104TH CONGRESS 1ST SESSION S. 143

To consolidate Federal employment training programs and create a new process and structure for funding the programs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 4, 1995

Mrs. KASSEBAUM introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

A BILL

- To consolidate Federal employment training programs and create a new process and structure for funding the programs, and for other purposes.
 - 1 Be it enacted by the Senate and House of Representa-
 - 2 tives of the United States of America in Congress assembled,

3 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

- 4 (a) SHORT TITLE.—This Act may be cited as the
- 5 "Job Training Consolidation Act of 1995".
- 6 (b) TABLE OF CONTENTS.—The table of contents is
- 7 as follows:
 - Sec. 1. Short title; table of contents.
 - Sec. 2. Findings.
 - Sec. 3. Definitions.

TITLE I—USE OF FEDERAL FUNDS FOR STATE EMPLOYMENT TRAINING ACTIVITIES

- Sec. 101. Formula assistance.
- Sec. 102. Discretionary assistance.
- Sec. 103. Trade adjustment assistance services.
- Sec. 104. Employment training activities.
- Sec. 105. Reports.

TITLE II—CONSOLIDATION OF EMPLOYMENT TRAINING PROGRAMS

Sec. 201. Repeals of employment training programs.

1 SEC. 2. FINDINGS.

- 2 Congress finds that—
- 3 (1) according to the General Accounting Of4 fice—
- 5 (A) there are currently 154 Federal em6 ployment training programs; and
- 7 (B) these programs cost nearly
 8 \$25,000,000,000 annually and are administered
 9 by 14 different Federal agencies;
- (2) these programs target individual populations such as economically disadvantaged persons,
 dislocated workers, youth, and persons with disabilities;

(3) many of these programs provide similar
services, such as counseling, assessment, and literacy
skills enhancement, resulting in overlapping services,
wasted funds, and confusion on the part of local
service providers and individuals seeking assistance;

(4) the Federal agencies administering these 1 2 programs fail to collect enough performance data to know whether the programs are working effectively; 3 4 (5) the additional cost of administering overlapping employment training programs at the Federal, 5 6 State, and local levels diverts scarce resources that 7 could be better used to assist all persons in entering 8 the work force, gaining basic skills, or retraining for new jobs; 9 (6) the conflicting eligibility requirements, and 10 11 annual budgeting or operating cycles, of employment 12 training programs create barriers to coordination of 13 the programs that may restrict access to services 14 and result in inefficient use of resources: (7) despite more than 30 years of federally 15 funded employment training programs, the Federal 16 17 Government has no single, coherent policy guiding 18 its employment training efforts; 19 (8) the Federal Government has failed to ade-

quately maximize the effectiveness of the substantial
public and private sector resources of the United
States for training and work-related education; and
(9) the Federal Government lacks a national
labor market information system, which is needed to

1	provide current data on jobs and skills in demand in
2	different regions of the country.
3	SEC. 3. DEFINITIONS.
4	As used in this Act:
5	(1) COVERED ACT.—The term "covered Act"
6	means an Act described in paragraph (3).
7	(2) COVERED ACTIVITY.—The term ''covered
8	activity" means an activity authorized to be carried
9	out under a covered provision.
10	(3) COVERED PROVISION.—The term "covered
11	provision" means a provision of—
12	(A) the Job Training Partnership Act (29
13	U.S.C. 1501 et seq.);
14	(B) the Carl D. Perkins Vocational and
15	Applied Technology Education Act (20 U.S.C.
16	2301 et seq.);
17	(C) part B of title III of the Adult Edu-
18	cation Act (20 U.S.C. 1203 et seq.);
19	(D) part F of title IV of the Social Secu-
20	rity Act (42 U.S.C. 681 et seq.);
21	(E) section 235 or 236, or paragraph (1)
22	or (2) of section 250(d), of the Trade Act of
23	1974 (19 U.S.C. 2295, 2296, or 2331(d));
24	(F) the Wagner-Peyser Act (29 U.S.C. 49
25	et seq.);

1	(G) title I of the Rehabilitation Act of
2	1973 (29 U.S.C. 720 et seq.);
3	(H) section 6(d)(4) of the Food Stamp Act
4	of 1977 (7 U.S.C. 2015(d)(4));
5	(I) the Refugee Education Assistance Act
6	of 1980 (8 U.S.C. 1522 note);
7	(J) section 204 of the Immigration Reform
8	and Control Act of 1986 (8 U.S.C. 1255a
9	note);
10	(K) title VII of the Stewart B. McKinney
11	Homeless Assistance Act (42 U.S.C. 11421 et
12	seq.);
13	(L) title V of the Older Americans Act of
14	1965 (42 U.S.C. 3056 et seq.); and
15	(M) the School-to-Work Opportunities Act
16	of 1994 (20 U.S.C. 6101 et seq.).
17	(4) LOCAL ENTITY.—The term "local entity"
18	includes public and private entities.
19	TITLE I-USE OF FEDERAL
20	FUNDS FOR STATE EMPLOY-
21	MENT TRAINING ACTIVITIES
22	SEC. 101. FORMULA ASSISTANCE.
23	(a) USE OF FUNDS.—Notwithstanding any other pro-
24	vision of Federal law, a State that receives State formula
25	assistance for a covered activity for a fiscal year may use

1 the assistance to carry out activities as described in sec-2 tion 104 for the fiscal year. Notwithstanding any other 3 provision of Federal law, a local entity that receives local 4 formula assistance for a covered activity for a fiscal year 5 may use the assistance to carry out activities as described 6 in section 104 for the fiscal year.

7 (b) REQUIREMENTS.—

8 (1) IN GENERAL.—Except as otherwise pro-9 vided in this subsection, a State may use such State 10 formula assistance, and a local entity may use such 11 local formula assistance, to carry out activities as 12 described in section 104, without regard to the re-13 quirements of any covered Act.

14 (2) REMAINING PROGRAM REQUIREMENTS.—

15 (A) ALLOCATION AND ENFORCEMENT.— 16 Any head of a Federal agency that allocates 17 State formula assistance, and any State that al-18 locates local formula assistance, for a covered 19 activity—

(i) shall allocate such assistance in accordance with allocation requirements that
are specified in the covered Acts and that
relate to the covered activity, including
provisions relating to minimum or maximum allocations; and

	•
1	(ii)(I) if the State or local entity uses
2	such assistance to carry out the covered
3	activity, shall exercise the enforcement and
4	oversight authorities that are specified in
5	the covered Acts and that relate to the cov-
6	ered activity; and
7	(II) if the State or local entity does
8	not use such assistance to carry out the
9	covered activity, shall exercise such au-
10	thorities solely for the purpose of ensuring
11	that the assistance is used to carry out ac-
12	tivities as described in section 104, and in
13	accordance with the applicable require-
14	ments of this title.
15	(B) Administrative expense limits.—
16	Each State that receives State formula assist-
17	ance, and each local entity that receives local
18	formula assistance, for a covered activity—
19	(i) shall comply with any limits on ad-
20	ministrative expenses that are specified in
21	the covered Acts and that relate to the cov-
22	ered activity; and
23	(ii) for any fiscal year, may not use a
24	greater percentage of the State formula as-
25	sistance or local formula assistance to pay

1for the administrative expenses of activities2carried out under section 104 than the3State or entity used to pay for such admin-4istrative expenses relating to the covered5activity for fiscal year 1995.

6 (C) CONDITIONAL BENEFITS.—Any State 7 that receives State formula assistance to carry out a covered activity described in a covered 8 9 provision specified in subparagraph (D) or (H) of section 3(3) and that uses the assistance to 10 11 carry out activities as described in section 104 12 shall carry out an activity that is appropriate 13 for persons who would otherwise be eligible to 14 participate in the covered activity. Any person 15 in the State who would otherwise be required to 16 participate in the covered activity in order to 17 obtain Federal assistance under a covered Act 18 shall be eligible to receive the assistance by par-19 ticipating in such appropriate activity.

20 (D) AVAILABILITY OF APPROPRIATIONS.—
21 Nothing in this section shall affect the period
22 for which any appropriation under a covered
23 Act remains available.

24 (c) DEFINITIONS.—As used in this section:

1	(1) LOCAL FORMULA ASSISTANCE.—The term
2	"local formula assistance" means assistance made
3	available by a State to a local entity under—
4	(A)(i) subsections (a)(2) and (b) of section
5	202 of the Job Training Partnership Act (29
6	U.S.C. 1602);
7	(ii) section 252(b) of such Act (29 U.S.C.
8	1631(b)) in accordance with subsections $(a)(2)$
9	and (b) of section 262 of such Act (29 U.S.C.
10	1642);
11	(iii) subsections $(a)(2)$ and (b) of section
12	262 of such Act (29 U.S.C. 1642); or
13	(iv) subsections (a)(1), (b), and (d) of sec-
14	tion 302 of such Act (29 U.S.C. 1652); or
15	(B)(i) section $102(a)(1)$, and section
16	231(a) or 232 of the Carl D. Perkins Voca-
17	tional Education Act (20 U.S.C. $2312(a)(1)$,
18	and 2341(a) or 2341a); or
19	(ii) section 353(b) of such Act (20 U.S.C.
20	2395b(b)).
21	(2) STATE FORMULA ASSISTANCE.—The term
22	"State formula assistance" means assistance made
23	available by an agency of the Federal Government to
24	a State under—

1	(A)(i) subsections (a)(2) and (c) of section
2	202 of the Job Training Partnership Act (29
3	U.S.C. 1602);
4	(ii) subsections (a)(2) and (c) of section
5	262 of such Act (29 U.S.C. 1642);
6	(iii) subsections (a)(1), (b), and (c)(1) of
7	section 302 of such Act (29 U.S.C. 1652); or
8	(iv) sections 502(d) and 503 of such Act
9	(29 U.S.C. 1791a(d));
10	(B)(i) section $101(a)(2)$ of the Carl D.
11	Perkins Vocational Education Act (20 U.S.C.
12	2311(a)(2) (other than assistance made avail-
13	able under section 231(a) or 232 of such Act
14	(20 U.S.C. 2341(a) or 2341a) to local edu-
15	cational agencies or other local entities within
16	the State);
17	(ii) section 112(f) of such Act (20 U.S.C.
18	2322(f)); or
19	(iii) section 343(b)(1) of such Act (20
20	U.S.C. 2394a(b)(1));
21	(C) section 313(b) of the Adult Education
22	Act (20 U.S.C. 1201b(b)) (other than assist-
23	ance reserved to carry out part D of title III of
24	such Act (20 U.S.C. 1213 et seq.));

1	(D) subsection (k) or (l) of section 403 of
2	the Social Security Act (42 U.S.C. 603);
3	(E) section $6(b)(1)$ of the Wagner-Peyser
4	Act (29 U.S.C. 49e(b)(1));
5	(F)(i) subsection (a) or (b) of section 110
6	of the Rehabilitation Act of 1973 (29 U.S.C.
7	730) (less any amount reserved under sub-
8	section (d) of such section);
9	(ii) section 112(e) of such Act (29 U.S.C.
10	732(e)); or
11	(iii) section 124 of such Act (29 U.S.C.
12	744);
13	(G) section $16(h)(1)$ of the Food Stamp
14	Act of 1977 (7 U.S.C. 2025(h)(1)) (other than
15	funds made available under subparagraph (B)
16	of such section);
17	(H)(i) section 201(b) of the Refugee Edu-
18	cation Assistance Act of 1980 (8 U.S.C. 1522
19	note);
20	(ii) section 301(b) of such Act (8 U.S.C.
21	1522 note); or
22	(iii) section 401(b) of such Act (8 U.S.C.
23	1522 note);

1	(I) section 204(b) of the Immigration Re-
2	form and Control Act of 1986 (8 U.S.C. 1255a
3	note);
4	(J)(i) section 722(c) of the Stewart B.
5	McKinney Homeless Assistance Act; or
6	(ii) section 752(a) of such Act (42 U.S.C.
7	11462(a)); or
8	(K) section 506(a)(3) of the Older Ameri-
9	cans Act of 1965 (42 U.S.C. 3056d(a)(3)).
10	SEC. 102. DISCRETIONARY ASSISTANCE.
11	(a) In General.—
12	(1) PRIOR ASSISTANCE.—Notwithstanding any
13	other provision of Federal law, a State or local en-
14	tity that received, prior to the date of enactment of
15	this Act, discretionary assistance for a covered activ-
16	ity for a fiscal year may use the assistance to carry
17	out activities as described in section 104 for the
18	fiscal year.
19	(2) FUTURE ASSISTANCE.—Notwithstanding
20	any other provision of Federal law, a State or local
21	entity that is eligible to apply for discretionary as-
22	sistance for a covered activity for a fiscal year may
23	apply, as described in subsection (c), for the assist-
24	ance to carry out activities as described in section
25	104 for the fiscal year.

1 (b) Use of Funds.—

(1) IN GENERAL.—Except as otherwise pro-2 vided in this subsection, a State or local entity that 3 4 receives discretionary assistance prior to the date of 5 enactment of this Act or on approval of an applica-6 tion submitted under subsection (c) may use the dis-7 cretionary assistance to carry out activities as de-8 scribed in section 104, without regard to the require-9 ments of any covered Act.

10 (2) Remaining program requirements.—A 11 State or local entity that uses discretionary assist-12 ance to carry out such activities shall use the assist-13 ance in accordance with the requirements of sub-14 paragraphs (A), (B), and (D) of section 101(b)(2), which shall apply to such assistance in the same 15 16 manner and to the same extent as the requirements 17 apply to State formula assistance or local formula 18 assistance, as appropriate, used under section 101. 19 (c) Additional Information in Application.—A State or local entity seeking to use discretionary assistance 20 as described in subsection (a)(2) shall include in the appli-21 22 cation (under the covered provision involved) of the State or local entity for the assistance (in lieu of any informa-23 24 tion otherwise required to be submitted)—

(1) a description of the funds the State or local
 entity proposes to use to carry out activities as de scribed in section 104;

4 (2) a description of the activities to be carried5 out with such funds;

6 (3) a description of the specific outcomes ex7 pected of participants in the activities; and

8 (4) such other information as the head of the
9 agency with responsibility for evaluating the applica10 tion may require.

11 (d) EVALUATION OF APPLICATION.—In evaluating an application described in subsection (c), the agency with re-12 sponsibility for evaluating the application shall evaluate 13 the application by determining the likelihood that the 14 15 State or local entity submitting the application will be able to carry out activities as described in section 104. In eval-16 uating applications for discretionary assistance, the agen-17 cy shall not give preference to applications proposing cov-18 ered activities over applications proposing activities de-19 scribed in section 104. 20

(e) DEFINITION.—As used in this section, the term
"discretionary assistance" means assistance that—

(1) is not State formula assistance or local formula assistance, as defined in section 101(c);

(2) is not Federal assistance available to pro-1 2 vide services described in section 235 or 236, or paragraph (1) or (2) of section 250(d), of the Trade 3 Act of 1974 (19 U.S.C. 2295, 2296, or 2331(d)); 4 and 5 (3) is made available by an agency of the Fed-6 7 eral Government, or by a State, to a State or local 8 entity to enable the State or local entity to carry out 9 an activity under a covered provision. SEC. 103. TRADE ADJUSTMENT ASSISTANCE SERVICES. 10 11 (a) USE OF ASSISTANCE.— 12 (1) IN GENERAL.—Notwithstanding any other provision of Federal law, if the Secretary of Labor 13 initiates efforts under section 235 of the Trade Act 14 of 1974 (19 U.S.C. 2295) to secure services de-15 scribed in such section 235 (including services that 16 17 are provided under section 250(d)(1) of such Act 18 (19 U.S.C. 2331(d)(1))) for a worker, or if the Sec-19 retary makes a determination under section 236(a) 20 of the Trade Act of 1974 (19 U.S.C. 2296(a)) that entitles a worker to payments described in such sec-21 22 tion for services (including services for which pay-

23 ment is provided under section 250(d)(2) of such
24 Act), the Secretary shall notify the State in which
25 the worker is located.

(2) ACTIVITIES.—A State that receives such no-1 2 tification may apply under subsection (c) for the Federal assistance that would otherwise have been 3 4 expended to provide services described in paragraph (1) to the worker, to enable the State to carry out 5 6 activities as described in section 104 for the fiscal 7 year. If the State has received such assistance in advance, the State may apply under subsection (c) to 8 9 use such assistance to enable the State to carry out 10 activities as described in section 104 for the fiscal 11 year.

12 (b) REQUIREMENTS.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, a State that receives such
Federal assistance and receives approval of an application submitted under subsection (c) may use the
assistance to carry out activities as described in section 104, without regard to the requirements of any
covered Act.

(2) REMAINING PROGRAM REQUIREMENTS.—A
State that uses such Federal assistance to carry out
such activities shall use the assistance in accordance
with the requirements of subparagraphs (A)(ii), (B),
and (D) of section 101(b)(2), which shall apply to
such assistance in the same manner and to the same

extent as the requirements apply to State formula
 assistance or local formula assistance, as appro priate, used under section 101.

4 (3) CONDITIONAL BENEFITS.—Any State that receives Federal assistance that would otherwise 5 6 have been expended to provide services described in 7 subsection (a)(1) to a worker, and that uses the assistance to carry out activities as described in sec-8 9 tion 104, shall carry out eligible alternative activities that are appropriate for the worker. If the worker 10 11 would otherwise be required to receive such services in order to obtain Federal funds under another pro-12 vision of chapter 2 of title II of the Trade Act of 13 1974 (19 U.S.C. 2291 et seq.), the worker shall be 14 15 eligible to receive the funds by participating in such 16 eligible alternative activities.

17 (c) ADDITIONAL INFORMATION IN APPLICATION.—A 18 State seeking to use Federal assistance that would other-19 wise have been expended to provide services described in 20 subsection (a)(1) to a worker shall submit an application 21 to the Secretary of Labor, at such time and in such man-22 ner as the Secretary may require, that contains—

(1) a description of the Federal assistance the
State proposes to use to carry out activities as described in section 104;

(2) a description of the activities to be carried
 out with such assistance;

3 (3) a description of the specific outcomes ex4 pected of participants in the activities; and

5 (4) such other information as the Secretary of6 Labor may require.

7 (d) EVALUATION OF APPLICATION.—In evaluating an application described in subsection (c), the Secretary of 8 9 Labor shall evaluate the application by determining the 10 likelihood that the State submitting the application will be able to carry out activities as described in section 104. 11 In evaluating applications for such Federal assistance, the 12 13 Secretary of Labor shall not give preference to applications proposing covered activities over applications propos-14 ing activities described in section 104. 15

16 SEC. 104. EMPLOYMENT TRAINING ACTIVITIES.

A State or local entity that receives State formula assistance or local formula assistance as described in section 101(a), receives discretionary assistance as described in section 102(b), or receives Federal assistance as described in section 103(b), may—

(1) use the assistance to carry out activities to
develop a comprehensive statewide employment
training system that—

1	(A) is primarily designed and implemented
2	by communities to serve local labor markets in
3	the State involved;
4	(B) requires the participation and involve-
5	ment of private sector employers in all phases
6	of the planning, development, and implementa-
7	tion of the system, including—
8	(i) determining the skills to be devel-
9	oped by each employment training program
10	carried out through the system; and
11	(ii) designing the training to be pro-
12	vided by each such program;
13	(C) assures that State and local training
14	efforts are linked to available employment op-
15	portunities;
16	(D) includes standards for determining the
17	effectiveness of such programs; and
18	(E) is an integrated system that assures
19	that individuals seeking employment in the
20	State will receive information about all available
21	employment training services provided in the
22	State, regardless of where the individuals ini-
23	tially enter the system; or

1	(2) may use the assistance that would otherwise
2	have been used to carry out 2 or more covered ac-
	·
3	tivities—
4	(A) to address the high priority needs of
5	unemployed persons in the State or community
6	involved for employment training services;
7	(B) to improve efficiencies in the delivery
8	of the covered activities; or
9	(C) in the case of overlapping or duplica-
10	tive activities—
11	(i) by combining the covered activities
12	and funding the combined activities; or
13	(ii) by eliminating one of the covered
14	activities and increasing the funding to the
15	remaining covered activity.
16	SEC. 105. REPORTS.
17	(a) STATE REPORTS.—
18	(1) PREPARATION.—A State that receives State
19	formula assistance as described in section 101(a),
20	receives discretionary assistance as described in sec-
21	tion 102(b), or receives Federal assistance as de-
22	scribed in section 103(b), and that uses the assist-
23	ance to carry out activities as described in section
24	104 shall annually prepare a report containing—

1	(A) information on the amount and origin
2	of such assistance;
3	(B) information on the activities carried
4	out with such assistance;
5	(C) information regarding the populations
6	to be served with such assistance, such as eco-
7	nomically disadvantaged persons, dislocated
8	workers, youth, and individuals with disabilities;
9	(D) a summary of the reports received by
10	the State under subsection (b); and
11	(E) such other information as the commit-
12	tees described in paragraph (2) may require.
13	(2) SUBMISSION.—The State shall submit the
14	report described in paragraph (1) to the Committee
15	on Education and Labor of the House of Represent-
16	atives, and the Committee on Labor and Human Re-
17	sources of the Senate, not later than 60 days after
18	the end of each year.
19	(b) Local Entity Reports.—
20	(1) PREPARATION.—A local entity that receives
21	local formula assistance as described in section
22	101(a), or that receives discretionary assistance as
23	described in section 102(b), and uses the assistance
24	to carry out activities as described in section 104
25	shall annually prepare a report containing—

	~~
1	(A) information on the amount and origin
2	of such assistance;
3	(B) information on the activities carried
4	out with such assistance;
5	(C) information regarding the populations
6	to be served with such assistance, such as eco-
7	nomically disadvantaged persons, dislocated
8	workers, youth, and individuals with disabilities;
9	and
10	(D) such other information as the State
11	that allocated the assistance may require.
12	(2) SUBMISSION.—The local entity shall submit
13	the report described in paragraph (1) to the State
14	not later than 30 days after the end of each year.
15	TITLE II-CONSOLIDATION OF
16	EMPLOYMENT TRAINING
17	PROGRAMS
18	SEC. 201. REPEALS OF EMPLOYMENT TRAINING PRO-
19	GRAMS.
20	(a) IN GENERAL.—The following provisions are re-
21	pealed:
22	(1) The Job Training Partnership Act (29
23	U.S.C. 1501 et seq.).
24	(2) The Carl D. Perkins Vocational and Applied
25	Technology Education Act (20 U.S.C. 2301 et seq.).

1	(3) Part B of title III of the Adult Education
2	Act (20 U.S.C. 1203 et seq.).
3	(4) Part F of title IV of the Social Security Act
4	(42 U.S.C. 681 et seq.).
5	(5) Sections 235 and 236 of the Trade Act of
6	1974 (19 U.S.C. 2295 and 2296), and paragraphs
7	(1) and (2) of section 250(d) of such Act (19 U.S.C.
8	2331(d)).
9	(6) The Wagner-Peyser Act (29 U.S.C. 49 et
10	seq.).
11	(7) Title I of the Rehabilitation Act of 1973
12	(29 U.S.C. 720 et seq.).
13	(8) Section 6(d)(4) of the Food Stamp Act of
14	1977 (7 U.S.C. 2015(d)(4)).
15	(9) The Refugee Education Assistance Act of
16	1980 (8 U.S.C. 1522 note).
17	(10) Section 204 of the Immigration Reform
18	and Control Act of 1986 (8 U.S.C. 1255a note).
19	(11) Title VII of the Stewart B. McKinney
20	Homeless Assistance Act (42 U.S.C. 11421 et seq.).
21	(12) Title V of the Older Americans Act of
22	1965 (42 U.S.C. 3056 et seq.).
23	(13) The School-to-Work Opportunities Act of
24	1994 (20 U.S.C. 6101 et seq.).

(b) TECHNICAL AND CONFORMING AMENDMENTS.—
 Section 250(d) of the Trade Act of 1974 (as amended by
 subsection (a)(5)) is amended by redesignating para graphs (3), (4), and (5) as paragraphs (1), (2), and (3),
 respectively.

6 (c) EFFECTIVE DATE.—The repeals made by sub7 section (a), and the amendments made by subsection (b),
8 shall take effect 24 months after the date of enactment
9 of this Act.

 \bigcirc

S 143 IS—2