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SUBCHAPTER I—WORKFORCE INVESTMENT DEFINITIONS

§ 2801. Definitions

In this chapter:

(1) Adult

Except in sections 2852 and 2862 of this title, the term "adult" means an individual who is age 18 or older.

(2) Adult education; adult education and literacy activities

The terms "adult education" and "adult education and literacy activities" have the meanings given the terms in section 9202 of title 20.

(3) Area vocational education school

The term "area vocational education school" has the meaning given the term "area career and technical education school" in section 2302 of title 20.

(4) Basic skills deficient

The term "basic skills deficient" means, with respect to an individual, that the individual has English reading, writing, or computing skills at or below the 8th grade level on a generally accepted standardized test or a comparable score on a criterion-referenced test.

(5) Case management

The term "case management" means the provision of a client-centered approach in the delivery of services, designed—

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

(B) to provide job and career counseling during program participation and after job placement.

(6) Chief elected official

The term "chief elected official" means—

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

(B) in a case in which a local area includes more than one unit of general local government, the individuals designated under the agreement described in section 2832(c)(1)(B) of this title.

(7) Community-based organization

The term "community-based organization" means a private nonprofit organization that is representative of a community or a significant segment of a community and that has demonstrated expertise and effectiveness in the field of workforce investment.

(8) Customized training

The term "customized training" means training—

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

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

(C) for which the employer pays for not less than 50 percent of the cost of the training.

(9) Dislocated worker

The term "dislocated worker" means an individual who—

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

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

(II) has been employed for a duration sufficient to demonstrate, to the appropriate entity at a one-stop center referred to in section 2864(c) of this title, attachment to the workforce, but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that were not covered under a State unemployment compensation law; and

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

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

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

(iii) for purposes of eligibility to receive services other than training services described in section 2864(d)(4) of this title, intensive services described in section 2864(d)(3) of this title, or supportive services, is employed at a facility at which the employer has made a general announcement that such facility will close;

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

(D) is a displaced homemaker.

(10) Displaced homemaker

The term “displaced homemaker” means an individual who has been providing unpaid services to family members in the home and who—

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

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

(11) Economic development agencies

The term “economic development agencies” includes local planning and zoning commissions or boards, community development agencies, and other local agencies and institutions responsible for regulating, promoting, or assisting in local economic development.

(12) Eligible provider

The term “eligible provider”, used with respect to—

(A) training services, means a provider who is identified in accordance with section 2842(e)(3) of this title;

(B) intensive services, means a provider who is identified or awarded a contract as described in section 2864(d)(3)(B) of this title;

(C) youth activities, means a provider who is awarded a grant or contract in accordance with section 2843 of this title; or

(D) other workforce investment activities, means a public or private entity selected to be responsible for such activities, such as a one-stop operator designated or certified under section 2841(d) of this title.

(13) Eligible youth

Except as provided in subchapters III and IV of this chapter, the term “eligible youth” means an individual who—

(A) is not less than age 14 and not more than age 21;

(B) is a low-income individual; and

(C) is an individual who is one or more of the following:

(i) Deficient in basic literacy skills.

(ii) A school dropout.

(iii) Homeless, a runaway, or a foster child.

(iv) Pregnant or a parent.

(v) An offender.

(vi) An individual who requires additional assistance to complete an educational program, or to secure and hold employment.

(14) Employment and training activity

The term “employment and training activity” means an activity described in section 2864 of this title that is carried out for an adult or dislocated worker.

(15) Family

The term “family” means two or more persons related by blood, marriage, or decree of

court, who are living in a single residence, and are included in one or more of the following categories:

(A) A husband, wife, and dependent children.

(B) A parent or guardian and dependent children.

(C) A husband and wife.

(16) Governor

The term “Governor” means the chief executive of a State.

(17) Individual with a disability

(A) In general

The term “individual with a disability” means an individual with any disability (as defined in section 12102 of title 42).

(B) Individuals with disabilities

The term “individuals with disabilities” means more than one individual with a disability.

(18) Labor market area

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

(19) Literacy

The term “literacy” has the meaning given the term in section 9202 of title 20.

(20) Local area

The term “local area” means a local workforce investment area designated under section 2831 of this title.

(21) Local board

The term “local board” means a local workforce investment board established under section 2832 of this title.

(22) Local performance measure

The term “local performance measure” means a performance measure established under section 2871(c) of this title.

(23) Local educational agency

The term “local educational agency” has the meaning given the term in section 7801 of title 20.

(24) Lower living standard income level

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

(25) Low-income individual

The term “low-income individual” means an individual who—

(A) receives, or is a member of a family that receives, cash payments under a Fed-

eral, State, or local income-based public assistance program;

(B) received an income, or is a member of a family that received a total family income, for the 6-month period prior to application for the program involved (exclusive of unemployment compensation, child support payments, payments described in subparagraph (A), and old-age and survivors insurance benefits received under section 402 of title 42) that, in relation to family size, does not exceed the higher of—

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

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

(C) is a member of a household that receives (or has been determined within the 6-month period prior to application for the program involved to be eligible to receive) supplemental nutrition assistance program benefits pursuant to the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.);

(D) qualifies as a homeless individual, as defined in subsections (a) and (c)¹ of section 11302 of title 42;

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

(F) in cases permitted by regulations promulgated by the Secretary of Labor, is an individual with a disability whose own income meets the requirements of a program described in subparagraph (A) or of subparagraph (B), but who is a member of a family whose income does not meet such requirements.

(26) Nontraditional employment

The term “nontraditional employment” refers to occupations or fields of work for which individuals from one gender comprise less than 25 percent of the individuals employed in each such occupation or field of work.

(27) Offender

The term “offender” means any adult or juvenile—

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

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

(28) Older individual

The term “older individual” means an individual age 55 or older.

(29) One-stop operator

The term “one-stop operator” means 1 or more entities designated or certified under section 2841(d) of this title.

(30) One-stop partner

The term “one-stop partner” means—

(A) an entity described in section 2841(b)(1) of this title; and

(B) an entity described in section 2841(b)(2) of this title that is participating, with the

approval of the local board and chief elected official, in the operation of a one-stop delivery system.

(31) On-the-job training

The term “on-the-job training” means training by an employer that is provided to a paid participant while engaged in productive work in a job that—

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

(B) provides reimbursement to the employer of up to 50 percent of the wage rate of the participant, for the extraordinary costs of providing the training and additional supervision related to the training; and

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

(32) Outlying area

The term “outlying area” means the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(33) Out-of-school youth

The term “out-of-school youth” means—

(A) an eligible youth who is a school dropout; or

(B) an eligible youth who has received a secondary school diploma or its equivalent but is basic skills deficient, unemployed, or underemployed.

(34) Participant

The term “participant” means an individual who has been determined to be eligible to participate in and who is receiving services (except followup services authorized under this chapter) under a program authorized by this chapter. Participation shall be deemed to commence on the first day, following determination of eligibility, on which the individual began receiving subsidized employment, training, or other services provided under this chapter.

(35) Postsecondary educational institution

The term “postsecondary educational institution” means an institution of higher education, as defined in section 1002 of title 20.

(36) Poverty line

The term “poverty line” means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 9902(2) of title 42) applicable to a family of the size involved.

(37) Public assistance

The term “public assistance” means Federal, State, or local government cash payments for which eligibility is determined by a needs or income test.

(38) Rapid response activity

The term “rapid response activity” means an activity provided by a State, or by an en-

¹ See References in Text note below.

tity designated by a State, with funds provided by the State under section 2864(a)(1)(A) of this title, in the case of a permanent closure or mass layoff at a plant, facility, or enterprise, or a natural or other disaster, that results in mass job dislocation, in order to assist dislocated workers in obtaining reemployment as soon as possible, with services including—

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

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

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

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

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

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

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

(39) School dropout

The term “school dropout” means an individual who is no longer attending any school and who has not received a secondary school diploma or its recognized equivalent.

(40) Secondary school

The term “secondary school” has the meaning given the term in section 7801 of title 20.

(41) Secretary

The term “Secretary” means the Secretary of Labor, and the term means such Secretary for purposes of section 9273 of title 20.

(42) State

The term “State” means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

(43) State adjusted level of performance

The term “State adjusted level of performance” means a level described in clause (iii) or (v) of section 2871(b)(3)(A) of this title.

(44) State board

The term “State board” means a State workforce investment board established under section 2821 of this title.

(45) State performance measure

The term “State performance measure” means a performance measure established under section 2871(b) of this title.

(46) Supportive services

The term “supportive services” means services such as transportation, child care, de-

pendent care, housing, and needs-related payments, that are necessary to enable an individual to participate in activities authorized under this chapter, consistent with the provisions of this chapter.

(47) Unemployed individual

The term “unemployed individual” means an individual who is without a job and who wants and is available for work. The determination of whether an individual is without a job shall be made in accordance with the criteria used by the Bureau of Labor Statistics of the Department of Labor in defining individuals as unemployed.

(48) Unit of general local government

The term “unit of general local government” means any general purpose political subdivision of a State that has the power to levy taxes and spend funds, as well as general corporate and police powers.

(49) Veteran; related definition

(A) Veteran

The term “veteran” means an individual who served in the active military, naval, or air service, and who was discharged or released from such service under conditions other than dishonorable.

(B) Recently separated veteran

The term “recently separated veteran” means any veteran who applies for participation under this chapter within 48 months after the discharge or release from active military, naval, or air service.

(50) Vocational education

The term “vocational education” has the meaning given the term “career and technical education” in section 2302 of title 20.

(51) Workforce investment activity

The term “workforce investment activity” means an employment and training activity, and a youth activity.

(52) Youth activity

The term “youth activity” means an activity described in section 2854 of this title that is carried out for eligible youth (or as described in section 2854(c)(5) of this title).

(53) Youth council

The term “youth council” means a council established under section 2832(h) of this title.

(Pub. L. 105-220, title I, §101, Aug. 7, 1998, 112 Stat. 939; Pub. L. 105-244, title I, §102(d)(1), Oct. 7, 1998, 112 Stat. 1622; Pub. L. 105-332, §3(f), Oct. 31, 1998, 112 Stat. 3126; Pub. L. 106-400, §2, Oct. 30, 2000, 114 Stat. 1675; Pub. L. 107-110, title X, §1076(w), Jan. 8, 2002, 115 Stat. 2093; Pub. L. 109-270, §2(h)(1), (2), Aug. 12, 2006, 120 Stat. 747; Pub. L. 110-234, title IV, §4002(b)(1)(B), (E), (2)(R), May 22, 2008, 122 Stat. 1096, 1097; Pub. L. 110-246, §4(a), title IV, §4002(b)(1)(B), (E), (2)(R), June 18, 2008, 122 Stat. 1664, 1857, 1858.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this title” meaning title I of Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 939, which enacted this chapter, repealed

sections 1501 to 1505, 1511 to 1583, 1592 to 1735, 1737 to 1791h, 1792 to 1792b, 2301 to 2314 of this title, section 211 of former Title 40, Appendix, Public Buildings, Property, and Works, sections 11421, 11441 to 11447, 11449, 11450, 11461 to 11466, 11471, and 11472 of Title 42, The Public Health and Welfare, and sections 42101 to 42106 of Title 49, Transportation, enacted provisions set out as notes under sections 1501, 2301, and 2940 of this title and section 11421 of Title 42, and repealed provisions set out as notes under sections 801 and 2301 of this title and section 1255a of Title 8, Aliens and Nationality. For complete classification of title I to the Code, see Tables.

The Food and Nutrition Act of 2008, referred to in par. (25)(C), is Pub. L. 88-525, Aug. 31, 1964, 78 Stat. 703, which is classified generally to chapter 51 (§2011 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 2011 of Title 7 and Tables.

Subsection (c) of section 11302 of title 42, referred to in par. (25)(D), was redesignated (d) by Pub. L. 111-22, div. B, §1003(a)(1), May 20, 2009, 123 Stat. 1664.

This Act, referred to in par. (27)(A), is Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 936, known as the Workforce Investment Act of 1998. For complete classification of this Act to the Code, see Short Title note set out under section 9201 of Title 20, Education, and Tables.

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

PRIOR PROVISIONS

Provisions similar to this section were contained in section 1503 of this title prior to repeal by Pub. L. 105-220.

AMENDMENTS

2008—Par. (25)(C). Pub. L. 110-246, §4002(b)(1)(B), (E), (2)(R), substituted “supplemental nutrition assistance program benefits” for “food stamps” and “Food and Nutrition Act of 2008” for “Food Stamp Act of 1977”.

2006—Par. (3). Pub. L. 109-270, §2(h)(1), substituted “given the term ‘area career and technical education school’” for “given the term” and made technical amendment to reference in original act which appears in text as reference to section 2302 of title 20.

Par. (50). Pub. L. 109-270, §2(h)(2), substituted “given the term ‘career and technical education’ in section 2302 of title 20.” for “given the term in section 2471 of title 20.”

2002—Pars. (23), (40). Pub. L. 107-110 substituted “section 7801 of title 20” for “section 8801 of title 20”.

2000—Par. (25)(D). Pub. L. 106-400 made technical amendment to reference in original act which appears in text as reference to section 11302 of title 42.

1998—Par. (3). Pub. L. 105-332 substituted “section 2302 of title 20” for “section 2471 of title 20”.

Par. (35). Pub. L. 105-244 substituted “section 1002 of title 20” for “section 1088 of title 20”.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, except as otherwise provided, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of Title 7, Agriculture.

Amendment by section 4002(b)(1)(B), (E), (2)(R) of Pub. L. 110-246 effective Oct. 1, 2008, see section 4407 of Pub. L. 110-246, set out as a note under section 1161 of Title 2, The Congress.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-110 effective Jan. 8, 2002, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub.

L. 107-110, set out as an Effective Date note under section 6301 of Title 20, Education.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-244 effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105-244, see section 3 of Pub. L. 105-244, set out as a note under section 1001 of Title 20, Education.

SHORT TITLE OF 2007 AMENDMENT

Pub. L. 110-140, title X, §1001, Dec. 19, 2007, 121 Stat. 1748, provided that: “This title [amending section 2916 of this title] may be cited as the ‘Green Jobs Act of 2007.’”

SHORT TITLE OF 2006 AMENDMENT

Pub. L. 109-281, §1, Sept. 22, 2006, 120 Stat. 1173, provided that: “This Act [enacting section 2918a of this title, amending section 2939 of this title, section 1701u of Title 12, Banks and Banking, section 4183 of Title 25, Indians, and section 12870 of Title 42, The Public Health and Welfare, repealing sections 12899 to 12899i of Title 42, and enacting provisions set out as notes under section 2918a of this title and section 1701u of Title 12] may be cited as the ‘YouthBuild Transfer Act’.”

DECLARATION OF POLICY

Pub. L. 102-367, title I, §101(a), Sept. 7, 1992, 106 Stat. 1022, provided that: “In recognition of the training needs of low-income adults and youth, the Congress declares it to be the policy of the United States to—

“(1) provide financial assistance to States and local service delivery areas to meet the training needs of such low-income adults and youth, and to assist such individuals in obtaining unsubsidized employment;

“(2) increase the funds available for programs under title II of the Job Training Partnership Act ([former] 29 U.S.C. 1601 et seq.) by not less than 10 percent of the baseline each fiscal year to provide for growth in the percentage of eligible adults and youth served above the 5 percent of the eligible population that is currently served; and

“(3) encourage the provision of longer, more comprehensive, education, training, and employment services to the eligible population, which also requires increased funding in order to maintain current service levels.”

TRANSITIONAL PROVISIONS

For provisions relating to transition from authority under the Job Training Partnership Act (29 U.S.C. 1501 et seq.) to the workforce investment systems established under this chapter, including provisions relating to regulations, expenditures, and reorganization of functions in the Department of Labor, see section 9276 of Title 20, Education.

EXECUTIVE ORDER NO. 13174

Ex. Ord. No. 13174, Oct. 27, 2000, 65 F.R. 65705, which established the Commission on Workers, Communities, and Economic Change in the New Economy, was revoked by Ex. Ord. No. 13218, §3(b), June 20, 2001, 66 F.R. 33629, set out below.

EX. ORD. NO. 13218. 21ST CENTURY WORKFORCE INITIATIVE

Ex. Ord. No. 13218, June 20, 2001, 66 F.R. 33627, provided:

By the authority vested in me as President by the Constitution and laws of the United States of America, including the Federal Advisory Committee Act, as amended (5 U.S.C. App.), and in order to promote the study and the development of strategies to address the needs of the 21st century workforce, it is hereby ordered as follows:

SECTION 1. *Establishment of the Office of the 21st Century Workforce.* (a) The Secretary of Labor is hereby directed to establish within the Department of Labor the Office of the 21st Century Workforce. The Office shall

provide a focal point for the identification and study of issues relating to the workforce of the United States and the development of strategies for effectively addressing such issues.

(b) The Office of the 21st Century Workforce shall gather and disseminate information relating to workforce issues by conducting summits, conferences, field hearings, meetings, and other appropriate forums designed to encourage the participation of organizations and individuals interested in such issues, including business and labor organizations, academicians, employers, employees, and public officials at the local, State, and Federal levels.

(c) Among the issues to be addressed by the Office of the 21st Century Workforce shall be the identification of the ways in which the Department of Labor may streamline and update the information and services made available to the workforce by the Department; eliminate duplicative or overlapping rules and regulations; and eliminate statutory and regulatory barriers to assisting the workforce in successfully adapting to the challenges of the 21st century.

SEC. 2. *Establishment of the Council on the 21st Century Workforce.*

(a) *Establishment and Composition of the Council.*

(i) There is hereby established the "President's Council on the 21st Century Workforce" (Council).

(ii) The Council shall be composed of not more than 13 members who shall be appointed by the President. The membership shall include individuals who represent the views of business and labor organizations, Federal, State, and local governments, academicians and educators, and such other associations and entities as the President determines are appropriate. In addition, the Secretary of Labor and the Director of the Office of Personnel Management shall serve as ex officio members representing the views of the Federal Government. The Secretary of Labor shall be the Chairperson of the Council.

(b) *Functions of the Council.* The Council shall provide information and advice to the President through the Secretary of Labor, the Office of the 21st Century Workforce within the Department of Labor, and other appropriate Federal officials relating to issues affecting the 21st century workforce. These activities shall include:

(i) assessing the effects of rapid technological changes, demographic trends, globalization, changes in work processes, and the need for new and enhanced skills for workers, employers, and other related sectors of society;

(ii) examining current and alternative approaches to assisting workers and employers in adjusting to and benefitting from such changes, including opportunities for workplace education, retraining, access to assistive technologies and workplace supports, and skills upgrading;

(iii) identifying impediments to the adjustment to such changes by workers and employers and recommending approaches and policies that could remove those impediments;

(iv) assisting the Office of the 21st Century Workforce in reviewing programs carried out by the Department of Labor and identifying changes to such programs that would stream line [sic] and update their effectiveness in meeting the needs of the workforce; and

(v) analyzing such additional issues relating to the workforce and making such reports as the President or the Secretary of Labor may request.

(c) *Administration of the Council.*

(i) The Council shall meet on the call of the Chairperson, at a time and place designated by the Chairperson. The Chairperson may form subcommittees or working groups within the Council to address particular matters.

(ii) The Council may from time to time prescribe such procedures and policies relating to the activities of the Council as are not inconsistent with law or with the provisions of this order.

(iii) Each member of the Council who is not an officer or employee of the Federal Government shall serve without compensation but shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in Federal service (5 U.S.C. 5701-5707).

(iv) The Department of Labor shall make available appropriate funding and administrative support to assist the Council in carrying out the functions under this section, including necessary office space, equipment, supplies, staff, and services. The Secretary of Labor shall perform the functions of the President under the Federal Advisory Committee Act (5 U.S.C. App.), as amended, except that of reporting to the Congress, with respect to the Council in accordance with the guidelines and procedures established by the Administrator of General Services.

(v) The heads of executive agencies shall, to the extent permitted by law, provide the Council with such information as it may require for purposes of carrying out the functions described in this section.

(d) *Termination of the Council.* The Council shall terminate 2 years from the date of this order unless extended by the President prior to such date.

SEC. 3. *Effect on Prior Orders.*

(a) [Amended Ex. Ord. No. 13111, 5 U.S.C. 4103 note.]

(b) *Revocation of Executive Order 13174.* Executive Order 13174 of October 27, 2000, relating to the establishment of the Commission on Workers, Communities, and Economic Change in the New Economy, is revoked.

GEORGE W. BUSH.

ESTABLISHING A TASK FORCE ON SKILLS FOR AMERICA'S FUTURE

Memorandum of President of the United States, Oct. 4, 2010, 75 F.R. 62309, provided:

Memorandum for the Heads of Executive Departments and Agencies

In order to compete in the global economy, the United States needs the most educated workforce in the world. The high-wage jobs of the 21st century will require more knowledge and skills than the jobs of the past. We therefore must develop innovative strategies to train more Americans with the skills that businesses and the economy will need to ensure American competitiveness.

Community colleges are a key part of our education system, providing a flexible and affordable place to sharpen relevant workforce skills and align them with the needs of employers in their communities. Traditional four-year colleges, on-line institutions, and non-traditional educational outlets also can play an essential role in providing training opportunities. To prepare students for 21st-century jobs, these institutions need to develop flexible, affordable, and responsive training programs that meet regional and national economic needs. An important way to ensure that training programs meet such needs is through partnerships between these institutions and labor unions, small businesses, and other regional employers. As educational institutions develop these innovative programs, we should assess what works and what does not, so that we reward excellent outcomes and true innovation that meets the needs of entrepreneurs and other employers in every part of the country, from rural communities to urban centers.

Therefore, I am establishing a task force to develop skills for America's future by identifying, developing, and increasing the scale of promising approaches to improving the skills of our Nation's workers. By coordinating the work of relevant agencies with that of non-profits, labor unions, and private sector organizations, and by leveraging the assets of these entities, this effort will build better partnerships between businesses, community colleges, and other training providers to get Americans trained for the jobs of today and tomorrow.

SECTION 1. *Establishment.* There is established an interagency Task Force on Skills for America's Future

(Task Force) to ensure that Federal policies promote innovative training programs and curricula, including successful public-private partnerships, at community colleges as well as in other settings, that will prepare the American workforce for 21st-century jobs. The Chair of the Council of Economic Advisers, the Assistant to the President for Economic Policy, and the Assistant to the President for Domestic Policy shall serve as Co-Chairs of the Task Force.

SEC. 2. Membership. In addition to the Co-Chairs, the Task Force shall consist of the following members, or any senior official designated by one of the following members who is a part of the member's department, agency, or office, and who is a full time employee of the Federal Government:

- (a) the Secretary of Defense;
- (b) the Secretary of Agriculture;
- (c) the Secretary of Commerce;
- (d) the Secretary of Labor;
- (e) the Secretary of Health and Human Services;
- (f) the Secretary of Transportation;
- (g) the Secretary of Energy;
- (h) the Secretary of Education;
- (i) the Secretary of Veterans Affairs;
- (j) the Director of the Office of Management and Budget;
- (k) the Administrator of the Small Business Administration;
- (l) the Director of the Office of Science and Technology Policy; and
- (m) the heads of other executive departments, agencies, or offices as the Co-Chairs may designate.

SEC. 3. Administration. The Council of Economic Advisers shall provide administrative support for the Task Force to the extent permitted by law and within existing appropriations.

SEC. 4. Mission and Functions. The Task Force shall work across executive departments and agencies to ensure that Federal policies facilitate, and offer incentives for, innovative career-training and education opportunities at community colleges as well as in other settings, and that these opportunities are directly related to skills and job requirements across a range of industries. Using the best evidence available regarding effective practice, the Task Force shall develop recommendations and options for meeting the following objectives:

- (a) improved public-private collaboration to develop career pathway and training programs with effective curricula, certifiable skills, and industry-recognized credentials and degrees;
- (b) identification of opportunities to amplify, accelerate, or increase the scale of, successful public-private partnerships that match trained workers with prospective employers;
- (c) identification and development of stackable credentials that provide entry to and advancement along a career pathway in an in-demand occupation;
- (d) outreach to relevant stakeholders—including industry, the adult workforce, younger students, educational institutions, labor unions, policymakers, and community leaders—with expertise in skill development;
- (e) alignment of workforce training programs funded by the Departments of Education and Labor, as well as other Federal agencies, with innovative practices and regional market demands, to build on effective skills-based training for adult workers and younger students, including individuals with disabilities;
- (f) partnership with appropriate non-profit entities to engage the private sector in developing effective training programs that provide students with recognizable and portable skills that are needed in the marketplace; and
- (g) greater use of technology to improve training, skills assessment, and labor market information.

SEC. 5. General Provisions.

(a) This memorandum shall be implemented consistent with applicable law and subject to the availability of any necessary appropriations.

(b) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(c) The heads of executive departments and agencies shall assist and provide information to the Task Force, consistent with applicable law, as may be necessary to carry out the functions of the Task Force. Each executive department, agency, and office shall bear its own expenses of participating in the Task Force.

(d) The Chair of the Council of Economic Advisers is hereby authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA.

SUBCHAPTER II—STATEWIDE AND LOCAL WORKFORCE INVESTMENT SYSTEMS

§ 2811. Purpose

The purpose of this subchapter is to provide workforce investment activities, through statewide and local workforce investment systems, that increase the employment, retention, and earnings of participants, and increase occupational skill attainment by participants, and, as a result, improve the quality of the workforce, reduce welfare dependency, and enhance the productivity and competitiveness of the Nation.

(Pub. L. 105-220, title I, § 106, Aug. 7, 1998, 112 Stat. 945.)

PART A—STATE PROVISIONS

§ 2821. State workforce investment boards

(a) In general

The Governor of a State shall establish a State workforce investment board to assist in the development of the State plan described in section 2822 of this title and to carry out the other functions described in subsection (d) of this section.

(b) Membership

(1) In general

The State Board shall include—

- (A) the Governor;
- (B) 2 members of each chamber of the State legislature, appointed by the appropriate presiding officers of each such chamber; and
- (C) representatives appointed by the Governor, who are—

(i) representatives of business in the State, who—

(I) are owners of businesses, chief executives or operating officers of businesses, and other business executives or employers with optimum policymaking or hiring authority, including members of local boards described in section 2832(b)(2)(A)(i) of this title;

(II) represent businesses with employment opportunities that reflect the employment opportunities of the State; and

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

(ii) chief elected officials (representing both cities and counties, where appropriate);