-stop system.</p>	<p>services; (ii) use a portion of funds available to the program to maintain the one-stop delivery system, including payment of infrastructure costs; (iii) enter into a local memorandum of understanding with the local board; and (iv) participate in the operation of the one-stop system consistent with the MOU.</p> <p>The bill streamlines and eliminates 35 existing job training programs that support similar activities to aid individuals in finding and retaining employment. The programs include:</p> <p>(1) WIA Adult Program; (2) WIA Youth Activities; (3) WIA Dislocated Workers; (4) Employment Services (ES)/Wagner-Peyser Funded Activities; (5) Community-Based Job Training Grants; (6) Veterans Workforce Investment Program; (7) National Farmworker Jobs Program—U.S. Department of Labor; (8) Native American Employment and Training; (9) WIA National Emergency Grants; (10) Reintegration of Ex-Offenders; (11) Grants to States for Training for Incarcerated Individuals; (12) YouthBuild; (13) Conservation Activities by Youth Service Organizations (Youth Conservation Corps); (14) 21st Century Workforce Commission; (15) SNAP (aka Food Stamps) Employment and Training; (16) Senior Community Service Employment Program (SCSEP); (17) Brownfield Job Training Cooperative Agreements (Environmental Workforce Development and Job Training Grants); (18) Women in Apprenticeship and Nontraditional Occupations (WANTO); (19) Second Chance Act Prisoner Reentry Initiative; (20) Refugee and Entrant Assistance—Targeted Assistance Grants; (21)</p>	<p>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.</p> <p>Required programs include:</p> <p>(1) WIA Adult Program; (2) WIA Youth Activities; (3) WIA Dislocated Workers; (4) Employment Services (ES)/Wagner-Peyser Funded Activities; (5) Adult Ed and Literacy activities authorized under Title III; (6) Programs authorized under Title I of the Rehab Act; (7) activities authorized under title V of the Older Americans Act of 1965; (8) career and technical education programs at the postsecondary level authorized under the Carl D. Perkins Career and Technical Education Act of 2006; (9) activities authorized under Title II of the Trade Act; (10) activities authorized under Chapter 41 of Title 38 (Veterans Employment and Training); (11) employment and training activities carried out under the Community Services Block Grant Act; (12) employment and training activities carried out by the Department of Housing and Urban Development; (13) programs authorized under State unemployment compensation laws (in accordance with applicable Federal law); (14) programs authorized under Section 212 of the Second Chance Act of 2007; and, (15) programs authorized under part A of title IV of the Social Security Act.</p>

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	<p>Refugee and Entrant Assistance—Social Services Program; (22) Refugee and Entrant Assistance—Targeted Assistance Discretionary; (23) Projects with Industry; (24) State- Supported Employment Services Program; (25) Migrant and Seasonal Farmworkers Program—U.S. Department of Education; (26) Disabled Veterans’ Outreach Program; (27) Local Veterans Employment Representative Program; (28) WIA Pilot and Demonstration Projects; (29) Workforce Innovation Fund; (30) ES Statistical Programs; (31) Green Jobs Act; (32) National Institute for Literacy; (33) Youth Opportunity Job Grants; (34) Recreational Programs; and (35) In-Service Training of Rehabilitation Personnel. The bill further requires the Office of Management and Budget (OMB) to reduce federal staff working on repealed employment and training programs.</p> <p>Eliminates requirement that the Senior Community Service Employment Program be a mandatory partner program, and eliminates reference to SNAP E&T as optional partner program. Adds employment and training programs administered by the Social Security Administration, the Small Business Administration, and public libraries to list of optional partner programs.</p> <p>Amends current requirements relating to local MOUs to require, among other things, that the MOU be reviewed not less than once every three years.</p> <p>Eliminates current option to designate one-stop operators through agreement between local boards and</p>	

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	<p>three or more partner programs (effectively requires competitive process for designation).</p> <p>Eliminates provision allowing employment services agencies to serve as one-stop operators.</p> <p>Eliminates grandfather provision for one-stop delivery systems in place prior to enactment of WIA.</p> <p><i>Establishment of One-Stop Delivery System.</i> Essentially shifts language under current section 134(c) into section 121. Requires establishment of one-stop delivery system and specifies services and programs to be offered.</p> <p><i>Certification of One-Stop Centers.</i> Requires state board to establish objective procedures and criteria for certifying one-stop centers for purposes of awarding one-stop infrastructure funds. Provides that criteria must include: (i) meeting all expected levels of performance for each core indicator of performance in the state plan; (ii) meeting minimum standards relating to the scope and degree of service integration among one-stop partner programs; and (iii) meeting minimum standards for ensuring that eligible providers meet the employment needs of employers and participants. Authorizes local boards to establish higher standards.</p>	
<p>One-Stop Infrastructure Funding: Local boards are required to develop Memoranda of Understanding</p>	<p>Adds new subsection (h), provides that a portion of federal funds made available to a state for partner programs participating in the one-stop delivery system must be provided to the governor, who must then</p>	<p>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</p>

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(MOU) that specify resource sharing and referral arrangements among one-stop partners.	<p>allocate funds to local areas (by formula established by the state board) to assist in paying for one-stop infrastructure costs. Requires governor to establish appeals process. Provides that funds provided by a one-stop partner may only come from funds available for administrative costs. Defines costs of infrastructure.</p> <p>Provides that, in addition to funds made available under subsection (h), a portion of funds or non-cash resources of participating one-stop partners must be used to cover the costs of infrastructure that are not covered by the funds under subsection (h). Provides that the appropriate portion of funds or resources must be determined through local MOUs. State boards must provide guidance on determining the appropriate allocation of funds and non-case resources in local areas.</p>	contribute to infrastructure costs. Under the state mechanism, caps are included on the amounts that each program may be required to contribute.
Eligible Training Providers		
<p>Requirements for Eligible Providers of Training: States are required to establish a two-phased system for determining the eligibility of training providers under WIA Title I. The first phase is initial eligibility determination and the second phase is subsequent eligibility determination, which involves reporting performance information, such as completion rates, employment,</p>	<p><i>Eligibility:</i> Requires the governor, in consultation with the state board, to establish criteria and procedures regarding training provider eligibility. Provides that eligible providers must be a postsecondary institution, a registered apprenticeship program, or another public or private provider of training services. Provides that registered apprenticeship programs remain on the list of eligible providers so long as they remained certified by the Secretary of Labor; other providers must comply with the criteria and procedures established by the governor.</p> <p><i>Criteria:</i> The criteria established by the governor must:</p>	<p>Similar to HR 803, describes eligibility for providers, and provides state criteria for selecting providers. Describes application procedures.</p> <p>Eliminates current statutory requirements for eligible training providers. Provides Governors with flexibility to establish performance criteria and procedures for identifying eligible training providers. Requires Governor to make available a list of all eligible providers. Allows certified apprenticeship programs to be eligible training providers automatically.</p> <p>Requires Governor to solicit and take into consideration</p>

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<p>wages and retention. Local boards identify eligible providers and states prepare and issue a statewide list based on submissions from the local boards.</p> <p>Providers of on-the-job training and customized training are not subject to these requirements.</p>	<p>Take into account: (A) training provider performance with respect to performance measures under section 136 and other appropriate measures; (B) whether the training programs of such providers relate to in-demand occupations; (C) the need to ensure access to training throughout the state, including in rural areas; (D) the ability of providers to offer programs leading to degrees or industry-recognized certification, certificates, or mastery; (E) information that providers are required to report to state agencies with respect to other federal and state programs, including one-stop programs; and (F) other factors deemed appropriate.</p> <p>Require that training providers submit appropriate, accurate, and timely information to the state, including information on degree and industry-recognized certifications received by participants, costs of attendance, program completion rates, and provider performance with respect to performance measures under section 136.</p> <p>Provide for review and renewal of provider eligibility every three years.</p> <p>Local areas may establish additional criteria. No personal identifiable information regarding a student may be disclosed without prior written consent from a parent or the student.</p> <p><i>Procedures.</i> The procedures established by the governor must identify the application process for training</p>	<p>recommendations of local boards and training providers.</p> <p>Allows Governor to authorize local areas to establish additional criteria for training providers.</p> <p>Maintains the current law exemption from eligible training provider requirements for on-the-job and customized training providers.</p>

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	<p>providers and the respective roles of the state and local areas in reviewing applications and determining eligibility. The procedures must also establish a process for training providers to appeal a denial or termination of eligibility.</p> <p><i>Information to Assist Participants in Choosing Providers.</i> Requires the governor to ensure that a list of eligible training providers is provided to local boards to be made available through the one-stop delivery system for participants and members of the public.</p> <p><i>Enforcement.</i> Establishes penalties and repayment requirements for eligible providers who intentionally provide inaccurate information or commit substantial violations of WIA requirements.</p> <p><i>Agreements with Other States.</i> Authorizes states to enter into reciprocal agreements to allow eligible training providers to accept career enhancement accounts from other states.</p> <p>Requires governor to solicit and take into consideration the recommendations of local boards and training providers when developing criteria and procedures. Requires governor to provide opportunities for public comment on criteria, procedures, and development of provider list.</p> <p>Providers of on-the-job or customized training are not subject to eligibility requirements. The local area must</p>	

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	collect such performance information as the governor may require on such providers; must determine whether such providers meet performance criteria; and must disseminate information throughout the one-stop system identifying such providers as eligible providers.	
Adult Services		
<p>State Allotments: States receive separate allotments for the Wagner-Peyser Act, WIA adults and WIA dislocated workers.</p> <p>A fraction of the WIA adult allotment to states is reserved for outlying areas and the remainder is distributed to states using the following formula factors:</p> <ul style="list-style-type: none"> ➤ One-third based on the relative number of unemployed individuals in areas of substantial unemployment (above 6.5 percent unemployment rate) ➤ One-third is based on relative excess number of unemployed individuals ➤ One-third is based on relative number of 	<p>Amends current heading of Title I, subtitle B, Chapter 5 to read “Employment and Training Activities.” Amends current section 131 to eliminate separate references to adult and dislocated worker programs.</p> <p>Requires Secretary of Labor to reserve 0.5 percent of total amounts appropriated under section 137 for a given fiscal year and use:</p> <ul style="list-style-type: none"> • 50 percent for technical assistance; and • 50 percent for evaluations under section 172. <p>Requires Secretary of Labor to reserve not more than 1 percent of total amounts appropriated under section 137 for a fiscal year to make grants to, or enter into contracts or cooperative agreements with, Indian tribes, tribal organizations, Alaska-Native entities, Indian-controlled organizations serving Indians, or Native Hawaiian organizations.</p> <p>Requires Secretary of Labor to reserve not more than 25 percent of total amounts appropriated under section 137 to carry out Job Corps.</p> <p>Requires Secretary of Labor to reserve not more than 3.5 percent of total amounts appropriated under section</p>	<p>Continues to provide state allotment reservations, limitations, requirements and formulas. Provides a mechanism for contributing to the workforce innovation and replication grants.</p> <p>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.</p> <p>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</p>

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<p>disadvantaged adults</p> <p>A fraction of the WIA dislocated worker allotment to states is reserved for outlying areas. The remainder is distributed to states using the following formula factors:</p> <ul style="list-style-type: none"> ➤ One-third based on the relative number of unemployed individuals ➤ One-third based on the relative excess number (above 4.5 percent) of unemployed individuals ➤ One-third based on the relative number of people unemployed for 15 weeks or longer <p>No state receives an adult allotment that is less than 90 percent or greater than 130 percent of the prior year's share of the total adult allotment to states. No hold harmless or stop-gain is applied to the dislocated worker allotment. A small state minimum is applied.</p>	<p>137 to make grants to State or local boards to provide employment and training assistance to workers affected by major economic locations, and to provide assistance to Governors of states with an area that has suffered an emergency or major disaster to provide disaster relief employment.</p> <p>Creates a Workforce Investment Fund that includes a new formula for state and local areas consistent with the proposed universal service structure outlined in the bill.</p> <p>Authorizes appropriations for all activities under section 132 at \$6,245,318,000 for Fiscal Year (FY) 2014 and the six succeeding fiscal years.</p> <p>From funds appropriated under section 137 for a fiscal year and not reserved, the Secretary must reserve ¼ of 1 percent for outlying areas and allot the remainder to states for employment and training activities and statewide workforce investment activities according to a formula that takes into account:</p> <ul style="list-style-type: none"> • the relative number of unemployed individuals in areas of substantial unemployment in the state, compared to other states (25 percent of formula); • the relative number of individuals in the civilian labor force in the state, compared to other states (25 percent of formula); • the relative number of individuals in the state who have been unemployed for 15 weeks or more, 	<p>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.</p>

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<p>Reallotment authority is based on obligations. The Secretary is authorized to reallot among states the amount by which a state's unobligated balance exceeds 20 percent of its allotment for the prior program year.</p>	<p>compared to other states (25 percent of formula); and</p> <ul style="list-style-type: none"> the relative number of disadvantaged youth in each state, compared to other states (25 percent of formula). <p>Minimum Percentage: Provides that no State shall receive an allotment under this paragraph for: (I) each of fiscal years 2014 through 2016, that is less than 100 percent of the allotment percentage of the State for fiscal year 2012; and, (II) fiscal year 2017 and each succeeding fiscal year, that is less than 90 percent of the allotment percentage of the State for the preceding fiscal year.</p> <p>Maximum Percentage: Provides that no State shall receive an allotment under this paragraph for— (I) each of fiscal years 2014 through 2016, that is more than 130 percent of the allotment percentage of the State for fiscal year 2012; and“(II) fiscal year 2017 and each succeeding fiscal year, that is more than 130 percent of the allotment percentage of the State for the preceding fiscal year.</p> <p>Small State Minimum: Provides that no state may receive less than 1/5 of 1 percent of the total amount available for state allotment.</p> <p>For FY 2012, defines ‘allocation percentage’ to mean the percentage of the amounts allocated to local areas under Title I of WIA, Title V of the Older Americans Act,</p>	

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	<p>and sections 1 to 13 of the Wagner-Peyser Act, that is received by local areas in FY 2012. For FY 2016 and beyond, refers to the allocation made under this section for that fiscal year.</p> <p>Adds definitions of ‘disadvantaged youth’ and ‘individual.’</p>	
<p>Within State Allocations: Currently, all Wagner-Peyser Act funds are retained at the state level. The Governor reserves up to 15 percent of the WIA adult, dislocated worker and youth allotments for statewide activities. In addition, the Governor may reserve up to 25 percent of the dislocated worker funding stream for rapid response activities.</p> <p>To send adult funds to local areas, states may use a formula allocation using the national factors. Alternatively, states may adopt a discretionary allocation in which at least 70 percent of funds are distributed based on the same factors the Secretary uses to allot funds to</p>	<p>Requires governor to award adults with barriers to employment grants to eligible entities. Remaining Workforce Investment Fund allotment funds (after all required reservations) must be allocated to local areas, according to the same formula used to determine state allotments.</p> <p>Provides that no local area may receive less than 90 percent, or greater than 130 percent, of the allocation received during the previous fiscal year.</p> <p>Defines ‘allocation percentage’ to mean the percentage of the amounts allocated to local areas under Title I of WIA, Title V of the Older Americans Act, the Women in Apprenticeship and Nontraditional Occupations Act, the Disabled Veterans Outreach Program, Local Veterans Employment Representatives, and sections 1 to 13 of the Wagner-Peyser Act, that is received by local areas in FY 2012. For FY 2014 and beyond, refers to the allocation made under this section for that fiscal year.</p> <p>Amends current reallocation provisions to eliminate references to separate adult and dislocated worker funding.</p>	<p>Allows Governors to reserve 15% of state allotments for state workforce investment activities. Provides reservations for Governor’s percentage and statewide rapid response activities (25%). Provides local boards with the authority to transfer 100% of funds between adult and dislocated worker programs at the local level.</p> <p>Maintains a within-state formula. Maintains 90% minimum for allocations.</p> <p>Describes reallocation procedures.</p>

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<p>states and not more than 30 percent of funds are distributed based on a formula that looks at additional factors (excess poverty and excess unemployment). The dislocated worker funds are allocated to local areas based on an allocation formula prescribed by the Governor.</p> <p>The Governor can authorize local boards to transfer up to 20 percent of funds between adult and dislocated worker activities.</p>	<p>Establishes local administrative cost limit equal to no more than 10 percent of local allocations.</p>	
<p>Statewide Activities: States use 15 percent reserved from each of the three WIA funding streams to carry out a series of required activities, such as disseminating list of eligible training providers and providing incentive grants. States may also use the 15 percent funds to carry out allowable activities, such as implementation of innovative incumbent worker programs.</p>	<p><i>Reservations for Statewide Employment and Training Activities.</i> Of Workforce Investment Fund allotments received by a state under section 132(b)(2), a governor:</p> <ul style="list-style-type: none"> • Must reserve up to 15 percent of the total amount for statewide activities; not more than 25 percent of this money must be reserved for statewide rapid response activities. • Must reserve 15 percent of the amount reserved for statewide activities for “individuals with barriers to employment” grants. 	<p>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.</p> <p>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</p>

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<p>States may use up to 5 percent of the state allotment for administration.</p> <p>States may use up to 25 percent reserved from the dislocated worker allotment to carry out rapid response activities and provide additional assistance to local areas that experience unexpected and substantial dislocation.</p>	<ul style="list-style-type: none"> • May reserve no more than 5 percent of funds reserved for statewide activities for administrative costs. <p>Required Statewide E&T Activities: Identifies required statewide activities as: (A) disseminating the State list of eligible providers for training, information identifying eligible providers of on-the-job training and customized training, and performance information and program cost information; (B) supporting the provision of work ready services in the one-stop delivery system; (C) implementing strategies and services that will be used in the state to assist at-risk youth and out-of-school youth in acquiring education and skills, recognized postsecondary credentials, and employment credentials to succeed in the labor market; (D) conducting evaluations in coordination with evaluations carried out by the Secretary of Labor; (E) providing technical assistance to local areas that fail to meet performance measures; (F) operating a fiscal and management accountability system; and (G) carrying out monitoring and oversight of these activities.</p> <p>Allowable Statewide Employment and Training Activities: Identifies allowable statewide employment and training strategies, including: (A) implementing innovative programs and strategies designed to meet the needs of all employers in the state, which may include incumbent worker training programs, sectoral and industry cluster strategies and partnerships, career ladder programs,</p>	<p>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.</p>

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	<p>utilization of effective business intermediaries, activities to improve linkages between the one-stop and employers, and other business services; (B) providing incentive grants to local areas for regional cooperation among local boards; (C) developing strategies for effectively integrating programs and services among one-stop partners; (D) carrying out activities to facilitate remote access to services provided through the one-stop delivery system; (E) incorporation pay-for-performance contracting strategies; (F) carrying out the State option under subsection (f)(8); and (G) carrying out other activities the State determines to be necessary.</p> <p>Maintains current law on State Rapid Response Activities.</p>	
<p>Authorized Adult and Dislocated Worker Services: Local areas are required to provide a battery of core services (such as job search assistance and information on the labor market, supportive services and unemployment insurance).</p> <p>Intensive services include case management (for training participants) and development</p>	<p>Provides that funds allocated to local areas must be used to establish a one-stop delivery system, to provide work ready services (merges current core and intensive services), and to provide training services.</p> <p>Work Ready Services. Lists work ready services that must be made available through one-stop system. Includes most current core and intensive services and adds others, including: provision of information on federal tax credits available for education, job training, and employment; internships and work experience; and literacy activities not available under programs funded under Title II of WIA. Provides that work ready services may be provided through contracts with public, private, for-profit, and private non-profit service providers.</p>	<p>Provides that funds allocated to local areas must be used to establish a one-stop delivery system, core, intensive and training services to adults and dislocated workers, and business liaisons services.</p> <p>Core, intensive and training services described are similar to current law and those described in H.R. 803 as Work Ready Services and Training Services.</p> <p>One-stop operators or one-stop partners are not required to conduct a new interview, evaluation, or assessment of a participant if the one-stop operator or one-stop partner determines that it is appropriate to use a recent interview, evaluation, or assessment of the participant conducted pursuant to another education or</p>

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<p>of a plan.</p> <p>Training services include occupational skills training, on-the-job training, etc. Customers must exercise customer choice through use of Individual Training Accounts (ITAs). There are three exceptions where contracts may be used for training.</p> <p>In addition, local areas can provide discretionary services (such as supportive services).</p>	<p>Training Services. Establishes eligibility requirements for individuals to receive training services.</p> <p>Amends list of authorized training services to include: occupational skills training; on-the-job training; skills upgrading and retraining; entrepreneurial training; education activities leading to a regular secondary school diploma or equivalent, in combination with occupational skills training; adult education and literacy activities in conjunction with other authorized training; workplace training combined with related instruction; occupational skills training that incorporates English language acquisition; customized training conducted with a commitment by an employer or employers to employ an individual upon their successful completion; and training programs operated by the private sector.</p> <p>Eliminates current priority of service requirement for recipients of public assistance and low-income individuals.</p> <p>Renames individual training accounts as “career enhancement accounts,” maintains default requirement that training services be paid for with such accounts.</p> <p>Authorizes local boards to coordinate career enhancement accounts with other federal, state, local, or private job training programs or sources. Authorizes local boards to help individuals establish “enhanced</p>	<p>training program.</p> <p>Continues current priority of service requirement for recipients of public assistance and low-income individuals.</p> <p>Continues Individuals Training Accounts and allows use of training contracts if there are an insufficient number of eligible training providers in a local area. Requires that training be provided in in-demand occupations and industries.</p> <p>Permissible Local Employment and Training Activities outlined in bill are similar to those described in H.R. 803.</p>

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	<p>career accounts” that include funds from other programs and sources beyond the regular career enhancement account.</p> <p>Maintains current exceptions to career enhancement accounts, adds additional exception allowing for training to be provided through a contract with an institution of higher education to facilitate the training of multiple individuals in in-demand sectors and occupations, if such contract does not limit customer choice.</p> <p>Permissible Local Employment and Training Activities. Expands list of discretionary one-stop delivery activities to include: (i) customized screening and referral of qualified training participants to employers; (ii) customized employment-related services to employers on a fee-for-service basis; (iii) customer support to navigate among multiple services and activities for special participant populations that face multiple barriers to employment; (iv) employment and training assistance in conjunction with child support enforcement activities; (v) activities to facilitate remote access to services; and (vi) activities to carry out business services and strategies that meet the workforce investment needs of local area businesses.</p> <p>Eliminates provisions relating to supportive services and needs-related payments.</p> <p>Adds new provision authorizing a local board to use funds to carry out incumbent worker training programs,</p>	

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	<p>which must be carried out by the local area in conjunction with employers for the purposes of assisting such workers in obtaining the skills necessary to retain employment and avert layoffs. Requires participating employers to pay a proportion of the costs of training.</p> <p>Priority for Placement in Private Sector Jobs. For purposes of employment and training activities funded under this section, requires state and local boards to give priority to placing participants in private sector jobs.</p> <p>Veteran Employment Specialist. Requires local board to employ one or more veteran employment specialist to carry out employment, training, and placement services, including conducting outreach to employers to assist veterans in gaining employment, and facilitating employment, training, supportive, and placement services for veterans. Establishes a hiring preference for veterans or individuals with expertise in serving veterans.</p> <ul style="list-style-type: none"> • Institutes training and reporting requirements for veterans’ employment specialists, the State, and the Secretary of Labor. <p>Statewide Grants for Adults with Barriers to Employment. (2 percent of Workforce Investment Fund allocation) Requires governors to award grants to eligible entities to carry out employment and training activities for individuals with barriers to employment. Authorizes governor to reserve up to 5 percent of funds</p>	

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	<p>for technical assistance and evaluations.</p> <ul style="list-style-type: none"> • <i>Eligible Entity Defined.</i> Defines eligible entities as: (i) a local board or consortium of local boards; (ii) a non-profit entity, for-profit entity, or consortium of such entities; or (iii) a consortium of entities under (i) and (ii) that has a demonstrated record of placing individuals into unsubsidized employment and serving hard to serve individuals, and agrees to be reimbursed primarily on the basis of achievement of specified performance outcomes and criteria. • <i>Grant Period.</i> Grants may be awarded for a period of one year, with renewal grants available for up to four additional years. • <i>Eligible Participants.</i> Defines eligible participants as low-income adults or members of a low-income family. • <i>Use of Funds.</i> Eligible entities must use funds for activities designed to assist eligible participants in obtaining employment and acquiring the education and skills necessary to succeed in the labor market. • <i>Applications.</i> Eligible entities must submit applications to the state that include (among other things): a description of how grant activities will be aligned with state and local plans; a description of the educational and skills training programs and activities the eligible entity will provide to eligible participants; a description of the populations to be served; and a description of the extent of the involvement of employers in such programs and activities. 	
National Reserve/Emergency Grants: The Secretary retains	Requires Secretary of Labor to reserve not more than 3.5 percent of total amounts appropriated under section	National Dislocated Worker and Disaster Relief Grants Changes largely build on HR27EAS. Provides definitions

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<p>20 percent of the appropriated amount for dislocated workers and uses it for national emergency grants, dislocated worker projects and other projects.</p> <p>The Secretary is authorized to award national emergency grants in the event of major economic dislocations and natural disasters or due to the need for additional assistance where allotted funds are exhausted.</p>	<p>137 to make grants to State or local boards to provide employment and training assistance to workers affected by major economic locations, and to provide assistance to Governors of states with an area that has suffered an emergency or major disaster to provide disaster relief employment.</p>	<p>for “emergency or disaster” and “disaster area.” Expands the Secretary’s authority to provide assistance to such areas.</p>
<p>Wagner-Peyser Act: States currently receive annual allotments to carry out labor exchange activities. 90 percent of the funds are for job search and placement services, appropriate recruitment services for employers and for other activities, such as labor market information and administering the work test for UI. 10 percent of funds are reserved by the Governor for performance incentives,</p>	<p>The bill strikes sections 1-14 of the Wagner-Peyser Act. The Wagner-Peyser Act is one of the 35 programs consolidated into the Workforce Investment Fund. The bill amends the current employment statistics system authorized under the Wagner-Peyser Act and renames the system the Workforce and Labor Market Information System.</p> <p>The Secretary of Labor, in accordance with the provisions of this section, is responsible for overseeing the development, maintenance, and continuous improvement of a nationwide workforce and labor market information system.</p>	<p>Clarifies that Employment Service offices are a part of the public employment service.</p> <p>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.</p> <p>Maintains procedures to allot funds to the states, and provides a mechanism for contributing to the workforce innovation fund. Authorizes to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2014 through 2018.</p>

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<p>services for groups with special needs and exemplary service delivery models. In most states, state personnel deliver these services through a combination of employment services offices and one-stop centers.</p>	<p>The workforce and labor market information system described in subsection (a) shall be planned, administered, overseen, and evaluated through a cooperative governance structure involving the Federal Government and States.</p> <p>The Secretary, working through the Bureau of Labor Statistics and the Employment and Training Administration, shall regularly consult with representatives of State agencies carrying out workforce information activities regarding strategies for improving the workforce and labor market information system.</p> <p>In order to receive Federal financial assistance under this section, the Governor of a State shall—</p> <p>(A) be responsible for the management of the portions of the workforce and labor market information system described in subsection (a) that comprise a statewide workforce and labor market information system and for the State’s participation in the development of the annual plan; (B) establish a process for the oversight of such system; (C) consult with State and local employers, participants, and local workforce investment boards about the labor market relevance of the data to be collected and disseminated through the statewide workforce and labor market information system; (D) consult with State educational agencies and local educational agencies concerning the provision of employment statistics in order to meet the needs of secondary school and postsecondary school students who seek such information; (E) collect and disseminate</p>	<p>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.</p> <p>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.</p> <p>Establishes the composition, roles and responsibilities of the Council.</p>

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	<p>for the system, on behalf of the State and localities in the State, the information and data described in subparagraphs (A) and (B) of subsection (a)(1); (F) maintain and continuously improve the statewide workforce and labor market information system in accordance with this section; (G) perform contract and grant responsibilities for data collection, analysis, and dissemination for such system; (H) conduct such other data collection, analysis, and dissemination activities as will ensure an effective statewide workforce and labor market information system; (I) actively seek the participation of other State and local agencies in data collection, analysis, and dissemination activities in order to ensure complementarily, compatibility, and usefulness of data; (J) participate in the development of the annual plan described in subsection (c); and (K) utilize the quarterly records described in section 136(f)(2) to assist the State and other States in measuring State progress on State performance measures.</p> <p>The requirements of the State Plan include:</p> <ul style="list-style-type: none"> • "Develop a statewide workforce and labor market information system described in section 15(e) of the Wagner-Peyser Act, which may include using existing information conducted by the State economic development agency or related entity in developing such system." <p>The bill gives the Secretary authorization to assist in the development of national electronic tools that may be used to facilitate the delivery of work ready services</p>	

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	<p>described in section 134(c)(2) and to provide workforce information to individuals through the one-stop delivery systems described in section 121 and through other appropriate delivery systems.</p> <p>The bill authorizes an appropriations of \$63,473,000 for fiscal year 2014 and each of the 6 succeeding fiscal years to carry out this section.</p>	
Youth Services		
<p>State Allotments: States receive 100 percent of the first \$1 billion in appropriations for youth. In years when appropriations exceed \$1 billion, the excess amount (up to \$250 million) is used to fund youth opportunity grants and youth activities related to migrant and seasonal farmworker programs.</p> <p>The formula for allocation to states incorporates the following factors:</p> <ul style="list-style-type: none"> ➤ One-third based on the relative number of unemployed individuals in areas of substantial unemployment ➤ One-third based on relative excess number 	<p>Consolidates Youth Services into Workforce Investment Fund. The formula for allocation to states is the Workforce Investment Fund formula highlighted earlier.</p>	<p>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.</p> <p>Describes a Youth Innovation and Replication 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.</p> <p>Reserves \$250,000,000 or 50 percent of the excess amount appropriated in FY [2012], whichever is less, to</p>

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<p>of unemployed individuals</p> <ul style="list-style-type: none"> ➤ One-third based on relative number of 16-21 year old disadvantaged youth <p>No state shall receive an allotment that is less than 90 percent or greater than 130 percent of prior year's share of the total allotment to states. Small state minimum is applied.</p> <p>The Secretary is authorized to reallocate among states the amount by which a state's unobligated balance exceeds 20 percent of its allotment for the prior program year.</p>		<p>provide youth innovation and replication grants. The formula for allocation to states incorporates the following factors:</p> <ul style="list-style-type: none"> (I) 33 1/3 percent on the basis of the relative number of individuals in the civilian labor force who are ages 16 through 21 in each State, compared to the total number of individuals in the civilian labor force who are ages 16 through 21 in all States; (II) 33 1/3 percent on the basis of the relative number of unemployed individuals in each State, compared to the total number of unemployed individuals in all States; and (III) 33 1/3 percent on the basis of the relative number of disadvantaged youth who are ages 16 through 21 in each State, compared to the total number of disadvantaged youth who are ages 16 through 21 in all States. <p>No state shall receive an allotment that is less than 90 percent or greater than 130 percent of prior year's share of the total allotment to states. Small state minimum is applied.</p>
<p>Within State Allocations: The Governor reserves not more than 15 percent of the state's allocation for statewide activities.</p> <p>To send funds to local areas,</p>	<p>The formula for allocation within states is the Workforce Investment Fund formula highlighted earlier.</p>	<p>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</p>

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<p>states may use a formula allocation using the national factors. Alternatively, states may adopt a discretionary allocation in which at least 70 percent of funds are distributed based on the same factors the Secretary uses to allot funds to states and not more than 30 percent of funds are distributed based on a formula that reflects excess youth poverty and unemployment.</p>		<p>procedures.</p>
<p>Statewide Activities: Funds reserved by the Governor must be used to carry out required activities, such as conducting evaluations, providing incentive grants, providing technical assistance and providing additional assistance to local areas that have high concentrations of eligible youth. The Governor’s discretionary funds may also be used for a range of allowable activities.</p> <p>Not more than 5 percent of the state allotment may be used for administration.</p>		<p>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.</p> <p>Not more than 5 percent of the state allotment may be used for administration.</p>

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<p>Youth Eligibility: Both in-school and out-of-school youth are eligible.</p> <p>Thirty percent of funds must be used to serve out-of-school youth unless the Secretary approves a request reducing the required percentage.</p> <p>Eligible youth must be 14-21 years old, low-income and have one or more barriers (such as basic skills deficiency or school dropout). There are no separate eligibility criteria for out-of-school and in-school youth.</p> <p>The definition of low-income individual does not allow school lunch eligibility as a proxy for eligibility.</p> <p>Not more than 5 percent of participants can be eligible regardless of income level provided they have one or more barriers, including basic skills deficient, pregnant or</p>	<p>The term “out-of-school youth” means— (A) an at-risk youth who is a school dropout; or (B) an at-risk youth who has received a secondary school diploma or its recognized equivalent but is basic skills deficient, unemployed, or underemployed.</p> <p>The term “at-risk youth” means an individual who— (A) is not less than age 16 and not more than age 24; (B) is a low-income individual; and (C) is an individual who is one or more of the following: (i) a secondary school dropout; (ii) a youth in foster care (including youth aging out of foster care); (iii) a youth offender; (iv) a youth who is an individual with a disability; or (v) a migrant youth.</p>	<p>Describes eligibility for youth participants. To be eligible to participate in activities carried out under this chapter during any program year an individual shall, at the time the eligibility determination is made, be an out-of-school youth or an in-school youth.</p> <p>The term “out-of-school youth” means— (A) an at-risk youth who is a school dropout; or (B) an at-risk youth who has received a secondary school diploma or its recognized equivalent but is basic skills deficient, unemployed, or underemployed. (i) not attending any school (as defined under State law); (ii) not younger than age 16 or older than age 24; and (iii) one or more of the following: (I) A school dropout. (II) A youth who is within the age of compulsory school attendance, but has not attended school for at least the most recent complete school year calendar quarter. (III) A recipient of a secondary school diploma or its recognized equivalent who is a low-income individual and is— (aa) basic skills deficient; or (bb) an English language learner. (IV) An individual who is subject to the juvenile or adult justice system. (V) A homeless individual (VI) An individual who is pregnant or parenting. (VII) A youth who is an individual with a disability.</p>

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parenting, etc.		<p>(VIII) A low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment.</p> <p>(C) IN-SCHOOL YOUTH.—In this section, the term “in-school youth” means an individual who is—</p> <ul style="list-style-type: none"> (i) attending school (as defined by State law); (ii) not younger than age 14 or (unless an individual with a disability who is attending school under State law) older than age 21; (iii) a low-income individual; and (iv) one or more of the following: <ul style="list-style-type: none"> (I) Basic skills deficient. (II) An English language learner. (III) An offender. (IV) A homeless individual (V) Pregnant or parenting. (VI) A youth who is an individual with a disability. (VII) An individual who requires additional assistance to complete an educational program or to secure or hold employment. <p>Establishes the percentage of youth funds that required for out-of-school youth--not less than 60% of funds made available (with some exceptions).</p>
Local Program Design: Funds must be used to provide an assessment, develop service strategies and provide preparation for employment		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

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and postsecondary education. Local programs must incorporate 10 required elements.		unpaid work experiences for youth.
Eligible Providers of Youth Services: Local boards must award grants or contracts on a competitive basis.		Requires local boards to award grants or contracts for youth workforce investment activities. Allows local boards to award grants or contracts on a sole-source basis if such board determines there is an insufficient number of eligible providers of youth workforce investment activities in the local area involved (such as a rural area) for grants and contracts to be awarded on a competitive basis.
Youth Challenge Grants: Youth Opportunity Grants are awarded to selected high- poverty areas.	Strikes this section.	Strikes this section.
Performance Accountability		
Core Indicators: States are subject to four core indicators (entered employment, retention, earnings and attainment of a credential). Core indicators are applied to older youth and all adult and dislocated worker services.	Provides that state performance measures consist of the core indicators of performance, any additional indicators of performance identified by the state, and a state adjusted level of performance for each of the core indicators. Omits current customer satisfaction indicator. Core Indicators of Performance. Provides that the core indicators of performance for employment and training activities under section 134, adult education and literacy activities under Title II, and	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. The proposed measures generally mirror the NGA/NASWA performance measures proposal and adds an indicator on the effectiveness of serving employers.

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<p>Accountability measures are not applied to self-service and information activities.</p> <p>Three additional indicators apply to youth (attainment of basic skills, attainment of diploma or equivalent and placement and retention).</p> <p>Customer satisfaction indicators are established for individuals and employers.</p>	<p>programs under Title I of the Rehabilitation Act are:</p> <ul style="list-style-type: none"> (I) The percentage and number of program participants who are in unsubsidized employment during the second full calendar quarter after exit; (II) The percentage and number of program participants who are in unsubsidized employment during the fourth full calendar quarter after exit; (III) The median earnings of participants who are in unsubsidized employment during the second full calendar quarter after exit, compared to median earnings of such participants prior to training; (IV) The percentage and number of participants who obtain a recognized postsecondary credential, including a registered apprenticeship, or a secondary school diploma or equivalent, during participation or within one year after exit; (V) The percentage and number of participants who, during a program year, are in an education or training program that leads to a recognized postsecondary credential, a secondary school diploma or equivalent, or unsubsidized employment, and are achieving measurable basic skills gains toward such credential or employment; and (VI) The percentage and number of participants who obtain unsubsidized employment in the field relating to the training services received. <p>Provides that attainment of a secondary school diploma or equivalent may be counted as meeting the credential attainment criteria if such participants have obtained or</p>	

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	<p>retained employment, been removed from public assistance, or are in an education or training program leading to a recognized postsecondary credential, within one year after exit.</p> <p>Authorizes states to identify additional indicators in the state plan.</p> <p>Eliminates current requirement that state levels of performance be negotiated for the fourth and fifth program year.</p> <p>Amends current provision relating to local performance measures amended to align with new state core indicators.</p> <p><i>Use of Core Indicators for Other Programs.</i> Consistent with applicable law, requires the Secretary of Labor to use the core indicators of performance to assess the effectiveness of all required one-stop partner programs (other than the Workforce Investment Fund) that are carried out by the Secretary.</p>	
<p>Reporting Requirements: In addition to core indicators and customer satisfaction measures, states must report on a complex array of additional information, such as performance for special populations.</p>	<p>Adds new state reporting requirements and data validation requirements. Mandates that states report for each local area:</p> <ul style="list-style-type: none"> • The number of individuals receiving work ready and training services during the most recent program and fiscal years, and the preceding five program years, and where individuals received training, disaggregated by the type of entity that provided the training; 	<p>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. 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</p>

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	<ul style="list-style-type: none"> • The number of individuals successfully exiting out of work ready and training services during the most recent program and fiscal years, and the preceding five program years, and where individuals received training, disaggregated by the type of entity that provided the training; and • The average cost per participant of those individuals who received work ready and training services during the most recent program and fiscal years, and the preceding five program years, and where individuals received training, disaggregated by the type of entity that provided the training. 	<p>on state performance accountability measures.</p> <p>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.</p>
<p>Negotiation of Performance Levels: States must negotiate levels for performance measures for three years and then for two years, “taking into account” economic conditions and characteristics of participants.</p>	<p>Eliminates current requirement that state levels of performance be negotiated for the fourth and fifth program year.</p> <p>Amends current provision relating to local performance measures amended to align with new state core indicators.</p>	<p>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.</p> <p>Describes a performance negotiation process similar to that of the state.</p>
<p>State Incentives and Sanctions: Incentive grants and sanctions are doled out to states and</p>	<p>Requires the Secretary of Labor to reduce allotments by an unspecified amount for states that consistently fail to meet state performance measures. Provides that such</p>	<p>Establishes sanctions for poor performance, including corrective actions.</p>

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<p>local areas. Incentive grants are awarded to states for performance that exceeds expectations for Title I, Title II (adult education) and vocational education.</p>	<p>funds are to be returned to the Treasury. (<i>Current law makes funding reductions optional, and applies retained funds to state incentive grants</i>)</p> <p>Adds requirement that a governor reduce the amounts of a grant payable to a local area if such local area fails to meet local performance measures for three consecutive years.</p> <p>The penalty must be based on the degree of failure to meet local levels of performance.</p>	
Administrative & Miscellaneous Provisions		
<p>State Flexibility: States may request general waivers of any statutory or regulatory requirements in Title I-B with a number of exceptions (wage and labor standards etc.) and any of the statutory and regulatory requirements of the Wagner-Peyser Act with a number of exceptions. States may also pursue workforce flexibility plans that allow waivers of certain provisions of WIA, Wagner-Peyser Act and Older Americans Act.</p>	<p>State Unified Plan. <i>Amends current section 501.</i> Authorizes states to develop and submit to the appropriate Secretaries a state unified plan for two or more of the following programs and activities:</p> <ul style="list-style-type: none"> • Programs and activities authorized under Title I of WIA; • Programs and activities authorized under Title II of WIA; • Programs authorized under the Rehabilitation Act of 1973 (WIA Title IV); • Secondary career education programs under the Carl D. Perkins Career and Applied Technology Education Act; • Postsecondary career education programs under the Carl D. Perkins Career and Applied Technology Education Act; 	<p>Establishes unified state plans which expand upon state plans under current-law WIA 1998 title I.</p> <p>Unified state plans (referred to as state plans) 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.</p> <p><i>Section 113. Combined State plan.</i></p>

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	<ul style="list-style-type: none"> • Trade Adjustment Act programs; • Programs under the National Apprenticeship Act; • Programs authorized under the Community Services Block Grant; • TANF programs; • Programs authorized under state unemployment compensation laws; • Work programs under the Food Stamp Act of 1977; • Programs and activities under Title I of the Housing and Community Development Act of 1974; • Programs and activities under the Public Workers and Economic Development Act of 1965; and • Activities as defined under chapter 41 of Title 38, U.S. Code (veterans training and placement services). <p>Provides that states may consolidate funds for any program included in a state unified plan into the Workforce Investment Fund (with the exception of career and technical education funds under the Perkins Act and funds under the Rehabilitation Act of 1973). States may treat any funds consolidated into the Workforce Investment Fund as if they were original funds allotted to the state for that purpose. States must continue to make reservations, except for the reservation for statewide activities, and allotments as required.</p> <p>Adds requirement that a state with a unified plan for purposes of consolidation must continue to meet the program requirements, limitations, and prohibitions of</p>	<p>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.</p> <p>Generally maintains current law on Workforce Flexibility provisions. 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.</p>

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	any Federal statute authorizing the activity or program consolidated into the Workforce Investment Fund, and meet the intent and purpose of such programs as well.	
Prohibitions: Prohibits use of WIA Title I funds for “employment generating activities, economic development activities, investment in revolving loan funds...and similar activities that are not directly related to training for eligible individuals under this title.”	Adds provision prohibiting the use of Title I funds to establish or operate stand-alone, fee-for-service enterprises that compete with private sector employment agencies. This prohibition does not apply to one-stop centers.	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.
Administrative/Other: The youth program year begins on April 1 and the adult and dislocated program years begin on July 1. Prohibits WIA funded organizations from discriminating in employment on the basis of religion, race, color, etc.	Largely maintains current section 189. Amends to provide that appropriations for all programs and activities under Title I must be available for obligation on the basis of a program year beginning on July 1 (eliminates April 1 start date for youth programs). Adds new provision allowing the Secretary of Labor to establish an expedited procedure for the purpose of extending previously approved waivers to additional states. Requirements and Restrictions. Amends current section 181. Eliminates current requirement that representatives of business and labor organizations be permitted to submit comments to the Secretary on programs and activities to be funded under subtitle II (state and local workforce investment systems).	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.

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	<p>Makes optional a current requirement that the Secretary investigate allegations by participants and other interested and affected parties of violations of program requirements.</p> <p>Provides that funds under the Act may not be used to pay salaries or bonuses to an individual in excess of level II of the Federal Executive Pay Schedule. States are authorized to set lower levels.</p> <p>Provides that the Employment and Training Administration (ETA) is responsible for administering all programs under Titles I and III of the Act. Provides that ETA shall be headed by an Assistant Secretary, and provides qualifications for such Assistant Secretary.</p> <p>ACCRUED EXPENDITURES.—The term “accrued expenditures” means charges incurred by recipients of funds under this title for a given period requiring the provision of funds for goods or other tangible property received; services performed by employees, contractors, subgrantees, subcontractors, and other payees; and other amounts becoming owed under programs assisted under this title for which no current services or performance is required, such as annuities, insurance claims, and other benefit payments.</p> <p>ADMINISTRATIVE COSTS.—The term “administrative costs” means expenditures incurred by State and local workforce investment boards, direct recipients (including State grant recipients under subtitle B and</p>	

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<p>Job Corps Not included in WIA of 1998 (separate legislation)</p>	<p>recipients of awards under subtitles C and D), 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 this title which are not related to the direct provision of workforce investment services (including services to participants and employers). Such costs include both personnel and non-personnel and both direct and indirect.</p> <p>Job Corps Reforms The bill restructures Job Corps to ensure career and technical education and training is geared toward in-demand occupations and disadvantaged youth receive a regular high school diploma and/or a recognized postsecondary credential that prepares them for employment in the global economy. It establishes a new performance accountability and management system; requires the Secretary of Labor to provide technical assistance to low-performing centers, and requires all grantees to re-compete for funding, ensuring grantees are high-quality and have expertise in serving disadvantaged youth. These changes ensure at-risk youth become more employable, responsible, and productive citizens.</p>	<p>Job Corps--Subtitle C Generally maintains current law.</p>