

**(6) Agreement for certain federally recognized Indian tribes to transfer funds to the program**

A federally recognized Indian tribe that administers funds provided under this section and funds provided by more than one State under other sections of this chapter may enter into an agreement with the Secretary and the Governors of the affected States to transfer the funds provided by the States to the program administered by the tribe under this section.

**(i) Compliance with single audit requirements; related requirement**

Grants, contracts, and cooperative agreements entered into under this section shall be subject to the requirements of chapter 75 of subtitle V of title 31 (enacted by the Single Audit Act of 1984) and charging of costs under this section shall be subject to appropriate circulars issued by the Office of Management and Budget.

**(j) Assistance to American Samoans in Hawaii**

**(1) In general**

Notwithstanding any other provision of law, the Secretary is authorized to provide assistance to American Samoans who reside in Hawaii for the co-location of federally funded and State-funded workforce investment activities.

**(2) Authorization of appropriations**

There are authorized to be appropriated for fiscal year 1999 such sums as may be necessary to carry out this subsection.

(Pub. L. 105-220, title I, §166, Aug. 7, 1998, 112 Stat. 1021; Pub. L. 105-277, div. A, §101(f) [title VIII, §401(7)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-411; Pub. L. 107-110, title VII, §702(g), Jan. 8, 2002, 115 Stat. 1947.)

REFERENCES IN TEXT

The Indian Self-Determination and Education Assistance Act, referred to in subsec. (a)(2), is Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2203, as amended, which is classified principally to subchapter II (§450 et seq.) of chapter 14 of Title 25, Indians. For complete classification of this Act to the Code, see Short Title note set out under section 450 of Title 25 and Tables.

Section 1671 of this title, referred to in subsec. (d)(2)(B), was repealed by Pub. L. 105-220, title I, §199(b)(2), Aug. 7, 1998, 112 Stat. 1059, effective July 1, 2000.

The Indian Employment, Training and Related Services Demonstration Act of 1992, referred to in subsec. (f), is Pub. L. 102-477, Oct. 23, 1992, 106 Stat. 2302, as amended, which is classified generally to chapter 36 (§3401 et seq.) of Title 25, Indians. For complete classification of this Act to the Code, see Short Title note set out under section 3401 of Title 25 and Tables.

This Act, referred to in subsec. (g)(1), is Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 936, as amended, 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.

This chapter, referred to in subsec. (h)(3)(A), (6), was in the original "this title" meaning title I of Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 939, as amended, 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 Federal Advisory Committee Act, referred to in subsec. (h)(4)(G), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

The Single Audit Act of 1984, referred to in subsec. (i), is Pub. L. 98-502, Oct. 19, 1984, 98 Stat. 2327, which enacted chapter 75 (§7501 et seq.) of Title 31, Money and Finance, and provisions set out as notes under section 7501 of Title 31. For complete classification of this Act to the Code, see Short Title of 1984 Amendment note set out under section 7501 of Title 31 and Tables.

PRIOR PROVISIONS

Provisions similar to this section were contained in sections 1671 and 1673 of this title prior to repeal by Pub. L. 105-220.

AMENDMENTS

2002—Subsec. (b)(3). Pub. L. 107-110 substituted "section 7517 of title 20" for "paragraphs (1) and (3), respectively, of section 7912 of title 20".

1998—Subsec. (h)(3)(A). Pub. L. 105-277 substituted "subparagraph (B)" for "paragraph (2)".

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.

**§ 2912. Migrant and seasonal farmworker programs**

**(a) In general**

Every 2 years, the Secretary shall, on a competitive basis, make grants to, or enter into contracts with, eligible entities to carry out the activities described in subsection (d) of this section.

**(b) Eligible entities**

To be eligible to receive a grant or enter into a contract under this section, an entity shall have an understanding of the problems of eligible migrant and seasonal farmworkers (including dependents), a familiarity with the area to be served, and the ability to demonstrate a capacity to administer effectively a diversified program of workforce investment activities (including youth activities) and related assistance for eligible migrant and seasonal farmworkers.

**(c) Program plan**

**(1) In general**

To be eligible to receive a grant or enter into a contract under this section, an entity described in subsection (b) of this section shall submit to the Secretary a plan that describes a 2-year strategy for meeting the needs of eligible migrant and seasonal farmworkers in the area to be served by such entity.

**(2) Contents**

Such plan shall—

(A) identify the education and employment needs of the population to be served and the manner in which the services to be

provided will strengthen the ability of the eligible migrant and seasonal farmworkers and dependents to obtain or retain unsubsidized employment or stabilize their unsubsidized employment;

(B) describe the related assistance and supportive services to be provided and the manner in which such assistance and services are to be integrated and coordinated with other appropriate services; and

(C) describe the indicators of performance to be used to assess the performance of such entity in carrying out the activities assisted under this section.

### (3) Administration

Grants and contracts awarded under this section shall be centrally administered by the Department of Labor and competitively awarded by the Secretary using procedures consistent with standard Federal Government competitive procurement policies.

### (4) Competition

#### (A) In general

The competition for grants made and contracts entered into under this section shall be conducted every 2 years.

#### (B) Exception

Notwithstanding subparagraph (A), if a recipient of such a grant or contract has performed satisfactorily under the terms of the grant agreement or contract, the Secretary may waive the requirement for such competition for such recipient upon receipt from the recipient of a satisfactory 2-year plan described in paragraph (1) for the succeeding 2-year grant or contract period. The Secretary may exercise the waiver authority of the preceding sentence not more than once during any 4-year period with respect to any single recipient.

### (d) Authorized activities

Funds made available under this section and section 2852(b)(1)(A)(iii) of this title shall be used to carry out workforce investment activities (including youth activities) and provide related assistance for eligible migrant and seasonal farmworkers, which may include employment, training, educational assistance, literacy assistance, an English language program, worker safety training, housing, supportive services, dropout prevention activities, followup services for those individuals placed in employment, self-employment and related business enterprise development education as needed by eligible migrant and seasonal farmworkers and identified pursuant to the plan required by subsection (c) of this section, and technical assistance relating to capacity enhancement in such areas as management information technology.

### (e) Consultation with Governors and local boards

In making grants and entering into contracts under this section, the Secretary shall consult with the Governors and local boards of the States in which the eligible entities will carry out the activities described in subsection (d) of this section.

### (f) Regulations

The Secretary shall consult with eligible migrant and seasonal farmworkers groups and States in establishing regulations to carry out this section, including performance measures for eligible entities that take into account the economic circumstances and demographics of eligible migrant and seasonal farmworkers.

### (g) Compliance with single audit requirements; related requirement

Grants and contracts entered into under this section shall be subject to the requirements of chapter 75 of subtitle V of title 31 (enacted by the Single Audit Act of 1984) and charging of costs under this section shall be subject to appropriate circulars issued by the Office of Management and Budget.

### (h) Definitions

In this section:

#### (1) Disadvantaged

The term “disadvantaged”, used with respect to a farmworker, means a farmworker whose income, for 12 consecutive months out of the 24 months prior to application for the program involved, does not exceed the higher of—

(A) the poverty line (as defined in section 334(a)(2)(B))<sup>1</sup> for an equivalent period; or

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

#### (2) Eligible migrant and seasonal farmworkers

The term “eligible migrant and seasonal farmworkers” means individuals who are eligible migrant farmworkers or are eligible seasonal farmworkers.

#### (3) Eligible migrant farmworker

The term “eligible migrant farmworker” means—

(A) an eligible seasonal farmworker described in paragraph (4)(A) whose agricultural labor requires travel to a job site such that the farmworker is unable to return to a permanent place of residence within the same day; and

(B) a dependent of the farmworker described in subparagraph (A).

#### (4) Eligible seasonal farmworker

The term “eligible seasonal farmworker” means—

(A) a disadvantaged person who, for 12 consecutive months out of the 24 months prior to application for the program involved, has been primarily employed in agricultural labor that is characterized by chronic unemployment or underemployment; and

(B) a dependent of the person described in subparagraph (A).

(Pub. L. 105-220, title I, §167, Aug. 7, 1998, 112 Stat. 1025; Pub. L. 105-277, div. A, §101(f) [title VIII, §401(8)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-411.)

#### REFERENCES IN TEXT

The Single Audit Act of 1984, referred to in subsec. (g), is Pub. L. 98-502, Oct. 19, 1984, 98 Stat. 2327, which

<sup>1</sup> See References in Text note below.

enacted chapter 75 (§7501 et seq.) of Title 31, Money and Finance, and provisions set out as notes under section 7501 of Title 31. For complete classification of this Act to the Code, see Short Title of 1984 Amendment note set out under section 7501 of Title 31 and Tables.

Section 334, referred to in subsec. (h)(1)(A), is section 334 of Pub. L. 105-220, which is set out as a note under section 2701 of this title. However, section 334 does not contain a subsec. (a)(2)(B) and does not define the term “poverty line”. “Poverty line” is defined for purposes of this chapter in section 2801 of this title.

#### PRIOR PROVISIONS

Provisions similar to this section were contained in sections 1672 and 1673 of this title prior to repeal by Pub. L. 105-220.

#### AMENDMENTS

1998—Subsec. (d). Pub. L. 105-277 inserted “and section 2852(b)(1)(A)(iii) of this title” after “this section”.

### § 2913. Veterans’ workforce investment programs

#### (a) Authorization

##### (1) In general

The Secretary shall conduct, directly or through grants or contracts, programs to meet the needs for workforce investment activities of veterans with service-connected disabilities, veterans who have significant barriers to employment, veterans who served on active duty in the armed forces during a war or in a campaign or expedition for which a campaign badge has been authorized, and recently separated veterans.

##### (2) Conduct of programs

Programs supported under this section may be conducted through grants and contracts with public agencies and private nonprofit organizations, including recipients of Federal assistance under other provisions of this chapter, that the Secretary determines have an understanding of the unemployment problems of veterans described in paragraph (1), familiarity with the area to be served, and the capability to administer effectively a program of workforce investment activities for such veterans.

##### (3) Required activities

Programs supported under this section shall include—

(A) activities to enhance services provided to veterans by other providers of workforce investment activities funded by Federal, State, or local government;

(B) activities to provide workforce investment activities to such veterans that are not adequately provided by other public providers of workforce investment activities; and

(C) outreach and public information activities to develop and promote maximum job and job training opportunities for such veterans and to inform such veterans about employment, job training, on-the-job training and educational opportunities under this chapter, under title 38, and under other provisions of law, which activities shall be coordinated with activities provided through the one-stop centers described in section 2864(c) of this title.

#### (b) Administration of programs

##### (1) In general

The Secretary shall administer programs supported under this section through the Assistant Secretary for Veterans’ Employment and Training.

##### (2) Additional responsibilities

In carrying out responsibilities under this section, the Assistant Secretary for Veterans’ Employment and Training shall—

(A) be responsible for the awarding of grants and contracts and the distribution of funds under this section and for the establishment of appropriate fiscal controls, accountability, and program performance measures for recipients of grants and contracts under this section; and

(B) consult with the Secretary of Veterans Affairs and take steps to ensure that programs supported under this section are coordinated, to the maximum extent feasible, with related programs and activities conducted under title 38, including programs and activities conducted under chapter 63 of such title, chapters 30, 31, 32, and 34 of such title, and sections 1712A, 1720A, 3687, and 4103A of such title.

(Pub. L. 105-220, title I, §168, Aug. 7, 1998, 112 Stat. 1027; Pub. L. 109-233, title IV, §402(e)(4), June 15, 2006, 120 Stat. 411.)

#### REFERENCES IN TEXT

This chapter, referred to in subsec. (a)(2), (3)(C), 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.

#### PRIOR PROVISIONS

Provisions similar to this section were contained in section 1721 of this title prior to repeal by Pub. L. 105-220.

#### AMENDMENTS

2006—Subsec. (b)(2)(B). Pub. L. 109-233 substituted “chapter 63” for “subchapter II of chapter 77”.

#### VETERANS ENERGY-RELATED EMPLOYMENT PROGRAM

Pub. L. 111-275, title I, §106, Oct. 13, 2010, 124 Stat. 2870, provided that:

“(a) ESTABLISHMENT OF PILOT PROGRAM.—To encourage the employment of eligible veterans in the energy industry, the Secretary of Labor, as part of the Veterans Workforce Investment Program, shall carry out a pilot program to be known as the ‘Veterans Energy-Related Employment Program’. Under the pilot program, the Secretary shall award competitive grants to not more than three States for the establishment and administration of a State program to make grants to energy employers that provide covered training, on-job training, apprenticeships, and certification classes to eligible veterans. Such a program shall be known as a ‘State Energy-Related Employment Program’.