

force Innovation and Opportunity Act, which enacted this chapter, repealed chapter 30 (§2801 et seq.) of this title and chapter 73 (§9201 et seq.) of Title 20, Education, and made amendments to numerous other sections and notes in the Code. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of this title and Tables.

Section 14 of the Federal Advisory Committee Act, referred to in subsec. (i)(4)(G), is section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, which is set out in the Appendix to Title 5, Government Organization and Employees.

#### EFFECTIVE DATE

Section effective on the first day of the first full program year after July 22, 2014 [probably July 1, 2015], see section 506 of Pub. L. 113-128, set out as a note under section 3101 of this title.

### § 3222. Migrant and seasonal farmworker programs

#### (a) In general

Every 4 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).

#### (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 and deliver effectively a diversified program of workforce investment activities (including youth workforce investment 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) shall submit to the Secretary a plan that describes a 4-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) describe the population to be served and 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, including upgraded employment in agriculture;

(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;

(C) describe the performance accountability measures to be used to assess the performance of such entity in carrying out the activities assisted under this section, which shall include the expected levels of performance for the primary indicators of perform-

ance described in section 3141(b)(2)(A) of this title;

(D) describe the availability and accessibility of local resources, such as supportive services, services provided through one-stop delivery systems, and education and training services, and how the resources can be made available to the population to be served; and

(E) describe the plan for providing services under this section, including strategies and systems for outreach, career planning, assessment, and delivery through one-stop delivery systems.

#### (3) Agreement on adjusted levels of performance

The Secretary and the entity described in subsection (b) shall reach agreement on the levels of performance for each of the primary indicators of performance described in section 3141(b)(2)(A) of this title, taking into account economic conditions, characteristics of the individuals served, and other appropriate factors, and using, to the extent practicable, the statistical adjustment model under section 3141(b)(3)(A)(viii) of this title. The levels agreed to shall be the adjusted levels of performance and shall be incorporated in the program plan.

#### (4) 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.

#### (d) Authorized activities

Funds made available under this section and section 3162(a)(1) of this title shall be used to carry out workforce investment activities (including youth workforce investment activities) and provide related assistance for eligible migrant and seasonal farmworkers, which may include—

(1) outreach, employment, training, educational assistance, literacy assistance, English language and literacy instruction, pesticide and worker safety training, housing (including permanent housing), supportive services, and school dropout prevention and recovery activities;

(2) followup services for those individuals placed in employment;

(3) self-employment and related business or micro-enterprise development or education as needed by eligible individuals as identified pursuant to the plan required by subsection (c);

(4) customized career and technical education in occupations that will lead to higher wages, enhanced benefits, and long-term employment in agriculture or another area; and

(5) technical assistance to improve coordination of services and implement best practices relating to service delivery through one-stop delivery systems.

#### (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).

**(f) Regulations**

The Secretary shall consult with eligible migrant and seasonal farmworkers groups and States in establishing regulations to carry out this section, including regulations relating to how economic and demographic barriers to employment of eligible migrant and seasonal farmworkers should be considered and included in the negotiations leading to the adjusted levels of performance described in subsection (c)(3).

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

Grants made and contracts entered into under this section shall be subject to the requirements of chapter 75 of subtitle V of title 31, and charging of costs under this section shall be subject to appropriate circulars issued by the Office of Management and Budget.

**(h) Funding allocation**

From the funds appropriated and made available to carry out this section, the Secretary shall reserve not more than 1 percent for discretionary purposes, such as providing technical assistance to eligible entities.

**(i) Definitions**

In this section:

**(1) Eligible migrant and seasonal farmworkers**

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

**(2) Eligible migrant farmworker**

The term “eligible migrant farmworker” means—

(A) an eligible seasonal farmworker described in paragraph (3)(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).

**(3) Eligible seasonal farmworker**

The term “eligible seasonal farmworker” means—

(A) a low-income individual who—

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

(ii) faces multiple barriers to economic self-sufficiency; and

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

(Pub. L. 113–128, title I, §167, July 22, 2014, 128 Stat. 1564.)

**EFFECTIVE DATE**

Section effective on the first day of the first full program year after July 22, 2014 [probably July 1, 2015], see section 506 of Pub. L. 113–128, set out as a note under section 3101 of this title.

**§ 3223. Technical assistance**

**(a) General technical assistance**

**(1) In general**

The Secretary shall ensure that the Department has sufficient capacity to, and does, provide, coordinate, and support the development of, appropriate training, technical assistance, staff development, and other activities, including—

(A) assistance in replicating programs of demonstrated effectiveness, to States and localities;

(B) the training of staff providing rapid response services;

(C) the training of other staff of recipients of funds under this subchapter, including the staff of local boards and State boards;

(D) the training of members of State boards and local boards;

(E) assistance in the development and implementation of integrated, technology-enabled intake and case management information systems for programs carried out under this Act and programs carried out by one-stop partners, such as standard sets of technical requirements for the systems, offering interfaces that States could use in conjunction with their current (as of the first date of implementation of the systems) intake and case management information systems that would facilitate shared registration across programs;

(F) assistance regarding accounting and program operations to States and localities (when such assistance would not supplant assistance provided by the State);

(G) peer review activities under this subchapter; and

(H) in particular, assistance to States in making transitions to implement the provisions of this Act.

**(2) Form of assistance**

**(A) In general**

In order to carry out paragraph (1) on behalf of a State or recipient of financial assistance under section 3221 or 3222 of this title, the Secretary, after consultation with the State or grant recipient, may award grants or enter into contracts or cooperative agreements.

**(B) Limitation**

Grants or contracts awarded under paragraph (1) to entities other than States or local units of government that are for amounts in excess of \$100,000 shall only be awarded on a competitive basis.

**(b) Dislocated worker technical assistance**

**(1) Authority**

Of the amounts available pursuant to section 3172(a)(2)(A) of this title, the Secretary shall reserve not more than 5 percent of such amounts to provide technical assistance to States that do not meet the State performance accountability measures for the primary indicators of performance described in section 3141(b)(2)(A)(i) of this title with respect to employment and training activities for dislocated