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§ 3101. Purposes

The purposes of this Act are the following:

(1) To increase, for individuals in the United States, particularly those individuals with barriers to employment, access to and opportunities for the employment, education, training, and support services they need to succeed in the labor market.

(2) To support the alignment of workforce investment, education, and economic development systems in support of a comprehensive, accessible, and high-quality workforce development system in the United States.

(3) To improve the quality and labor market relevance of workforce investment, education, and economic development efforts to provide America’s workers with the skills and credentials necessary to secure and advance in employment with family-sustaining wages and to provide America’s employers with the skilled workers the employers need to succeed in a global economy.

(4) To promote improvement in the structure of and delivery of services through the United States workforce development system to better address the employment and skill needs of workers, jobseekers, and employers.

(5) To increase the prosperity of workers and employers in the United States, the economic growth of communities, regions, and States, and the global competitiveness of the United States.

(6) For purposes of parts A and B of subchapter I, to provide workforce investment activities, through statewide and local workforce development systems, that increase the employment, retention, and earnings of participants, and increase attainment of recognized postsecondary credentials by participants, and as a result, improve the quality of the workforce, reduce welfare dependency, increase economic self-sufficiency, meet the skill requirements of employers, and enhance the productivity and competitiveness of the Nation.

(Pub. L. 113–128, §2, July 22, 2014, 128 Stat. 1428.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 113–128, July 22, 2014, 128 Stat. 1425, known as the Workforce Innovation and Opportunity Act, which enacted this chapter, repealed chapter 30 (§2801 et seq.)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 below and Tables.

EFFECTIVE DATE

Pub. L. 113-128, title V, §506, July 22, 2014, 128 Stat. 1703, provided that:

“(a) IN GENERAL.—Except as otherwise provided in this Act, this Act [see Tables for classification], including the amendments made by this Act, shall take effect on the first day of the first full program year after the date of enactment of this Act [July 22, 2014].

“(b) APPLICATION DATE FOR WORKFORCE DEVELOPMENT PERFORMANCE ACCOUNTABILITY SYSTEM.—

“(1) IN GENERAL.—Section 136 of the Workforce Investment Act of 1998 (29 U.S.C. 2871), as in effect on the day before the date of enactment of this Act, shall apply in lieu of section 116 of this Act [29 U.S.C. 3141], for the first full program year after the date of enactment of this Act.

“(2) SPECIAL PROVISIONS.—For purposes of the application described in paragraph (1)—

“(A) except as otherwise specified, a reference in section 136 of the Workforce Investment Act of 1998 to a provision in such Act (29 U.S.C. 2801 et seq.), other than to a provision in such section or section 112 of such Act [29 U.S.C. 2822], shall be deemed to refer to the corresponding provision of this Act;

“(B) the terms ‘local area’, ‘local board’, ‘one-stop partner’, and ‘State board’ have the meanings given the terms in section 3 of this Act [29 U.S.C. 3102];

“(C) except as provided in subparagraph (B), terms used in such section 136 shall have the meanings given the terms in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801);

“(D) any agreement negotiated and reached under section 136(c)(2) of the Workforce Investment Act of 1998 (29 U.S.C. 2871(c)(2)) shall remain in effect, until a new agreement is negotiated and reached, for that first full program year;

“(E) if a State or local area fails to meet levels of performance under subsection (g) or (h), respectively, of section 136 of the Workforce Investment Act of 1998 [29 U.S.C. 2871(g), (h)] during that first full program year, the sanctions provided under such subsection shall apply during the second full program year [probably means beginning July 1, 2016] after the date of enactment of this Act; and

“(F) the Secretary shall use an amount retained, as a result of a reduction in an allotment to a State made under section 136(g)(1)(B) of such Act (29 U.S.C. 2871(g)(1)(B)), to provide technical assistance as described in subsections (f)(1) and (g)(1) of section 116 of this Act [29 U.S.C. 3141(f)(1), (g)(1)], in lieu of incentive grants under section 503 of the Workforce Investment Act of 1998 (20 U.S.C. 9273) as provided in section 136(g)(2) of such Act (29 U.S.C. 2871(g)(2)).

“(c) APPLICATION DATE FOR STATE AND LOCAL PLAN PROVISIONS.—

“(1) IMPLEMENTATION.—Sections 112 and 118 of the Workforce Investment Act of 1998 (29 U.S.C. 2822, 2833), as in effect on the day before the date of enactment of this Act, shall apply to implementation of State and local plans, in lieu of sections 102 and 103, and section 108, respectively, of this Act [29 U.S.C. 3112, 3113, 3123], for the first full program year after the date of enactment of this Act.

“(2) SPECIAL PROVISIONS.—For purposes of the application described in paragraph (1)—

“(A) except as otherwise specified, a reference in section 112 or 118 of the Workforce Investment Act of 1998 to a provision in such Act (29 U.S.C. 2801 et seq.), other than to a provision in or to either such section or to section 136 of such Act, shall be deemed to refer to the corresponding provision of this Act;

“(B) the terms ‘local area’, ‘local board’, ‘one-stop partner’, and ‘State board’ have the meanings given the terms in section 3 of this Act;

“(C) except as provided in subparagraph (B), terms used in such section 112 or 118 shall have the meanings given the terms in section 101 of the

Workforce Investment Act of 1998 (29 U.S.C. 2801); and

“(D) section 112(b)(18)(D) of the Workforce Investment Act of 1998 (29 U.S.C. 2822(b)(18)(D)) shall not apply.

“(3) SUBMISSION.—Sections 102, 103, and 108 of this Act shall apply to plans for the second full program year after the date of enactment, including the development, submission, and approval of such plans during the first full program year after such date.

“(d) DISABILITY PROVISIONS.—Except as otherwise provided in title IV of this Act, title IV [see Tables for classification], and the amendments made by title IV, shall take effect on the date of enactment of this Act.”

[The first full program year after the date of enactment of Pub. L. 113-128, referred to in section 506 of Pub. L. 113-128, set out above, begins on July 1, 2015, based on section 189(g)(1)(A) of Pub. L. 113-128, which is classified to section 3249(g)(1)(A) of this title.]

SHORT TITLE OF 2015 AMENDMENT

Pub. L. 114-18, §1, May 22, 2015, 129 Stat. 213, provided that: “This Act [amending sections 780, 3112, 3121, 3122, 3141, 3164, 3172, and 3174 of this title and enacting provisions set out as notes under sections 780 and 3112 of this title] may be cited as the ‘WIOA Technical Amendments Act.’”

SHORT TITLE

Pub. L. 113-128, §1(a), July 22, 2014, 128 Stat. 1425, provided that: “This Act [see Tables for classification] may be cited as the ‘Workforce Innovation and Opportunity Act.’”

Pub. L. 113-128, title II, §201, July 22, 2014, 128 Stat. 1608, provided that: “This title [enacting subchapter II of this chapter] may be cited as the ‘Adult Education and Family Literacy 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.”

EX. ORD. NO. 13845. ESTABLISHING THE PRESIDENT’S NATIONAL COUNCIL FOR THE AMERICAN WORKER

Ex. Ord. No. 13845, July 19, 2018, 83 F.R. 35099, as amended by Ex. Ord. No. 13853, §5, Dec. 12, 2018, 83 F.R. 65073, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to provide a coordinated process for developing a national strategy to ensure that America’s students and workers have access to affordable, relevant, and innovative education and job training that will equip them to compete and win in the global economy, and for monitoring the implementation of that strategy, it is hereby ordered as follows:

SECTION 1. *Purpose.* Our Nation is facing a skills crisis. There are currently more than 6.7 million unfilled jobs in the United States, and American workers, who are our country’s most valuable resource, need the skills training to fill them. At the same time, the econ-

omy is changing at a rapid pace because of the technology, automation, and artificial intelligence that is shaping many industries, from manufacturing to healthcare to retail. For too long, our country's education and job training programs have prepared Americans for the economy of the past. The rapidly changing digital economy requires the United States to view education and training as encompassing more than a single period of time in a traditional classroom. We need to prepare Americans for the 21st century economy and the emerging industries of the future. We must foster an environment of lifelong learning and skills-based training, and cultivate a demand-driven approach to workforce development. My Administration will champion effective, results-driven education and training so that American students and workers can obtain the skills they need to succeed in the jobs of today and of the future.

SEC. 2. Policy. It shall be the policy of the executive branch to work with private employers, educational institutions, labor unions, other non-profit organizations, and State, territorial, tribal, and local governments to update and reshape our education and job training landscape so that it better meets the needs of American students, workers, and businesses.

SEC. 3. Establishment and Composition of the President's National Council for the American Worker. (a) There is hereby established the President's National Council for the American Worker (Council), co-chaired by the Secretary of Commerce, the Secretary of Labor, the Assistant to the President for Domestic Policy, and the Advisor to the President overseeing the Office of Economic Initiatives (Co-Chairs).

(b) In addition to the Co-Chairs, the Council shall include the following officials, or their designees:

- (i) the Secretary of the Treasury;
- (ii) the Secretary of Education;
- (iii) the Secretary of Veterans Affairs;
- (iv) the Director of the Office of Management and Budget;
- (v) the Administrator of the Small Business Administration;
- (vi) the Assistant to the President and Deputy Chief of Staff for Policy Coordination;
- (vii) the Director of the National Economic Council;
- (viii) the Chairman of the Council of Economic Advisers;
- (ix) the Director of the National Science Foundation; and
- (x) the Director of the Office of Science and Technology Policy.

SEC. 4. Additional Invitees. As appropriate and consistent with applicable law, the Co-Chairs may, from time to time, invite the heads of other executive departments and agencies (agencies), or other senior officials in the White House Office, to attend meetings of the Council.

SEC. 5. Council Meetings. The Co-Chairs shall convene meetings of the Council at least once per quarter.

SEC. 6. Functions of the Council. (a) The Council shall develop recommendations for the President on policy and strategy related to the American workforce, and perform such other duties as the President may from time to time prescribe.

(b) The Council shall develop recommendations for:

- (i) a national strategy for empowering American workers, which shall include recommendations on how the Federal Government can work with private employers, educational institutions, labor unions, other non-profit organizations, and State, territorial, tribal, and local governments to create and promote workforce development strategies that provide evidence-based, affordable education and skills-based training for youth and adults to prepare them for the jobs of today and of the future;

- (ii) fostering close coordination, cooperation, and information exchange among the Federal Government, private employers, educational institutions, labor unions, other non-profit organizations, and State, territorial, tribal, and local governments as related to is-

suues concerning the education and training of Americans; and

- (iii) working with agencies to foster consistency in implementing policies and actions developed under this order.

SEC. 7. Initial Tasks of Council. Within 180 days of the date of this order [July 19, 2018], the Council shall:

- (a) develop a national campaign to raise awareness of matters considered by the Council, such as the urgency of the skills crisis; the importance of science, technology, engineering, and mathematics education; the creation of new industries and job opportunities spurred by emerging technologies, such as artificial intelligence; the nature of many careers in the trades and manufacturing; and the need for companies to invest in the training and re-training of their workers and more clearly define the skills and competencies that jobs require;

- (b) develop a plan for recognizing companies that demonstrate excellence in workplace education, training, and re-training policies and investments, in order to galvanize industries to identify and adopt best practices, innovate their workplace policies, and invest in their workforces;

- (c) examine how the Congress and the executive branch can work with private employers, educational institutions, labor unions, other non-profit organizations, and State, territorial, tribal, and local governments to support the implementation of recommendations from the Task Force on Apprenticeship Expansion established in Executive Order 13801 of June 15, 2017 (Expanding Apprenticeships in America) [29 U.S.C. 50 note], including recommendations related to:

- (i) developing and increasing the use of industry-recognized, portable credentials by experienced workers seeking further education, displaced workers seeking skills to secure new jobs, students enrolled in post-secondary education, and younger Americans who are exploring career and education options before entering the workforce;

- (ii) increasing apprenticeship, earn-and-learn, and work-based learning opportunities;

- (iii) expanding the use of online learning resources; and

- (iv) increasing the number of partnerships around the country between companies, local educational institutions, and other entities, including local governments, labor unions, workforce development boards, and other non-profit organizations, in an effort to understand the types of skills that are required by employers so that educational institutions can recalibrate their efforts toward the development and delivery of more effective training programs.

- (d) consider the recommendations of the American Workforce Policy Advisory Board (Board) established in section 8 of this order and, as appropriate, adopt recommendations that would significantly advance the objectives of the Council;

- (e) recommend a specific course of action for increasing transparency related to education and job-training program options, including those offered at 4-year institutions and community colleges. The Council shall also propose ways to increase access to available job data, including data on industries and geographic locations with the greatest numbers of open jobs and projected future opportunities, as well as the underlying skills required to fill open jobs, so that American students and workers can make the most informed decisions possible regarding their education, job selection, and career paths. The Council shall also propose strategies for how best to use existing data tools to support informed decision making for American students and workers;

- (f) develop recommendations on how the public sector should engage with the private sector in worker re-training, including through the use of online learning resources. In developing these recommendations, the Council shall examine existing private sector efforts to re-train workers or develop them professionally, and consider how investments in worker training and re-

training programs compare to investments in other human-resource related areas, such as recruitment, health benefits, and retirement benefits; and

(g) examine public and private-sector expenditures, including tax expenditures, related to providing Americans with knowledge and skills that will enable them to succeed in the workplace at various stages of life (such as during primary and secondary education, post-secondary education, continuing professional development, and re-training), consider the effectiveness of those expenditures, and make suggestions for reforms in order to serve American workers and students better.

SEC. 8. *Establishment of the American Workforce Policy Advisory Board.* (a) There is hereby established the American Workforce Policy Advisory Board.

(b) The Board shall be composed and function as follows:

(i) The Board shall be composed of the Secretary of Commerce and the Advisor to the President overseeing the Office of Economic Initiatives, and up to 25 members appointed by the Secretary of Commerce from among citizens outside the Federal Government, and shall include individuals chosen to serve as representatives of the various sectors of the economy, including the private sector, employers, educational institutions, and States, to offer diverse perspectives on how the Federal Government can improve education, training, and re-training for American workers;

(ii) The Board shall be co-chaired by the Secretary of Commerce and the Advisor to the President overseeing the Office of Economic Initiatives;

(iii) Members appointed to the Board shall serve for a term of 2 years. If the term of the Board established in subsection (a) of this section is extended, members shall be eligible for reappointment, and may continue to serve after the expiration of their terms until the appointment of a successor;

(iv) The Board shall advise the Council on the workforce policy of the United States. Specific activities of the Board shall include, to the extent permitted by law, recommending steps to encourage the private sector and educational institutions to combat the skills crisis by investing in and increasing demand-driven education, training, and re-training, including through apprenticeships and work-based learning opportunities;

(v) Members of the Board shall serve without any compensation for their work on the Board. Members of the Board, while engaged in the work of the Board, may be allowed travel expenses, including per diem in lieu of subsistence, to the extent permitted by law for persons serving intermittently in Government service (5 U.S.C. 5701-5707), consistent with the availability of funds;

(vi) The Board shall terminate 2 years after the date of this order, unless extended by the President; and

(vii) Insofar as the Federal Advisory Committee Act, as amended [Pub. L. 92-463] (5 U.S.C. App.), may apply to the Board, any functions of the President under that Act, except for those in section 6 and section 14 of that Act, shall be performed by the Secretary of Commerce, in accordance with the guidelines issued by the Administrator of General Services.

SEC. 9. *Administrative Provisions.* (a) The Department of Commerce shall provide the Council and the Board with funding and administrative support as may be necessary for the performance of their functions.

(b) The Secretary of Commerce, in consultation with the Co-Chairs of the Council, shall designate an official to serve as Executive Director, to coordinate the day-to-day functions of the Council.

(c) To the extent permitted by law, including the Economy Act (31 U.S.C. 1535), and subject to the availability of appropriations, other agencies may detail staff to the Council, or otherwise provide administrative support, in order to advance the Council's functions.

(d) Agencies shall cooperate with the Council and provide such information regarding its current and planned activities related to policies that affect the

American workforce as the Co-Chairs shall reasonably request, to the extent permitted by law.

SEC. 10. *Termination of Council.* The Council shall terminate 2 years after the date of this order, unless extended by the President.

SEC. 11. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order 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.

DONALD J. TRUMP.

§ 3102. Definitions

In this Act, and the core program provisions that are not in this Act, except as otherwise expressly provided:

(1) Administrative costs

The term “administrative costs” means expenditures incurred by State boards and local boards, direct recipients (including State grant recipients under part B of subchapter I and recipients of awards under parts C and D of subchapter I), local grant recipients, local fiscal agents or local grant subrecipients, and one-stop operators in the performance of administrative functions and in carrying out activities under subchapter I that are not related to the direct provision of workforce investment services (including services to participants and employers). Such costs include both personnel and nonpersonnel costs and both direct and indirect costs.

(2) Adult

Except as otherwise specified in section 3172 of this title, the term “adult” means an individual who is age 18 or older.

(3) 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 3272 of this title.

(4) Area career and technical education school

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

(5) Basic skills deficient

The term “basic skills deficient” means, with respect to an individual—

(A) who is a youth, that the individual has English reading, writing, or computing skills at or below the 8th grade level on a generally accepted standardized test; or

(B) who is a youth or adult, that the individual is unable to compute or solve problems, or read, write, or speak English, at a level necessary to function on the job, in the individual's family, or in society.

(6) Career and technical education

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