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| **Workforce Innovation and Opportunity Act**  **32 U.S. Code Chapter — Workforce Innovation and Opportunity** |
| **Summary**  The Workforce Innovation and Opportunity Act (WIOA) of 2014 (Pub. L. 113-128) succeeded the Workforce Investment Act of 1998 (Pub. L. 105-220), which was enacted for purposes of coordinating workforce development and related programs of education and trainng services to help people, including dislocated workers, people with disabilities, veterans and youth, to become employed. These services include job search assistance, career counseling, occupational skill training, classroom training, or on-the-job training. WIOA 2014 reauthorized the Rehabilitation Act of 1973, which aligns with other core workforce programs to create a seamless customer-focused service delivery network that integrates service delivery across programs.  A State workforce development board is appointed by the governor to bring business and partners together to carry out the functions of the law. Local workforce development boards also work to set policies and oversee workforce programs and services funded by WIOA within their communities. The law requires states and territories to submit a Unified (Section 3112) or Combined State Plan (Section 3113) to the U.S. Department of Labor that outlines a four-year strategy for the state’s workforce development system. This plan includes core programs, including Vocational Rehabilitation. States submitted the required two-year modification to their four-year WIOA State Plans for federal review and approval in early 2018. The Departments of Labor, Education, Health and Human Services, Housing and Urban Development, and Agriculture, whose programs are included in the plan, approved each modification for the period July 1, 2018, through June 30, 2020.  WIOA also expanded VR services to students and youth with disabilities who are transitioning from school to postsecondary education and employment. Under WIOA, the VR program strengthens coordination between VR agencies and local education agencies in the provision of transition services provided under the Individuals with Disabilities Education Act and the provision of pre-employment transition services to students with disabilities under the VR program.  The 2014 law transferred three programs from the U.S. Department of Education to the U.S. Department of Health and Human Services’ Administration for Community Living (ACL):   * The [Independent Living Services](https://acl.gov/node/410) * [The Assistive Technology Act](https://acl.gov/node/411) programs * The National Institute on Disability, Independent Living, and Rehabilitation Research (NIDILRR), formerly the National Institute of Disability Rehabilitation and Research (NIDRR). WIOA changed the name and expanded its mission.   WIOA also added new core services to the independent living services program by requiring centers for independent living to:   * facilitate the transition of individuals with significant disabilities from nursing homes and other institutions to home and community-based settings; * provide assistance, services and supports to individuals with significant disabilities who self-identify as being at risk of entering institutions so that the individuals may remain in the community; and * facilitate the transition of youth with significant disabilities who are no longer in school and no longer receiving services under Individuals with Disabilities Education (IDEA) program. |
| **Primary Federal AgencIes**  U.S. Departments of Education; Labor; Health and Human Services; Housing and Urban Development, and Agriculture. |
| **Primary State Department**  The Nebraska VR and Nebraska Department of Labor. |
| **How Do the Federal Statutes Apply to People with Brain Injury**  WIOA requires the entire workforce system to be accessible to people with disabilities, which includes pre-employment training, and also emphasizes competetive integrated employment as the desired outcome. Individuals with brain injury seeking services may access this system. |
| **Pertinent Sections**  WIOA includes five titles:   * Title I: Workforce Development Activities, which authorizes job training and related services to unemployed or underemployed individuals and establishes the governance and performance accountability system for WIOA; * Title II: Adult Education and Literacy, which authorizes education services to assist adults in improving their basic skills, completing secondary education, and transitioning to postsecondary education; * Title III: Amendments to the Wagner-Peyser Act, which amends the Wagner-Peyser Act of 1933 to integrate the U.S. Employment Service (ES) into the One-Stop system authorized by WIOA; * Title IV: Amendments to the Rehabilitation Act of 1973, which authorizes employment-related vocational rehabilitation services to individuals with disabilities, to integrate vocational rehabilitation into the One-Stop system; and * Title V: General Provisions, which specifies transition provisions from WIA to WIOA. |
| **Web Page Link:**  https://uscode.house.gov/view.xhtml?path=/prelim@title29/chapter32&edition=prelim |

**CHAPTER 32—WORKFORCE INNOVATION AND OPPORTUNITY**

(selected sections)

**§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](https://uscode.house.gov/statviewer.htm?volume=128&page=1428).)

**§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.

**(7) Career pathway**

The term "career pathway" means a combination of rigorous and high-quality education, training, and other services that-

(A) aligns with the skill needs of industries in the economy of the State or regional economy involved;

(B) prepares an individual to be successful in any of a full range of secondary or postsecondary education options, including apprenticeships registered under the Act of August 16, 1937 (commonly known as the "National Apprenticeship Act"; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.) (referred to individually in this Act as an "apprenticeship", except in section 3226 of this title);

(C) includes counseling to support an individual in achieving the individual's education and career goals;

(D) includes, as appropriate, education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster;

(E) organizes education, training, and other services to meet the particular needs of an individual in a manner that accelerates the educational and career advancement of the individual to the extent practicable;

(F) enables an individual to attain a secondary school diploma or its recognized equivalent, and at least 1 recognized postsecondary credential; and

(G) helps an individual enter or advance within a specific occupation or occupational cluster.

**(8) Career planning**

The term "career planning" 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, education, and career counseling, as appropriate during program participation and after job placement.

**(9) 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 1 unit of general local government, the individuals designated under the agreement described in section 3122(c)(1)(B) of this title.

**(10) Community-based organization**

The term "community-based organization" means a private nonprofit organization (which may include a faith-based 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 development.

**(11) Competitive integrated employment**

The term "competitive integrated employment" has the meaning given the term in section 7 of the Rehabilitation Act of 1973 (29 U.S.C. 705), for individuals with disabilities.

**(12) Core program**

The term "core programs" means a program authorized under a core program provision.

**(13) Core program provision**

The term "core program provision" means-

(A) subparts 2 and 3 of part B of subchapter I (relating to youth workforce investment activities and adult and dislocated worker employment and training activities);

(B) subchapter II (relating to adult education and literacy activities);

(C) sections 1 through 13 of the Wagner-Peyser Act (29 U.S.C. 49 et seq.) (relating to employment services); and

(D) title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.), other than section 112 or part C of that title (29 U.S.C. 732, 741) (relating to vocational rehabilitation services).

**(14) Customized training**

The term "customized training" means training-

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

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

(C) for which the employer pays-

(i) a significant portion of the cost of training, as determined by the local board involved, taking into account the size of the employer and such other factors as the local board determines to be appropriate, which may include the number of employees participating in training, wage and benefit levels of those employees (at present and anticipated upon completion of the training), relation of the training to the competitiveness of a participant, and other employer-provided training and advancement opportunities; and

(ii) in the case of customized training (as defined in subparagraphs (A) and (B)) involving an employer located in multiple local areas in the State, a significant portion of the cost of the training, as determined by the Governor of the State, taking into account the size of the employer and such other factors as the Governor determines to be appropriate.

**(15) 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 3151(e) 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 3174(c)(3) of this title, career services described in section 3174(c)(2)(A)(xii) 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;

(D) is a displaced homemaker; or

(E)(i) is the spouse of a member of the Armed Forces on active duty (as defined in section 101(d)(1) of title 10), and who has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such member; or

(ii) is the spouse of a member of the Armed Forces on active duty and who meets the criteria described in paragraph (16)(B).

**(16) Displaced homemaker**

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

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

(ii) is the dependent spouse of a member of the Armed Forces on active duty (as defined in section 101(d)(1) of title 10) and whose family income is significantly reduced because of a deployment (as defined in section 991(b) of title 10 or pursuant to paragraph (4) of such section), a call or order to active duty pursuant to a provision of law referred to in section 101(a)(13)(B) of title 10, a permanent change of station, or the service-connected (as defined in section 101(16) of title 38) death or disability of the member; and

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

**(17) Economic development agency**

The term "economic development agency" includes a local planning or zoning commission or board, a community development agency, or another local agency or institution responsible for regulating, promoting, or assisting in local economic development.

**(18) Eligible youth**

Except as provided in parts C and D of subchapter I, the term "eligible youth" means an in-school youth or out-of-school youth.

**(19) Employment and training activity**

The term "employment and training activity" means an activity described in section 3174 of this title that is carried out for an adult or dislocated worker.

**(20) English language acquisition program**

The term "English language acquisition program" has the meaning given the term in section 3272 of this title.

**(21) English language learner**

The term "English language learner" has the meaning given the term in section 3272 of this title.

**(22) Governor**

The term "Governor" means the chief executive of a State or an outlying area.

**(23) In-demand industry sector or occupation**

**(A) In general**

The term "in-demand industry sector or occupation" means-

(i) an industry sector that has a substantial current or potential impact (including through jobs that lead to economic self-sufficiency and opportunities for advancement) on the State, regional, or local economy, as appropriate, and that contributes to the growth or stability of other supporting businesses, or the growth of other industry sectors; or

(ii) an occupation that currently has or is projected to have a number of positions (including positions that lead to economic self-sufficiency and opportunities for advancement) in an industry sector so as to have a significant impact on the State, regional, or local economy, as appropriate.

**(B) Determination**

The determination of whether an industry sector or occupation is in-demand under this paragraph shall be made by the State board or local board, as appropriate, using State and regional business and labor market projections, including the use of labor market information.

**(24) Individual with a barrier to employment**

The term "individual with a barrier to employment" means a member of 1 or more of the following populations:

(A) Displaced homemakers.

(B) Low-income individuals.

(C) Indians, Alaska Natives, and Native Hawaiians, as such terms are defined in section 3221 of this title.

(D) Individuals with disabilities, including youth who are individuals with disabilities.

(E) Older individuals.

(F) Ex-offenders.

(G) Homeless individuals (as defined in section 12473(6) of title 34), or homeless children and youths (as defined in section 11434a(2) of title 42).

(H) Youth who are in or have aged out of the foster care system.

(I) Individuals who are English language learners, individuals who have low levels of literacy, and individuals facing substantial cultural barriers.

(J) Eligible migrant and seasonal farmworkers, as defined in section 3222(i) of this title.

(K) Individuals within 2 years of exhausting lifetime eligibility under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).

(L) Single parents (including single pregnant women).

(M) Long-term unemployed individuals.

(N) Such other groups as the Governor involved determines to have barriers to employment.

**(25) Individual with a disability**

**(A) In general**

The term "individual with a disability" means an individual with a disability as defined in section 12102 of title 42.

**(B) Individuals with disabilities**

The term "individuals with disabilities" means more than 1 individual with a disability.

**(26) Industry or sector partnership**

The term "industry or sector partnership" means a workforce collaborative, convened by or acting in partnership with a State board or local board, that-

(A) organizes key stakeholders in an industry cluster into a working group that focuses on the shared goals and human resources needs of the industry cluster and that includes, at the appropriate stage of development of the partnership-

(i) representatives of multiple businesses or other employers in the industry cluster, including small and medium-sized employers when practicable;

(ii) 1 or more representatives of a recognized State labor organization or central labor council, or another labor representative, as appropriate; and

(iii) 1 or more representatives of an institution of higher education with, or another provider of, education or training programs that support the industry cluster; and

(B) may include representatives of-

(i) State or local government;

(ii) State or local economic development agencies;

(iii) State boards or local boards, as appropriate;

(iv) a State workforce agency or other entity providing employment services;

(v) other State or local agencies;

(vi) business or trade associations;

(vii) economic development organizations;

(viii) nonprofit organizations, community-based organizations, or intermediaries;

(ix) philanthropic organizations;

(x) industry associations; and

(xi) other organizations, as determined to be necessary by the members comprising the industry or sector partnership.

**(27) In-school youth**

The term "in-school youth" means a youth described in section 3164(a)(1)(C) of this title.

**(28) Institution of higher education**

The term "institution of higher education" has the meaning given the term in section 1001 of title 20, and subparagraphs (A) and (B) of section 1002(a)(1), of title 20.

**(29) Integrated education and training**

The term "integrated education and training" has the meaning given the term in section 3272 of this title.

**(30) 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.

**(31) Literacy**

The term "literacy" has the meaning given the term in section 3272 of this title.

**(32) Local area**

The term "local area" means a local workforce investment area designated under section 3121 of this title, subject to sections 3121(c)(3)(A), 3122(c)(4)(B)(i), and 3249(i) of this title.

**(33) Local board**

The term "local board" means a local workforce development board established under section 3122 of this title, subject to section 3122(c)(4)(B)(i) of this title.

**(34) Local educational agency**

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

**(35) Local plan**

The term "local plan" means a plan submitted under section 3123 of this title, subject to section 3121(c)(3)(B) of this title.

**(36) Low-income individual**

**(A) In general**

The term "low-income individual" means an individual who-

(i) receives, or in the past 6 months has received, or is a member of a family that is receiving or in the past 6 months has received, assistance through the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), the program of block grants to States for temporary assistance for needy families program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), or the supplemental security income program established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.), or State or local income-based public assistance;

(ii) is in a family with total family income that does not exceed the higher of-

(I) the poverty line; or

(II) 70 percent of the lower living standard income level;

(iii) is a homeless individual (as defined in section 12473(6) of title 34), or a homeless child or youth (as defined under section 11434a(2) of title 42);

(iv) receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

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

(vi) is an individual with a disability whose own income meets the income requirement of clause (ii), but who is a member of a family whose income does not meet this requirement.

**(B) 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 of Labor based on the most recent lower living family budget issued by the Secretary.

**(37) Nontraditional employment**

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

**(38) Offender**

The term "offender" means an adult or juvenile-

(A) who is or has been subject to any stage of the criminal justice process, and 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.

**(39) Older individual**

The term "older individual" means an individual age 55 or older.

**(40) One-stop center**

The term "one-stop center" means a site described in section 3151(e)(2) of this title.

**(41) One-stop operator**

The term "one-stop operator" means 1 or more entities designated or certified under section 3151(d) of this title.

**(42) One-stop partner**

The term "one-stop partner" means-

(A) an entity described in section 3151(b)(1) of this title; and

(B) an entity described in section 3151(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.

**(43) One-stop partner program**

The term "one-stop partner program" means a program or activities described in section 3151(b) of this title of a one-stop partner.

**(44) 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) is made available through a program that provides reimbursement to the employer of up to 50 percent of the wage rate of the participant, except as provided in section 3174(c)(3)(H) of this title, 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.

**(45) Outlying area**

The term "outlying area" means-

(A) American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands; and

(B) the Republic of Palau, except during any period for which the Secretary of Labor and the Secretary of Education determine that a Compact of Free Association is in effect and contains provisions for training and education assistance prohibiting the assistance provided under this Act.

**(46) Out-of-school youth**

The term "out-of-school youth" means a youth described in section 3164(a)(1)(B) of this title.

**(47) Pay-for-performance contract strategy**

The term "pay-for-performance contract strategy" means a procurement strategy that uses pay-for-performance contracts in the provision of training services described in section 3174(c)(3) of this title or activities described in section 3164(c)(2) of this title, and includes-

(A) contracts, each of which shall specify a fixed amount that will be paid to an eligible service provider (which may include a local or national community-based organization or intermediary, community college, or other training provider, that is eligible under section 3152 or 3153 of this title, as appropriate) based on the achievement of specified levels of performance on the primary indicators of performance described in section 3141(b)(2)(A) of this title for target populations as identified by the local board (including individuals with barriers to employment), within a defined timetable, and which may provide for bonus payments to such service provider to expand capacity to provide effective training;

(B) a strategy for independently validating the achievement of the performance described in subparagraph (A); and

(C) a description of how the State or local area will reallocate funds not paid to a provider because the achievement of the performance described in subparagraph (A) did not occur, for further activities related to such a procurement strategy, subject to section 3249(g)(4) of this title.

**(48) Planning region**

The term "planning region" means a region described in subparagraph (B) or (C) of section 3121(a)(2) of this title, subject to section 3122(c)(4)(B)(i) of this title.

**(49) 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.

**(50) 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.

**(51) Rapid response activity**

The term "rapid response activity" means an activity provided by a State, or by an entity designated by a State, with funds provided by the State under section 3174(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 on 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.

**(52) Recognized postsecondary credential**

The term "recognized postsecondary credential" means a credential consisting of an industry-recognized certificate or certification, a certificate of completion of an apprenticeship, a license recognized by the State involved or Federal Government, or an associate or baccalaureate degree.

**(53) Region**

The term "region", used without further description, means a region identified under section 3121(a) of this title, subject to section 3122(c)(4)(B)(i) of this title and except as provided in section 3121(b)(1)(B)(ii) of this title.

**(54) 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.

**(55) Secondary school**

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

**(56) State**

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

**(57) State board**

The term "State board" means a State workforce development board established under section 3111 of this title.

**(58) State plan**

The term "State plan", used without further description, means a unified State plan under section 3112 of this title or a combined State plan under section 3113 of this title.

**(59) Supportive services**

The term "supportive services" means services such as transportation, child care, dependent care, housing, and needs-related payments, that are necessary to enable an individual to participate in activities authorized under this Act.

**(60) Training services**

The term "training services" means services described in section 3174(c)(3) of this title.

**(61) 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, for purposes of this paragraph, 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.

**(62) 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.

**(63) Veteran; related definition**

**(A) Veteran**

The term "veteran" has the meaning given the term in section 101 of title 38.

**(B) Recently separated veteran**

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

**(64) Vocational rehabilitation program**

The term "vocational rehabilitation program" means a program authorized under a provision covered under paragraph (13)(D).

**(65) Workforce development activity**

The term "workforce development activity" means an activity carried out through a workforce development program.

**(66) Workforce development program**

The term "workforce development program" means a program made available through a workforce development system.

**(67) Workforce development system**

The term "workforce development system" means a system that makes available the core programs, the other one-stop partner programs, and any other programs providing employment and training services as identified by a State board or local board.

**(68) Workforce investment activity**

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

**(69) Workforce preparation activities**

The term "workforce preparation activities" has the meaning given the term in section 3272 of this title.

**(70) Workplace learning advisor**

The term "workplace learning advisor" means an individual employed by an organization who has the knowledge and skills necessary to advise other employees of that organization about the education, skill development, job training, career counseling services, and credentials, including services provided through the workforce development system, required to progress toward career goals of such employees in order to meet employer requirements related to job openings and career advancements that support economic self-sufficiency.

**(71) Youth workforce investment activity**

The term "youth workforce investment activity" means an activity described in section 3164 of this title that is carried out for eligible youth (or as described in section 3164(a)(3)(A) of this title).

([Pub. L. 113–128, §3, July 22, 2014, 128 Stat. 1429](https://uscode.house.gov/statviewer.htm?volume=128&page=1429) ; [Pub. L. 114–95, title IX, §9215(yyy)(1), Dec. 10, 2015, 129 Stat. 2191](https://uscode.house.gov/statviewer.htm?volume=129&page=2191) .)

**SUBCHAPTER I—WORKFORCE DEVELOPMENT ACTIVITIES**

**Part A—System Alignment**

**subpart 1—state provisions**

**§3111. State workforce development boards**

**(a) In general**

The Governor of a State shall establish a State workforce development board to carry out the functions described in subsection (d).

**(b) Membership**

**(1) In general**

The State board shall include—

(A) the Governor;

(B) a member of each chamber of the State legislature (to the extent consistent with State law), appointed by the appropriate presiding officers of such chamber; and

(C) members appointed by the Governor, of which—

(i) a majority shall be representatives of businesses in the State, who—

(I) are owners of businesses, chief executives or operating officers of businesses, or other business executives or employers with optimum policymaking or hiring authority, and who, in addition, may be members of a local board described in section 3122(b)(2)(A)(i) of this title;

(II) represent businesses (including small businesses), or organizations representing businesses described in this subclause, that provide employment opportunities that, at a minimum, include high-quality, work-relevant training and development in in-demand industry sectors or occupations in the State; and

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

(ii) not less than 20 percent shall be representatives of the workforce within the State, who—

(I) shall include representatives of labor organizations, who have been nominated by State labor federations;

(II) shall include a representative, who shall be a member of a labor organization or a training director, from a joint labor-management apprenticeship program, or if no such joint program exists in the State, such a representative of an apprenticeship program in the State;

(III) may include representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of individuals with barriers to employment, including organizations that serve veterans or that provide or support competitive, integrated employment for individuals with disabilities; and

(IV) may include representatives of organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of eligible youth, including representatives of organizations that serve out-of-school youth; and

(iii) the balance—

(I) shall include representatives of government, who—

(aa) shall include the lead State officials with primary responsibility for the core programs; and

(bb) shall include chief elected officials (collectively representing both cities and counties, where appropriate); and

(II) may include such other representatives and officials as the Governor may designate, such as—

(aa) the State agency officials from agencies that are one-stop partners not specified in subclause (I) (including additional one-stop partners whose programs are covered by the State plan, if any);

(bb) State agency officials responsible for economic development or juvenile justice programs in the State;

(cc) individuals who represent an Indian tribe or tribal organization, as such terms are defined in section 3221(b) of this title; and

(dd) State agency officials responsible for education programs in the State, including chief executive officers of community colleges and other institutions of higher education.

**(2) Diverse and distinct representation**

The members of the State board shall represent diverse geographic areas of the State, including urban, rural, and suburban areas.

**(3) No representation of multiple categories**

No person shall serve as a member for more than 1 of—

(A) the category described in paragraph (1)(C)(i); or

(B) 1 category described in a subclause of clause (ii) or (iii) of paragraph (1)(C).

**(c) Chairperson**

The Governor shall select a chairperson for the State board from among the representatives described in subsection (b)(1)(C)(i).

**(d) Functions**

The State board shall assist the Governor in—

(1) the development, implementation, and modification of the State plan;

(2) consistent with paragraph (1), the review of statewide policies, of statewide programs, and of recommendations on actions that should be taken by the State to align workforce development programs in the State in a manner that supports a comprehensive and streamlined workforce development system in the State, including the review and provision of comments on the State plans, if any, for programs and activities of one-stop partners that are not core programs;

(3) the development and continuous improvement of the workforce development system in the State, including—

(A) the identification of barriers and means for removing barriers to better coordinate, align, and avoid duplication among the programs and activities carried out through the system;

(B) the development of strategies to support the use of career pathways for the purpose of providing individuals, including low-skilled adults, youth, and individuals with barriers to employment (including individuals with disabilities), with workforce investment activities, education, and supportive services to enter or retain employment;

(C) the development of strategies for providing effective outreach to and improved access for individuals and employers who could benefit from services provided through the workforce development system;

(D) the development and expansion of strategies for meeting the needs of employers, workers, and jobseekers, particularly through industry or sector partnerships related to in-demand industry sectors and occupations;

(E) the identification of regions, including planning regions, for the purposes of section 3121(a) of this title, and the designation of local areas under section 3121 of this title, after consultation with local boards and chief elected officials;

(F) the development and continuous improvement of the one-stop delivery system in local areas, including providing assistance to local boards, one-stop operators, one-stop partners, and providers with planning and delivering services, including training services and supportive services, to support effective delivery of services to workers, jobseekers, and employers; and

(G) the development of strategies to support staff training and awareness across programs supported under the workforce development system;

(4) the development and updating of comprehensive State performance accountability measures, including State adjusted levels of performance, to assess the effectiveness of the core programs in the State as required under section 3141(b) of this title;

(5) the identification and dissemination of information on best practices, including best practices for—

(A) the effective operation of one-stop centers, relating to the use of business outreach, partnerships, and service delivery strategies, including strategies for serving individuals with barriers to employment;

(B) the development of effective local boards, which may include information on factors that contribute to enabling local boards to exceed negotiated local levels of performance, sustain fiscal integrity, and achieve other measures of effectiveness; and

(C) effective training programs that respond to real-time labor market analysis, that effectively use direct assessment and prior learning assessment to measure an individual's prior knowledge, skills, competencies, and experiences, and that evaluate such skills, and competencies for adaptability, to support efficient placement into employment or career pathways;

(6) the development and review of statewide policies affecting the coordinated provision of services through the State's one-stop delivery system described in section 3151(e) of this title, including the development of—

(A) objective criteria and procedures for use by local boards in assessing the effectiveness and continuous improvement of one-stop centers described in such section;

(B) guidance for the allocation of one-stop center infrastructure funds under section 3151(h) of this title; and

(C) policies relating to the appropriate roles and contributions of entities carrying out one-stop partner programs within the one-stop delivery system, including approaches to facilitating equitable and efficient cost allocation in such system;

(7) the development of strategies for technological improvements to facilitate access to, and improve the quality of, services and activities provided through the one-stop delivery system, including such improvements to—

(A) enhance digital literacy skills (as defined in section 9101 of title 20; referred to in this Act as "digital literacy skills");

(B) accelerate the acquisition of skills and recognized postsecondary credentials by participants;

(C) strengthen the professional development of providers and workforce professionals; and

(D) ensure such technology is accessible to individuals with disabilities and individuals residing in remote areas;

(8) the development of strategies for aligning technology and data systems across one-stop partner programs to enhance service delivery and improve efficiencies in reporting on performance accountability measures (including the design and implementation of common intake, data collection, case management information, and performance accountability measurement and reporting processes and the incorporation of local input into such design and implementation, to improve coordination of services across one-stop partner programs);

(9) the development of allocation formulas for the distribution of funds for employment and training activities for adults, and youth workforce investment activities, to local areas as permitted under sections 3163(b)(3) and 3173(b)(3) of this title;

(10) the preparation of the annual reports described in paragraphs (1) and (2) of section 3141(d) of this title;

(11) the development of the statewide workforce and labor market information system described in section 49l–2(e) of this title; and

(12) the development of such other policies as may promote statewide objectives for, and enhance the performance of, the workforce development system in the State.

**(e) Alternative entity**

**(1) In general**

For the purposes of complying with subsections (a), (b), and (c), a State may use any State entity (including a State council, State workforce development board (within the meaning of the Workforce Investment Act of 1998, as in effect on the day before July 22, 2014), combination of regional workforce development boards, or similar entity) that—

(A) was in existence on the day before August 7, 1998;

(B) is substantially similar to the State board described in subsections (a) through (c); and

(C) includes representatives of business in the State and representatives of labor organizations in the State.

**(2) References**

A reference in this Act, or a core program provision that is not in this Act, to a State board shall be considered to include such an entity.

**(f) Conflict of interest**

A member of a State board may not—

(1) vote on a matter under consideration by the State board—

(A) regarding the provision of services by such member (or by an entity that such member represents); or

(B) that would provide direct financial benefit to such member or the immediate family of such member; or

(2) engage in any other activity determined by the Governor to constitute a conflict of interest as specified in the State plan.

**(g) Sunshine provision**

The State board shall make available to the public, on a regular basis through electronic means and open meetings, information regarding the activities of the State board, including information regarding the State plan, or a modification to the State plan, prior to submission of the plan or modification of the plan, respectively, information regarding membership, and, on request, minutes of formal meetings of the State board.

**(h) Authority to hire staff**

**(1) In general**

The State board may hire a director and other staff to assist in carrying out the functions described in subsection (d) using funds available as described in section 3164(b)(3) of this title or 3174(a)(3)(B)(i) of this title.

**(2) Qualifications**

The State board shall establish and apply a set of objective qualifications for the position of director, that ensures that the individual selected has the requisite knowledge, skills, and abilities, to meet identified benchmarks and to assist in effectively carrying out the functions of the State board.

**(3) Limitation on rate**

The director and staff described in paragraph (1) shall be subject to the limitations on the payment of salary and bonuses described in section 3254(15) of this title.

([Pub. L. 113–128, title I, §101, July 22, 2014, 128 Stat. 1440](https://uscode.house.gov/statviewer.htm?volume=128&page=1440).)

**§3112. Unified State plan**

**(a) Plan**

For a State to be eligible to receive allotments for the core programs, the Governor shall submit to the Secretary of Labor for the approval process described under subsection (c)(2), a unified State plan. The unified State plan shall outline a 4-year strategy for the core programs of the State and meet the requirements of this section.

**(b) Contents**

**(1) Strategic planning elements**

The unified State plan shall include strategic planning elements consisting of a strategic vision and goals for preparing an educated and skilled workforce, that include—

(A) an analysis of the economic conditions in the State, including—

(i) existing and emerging in-demand industry sectors and occupations; and

(ii) the employment needs of employers, including a description of the knowledge, skills, and abilities, needed in those industries and occupations;

(B) an analysis of the current workforce, employment and unemployment data, labor market trends, and the educational and skill levels of the workforce, including individuals with barriers to employment (including individuals with disabilities), in the State;

(C) an analysis of the workforce development activities (including education and training) in the State, including an analysis of the strengths and weaknesses of such activities, and the capacity of State entities to provide such activities, in order to address the identified education and skill needs of the workforce and the employment needs of employers in the State;

(D) a description of the State's strategic vision and goals for preparing an educated and skilled workforce (including preparing youth and individuals with barriers to employment) and for meeting the skilled workforce needs of employers, including goals relating to performance accountability measures based on primary indicators of performance described in section 3141(b)(2)(A) of this title, in order to support economic growth and economic self-sufficiency, and of how the State will assess the overall effectiveness of the workforce investment system in the State; and

(E) taking into account analyses described in subparagraphs (A) through (C), a strategy for aligning the core programs, as well as other resources available to the State, to achieve the strategic vision and goals described in subparagraph (D).

**(2) Operational planning elements**

**(A) In general**

The unified State plan shall include the operational planning elements contained in this paragraph, which shall support the strategy described in paragraph (1)(E), including a description of how the State board will implement the functions under section 3111(d) of this title.

**(B) Implementation of State strategy**

The unified State plan shall describe how the lead State agency with responsibility for the administration of a core program will implement the strategy described in paragraph (1)(E), including a description of—

(i) the activities that will be funded by the entities carrying out the respective core programs to implement the strategy and how such activities will be aligned across the programs and among the entities administering the programs, including using co-enrollment and other strategies;

(ii) how the activities described in clause (i) will be aligned with activities provided under employment, training, education, including career and technical education, and human services programs not covered by the plan, as appropriate, assuring coordination of, and avoiding duplication among, the activities referred to in this clause;

(iii) how the entities carrying out the respective core programs will coordinate activities and provide comprehensive, high-quality services including supportive services, to individuals;

(iv) how the State's strategy will engage the State's community colleges and area career and technical education schools as partners in the workforce development system and enable the State to leverage other Federal, State, and local investments that have enhanced access to workforce development programs at those institutions;

(v) how the activities described in clause (i) will be coordinated with economic development strategies and activities in the State; and

(vi) how the State's strategy will improve access to activities leading to a recognized postsecondary credential (including a credential that is an industry-recognized certificate or certification, portable, and stackable).

**(C) State operating systems and policies**

The unified State plan shall describe the State operating systems and policies that will support the implementation of the strategy described in paragraph (1)(E), including a description of—

(i) the State board, including the activities to assist members of the State board and the staff of such board in carrying out the functions of the State board effectively (but funds for such activities may not be used for long-distance travel expenses for training or development activities available locally or regionally);

(ii)(I) how the respective core programs will be assessed each year, including an assessment of the quality, effectiveness, and improvement of programs (analyzed by local area, or by provider), based on State performance accountability measures described in section 3141(b) of this title; and

(II) how other one-stop partner programs will be assessed each year;

(iii) the results of an assessment of the effectiveness of the core programs and other one-stop partner programs during the preceding 2-year period;

(iv) the methods and factors the State will use in distributing funds under the core programs, in accordance with the provisions authorizing such distributions;

(v)(I) how the lead State agencies with responsibility for the administration of the core programs will align and integrate available workforce and education data on core programs, unemployment insurance programs, and education through postsecondary education;

(II) how such agencies will use the workforce development system to assess the progress of participants that are exiting from core programs in entering, persisting in, and completing postsecondary education, or entering or remaining in employment; and

(III) the privacy safeguards incorporated in such system, including safeguards required by section 1232g of title 20 and other applicable Federal laws;

(vi) how the State will implement the priority of service provisions for veterans in accordance with the requirements of section 4215 of title 38;

(vii) how the one-stop delivery system, including one-stop operators and the one-stop partners, will comply with section 3248 of this title, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), regarding the physical and programmatic accessibility of facilities, programs, services, technology, and materials, for individuals with disabilities, including complying through providing staff training and support for addressing the needs of individuals with disabilities; and

(viii) such other operational planning elements as the Secretary of Labor or the Secretary of Education, as appropriate, determines to be necessary for effective State operating systems and policies.

**(D) Program-specific requirements**

The unified State plan shall include—

(i) with respect to activities carried out under part B, a description of—

(I) State policies or guidance, for the statewide workforce development system and for use of State funds for workforce investment activities;

(II) the local areas designated in the State, including the process used for designating local areas, and the process used for identifying any planning regions under section 3121(a) of this title, including a description of how the State consulted with the local boards and chief elected officials in determining the planning regions;

(III) the appeals process referred to in section 3121(b)(6) of this title, relating to designation of local areas;

(IV) the appeals process referred to in section 3151(h)(2)(E) of this title, relating to determinations for infrastructure funding; and

(V) with respect to youth workforce investment activities authorized in section 3164 of this title, information identifying the criteria to be used by local boards in awarding grants for youth workforce investment activities and describing how the local boards will take into consideration the ability of the providers to meet performance accountability measures based on primary indicators of performance for the youth program as described in section 3141(b)(2)(A)(ii) of this title in awarding such grants;

(ii) with respect to activities carried out under subchapter II, a description of—

(I) how the eligible agency will, if applicable, align content standards for adult education with challenging State academic standards, as adopted under section 6311(b)(1) of title 20;

(II) how the State will fund local activities using considerations specified in section 3321(e) of this title for—

(aa) activities under section 3321(b) of this title;

(bb) programs for corrections education under section 3305 of this title;

(cc) programs for integrated English literacy and civics education under section 3333 of this title; and

(dd) integrated education and training;

(III) how the State will use the funds to carry out activities under section 3303 of this title;

(IV) how the State will use the funds to carry out activities under section 3333 of this title;

(V) how the eligible agency will assess the quality of providers of adult education and literacy activities under subchapter II and take actions to improve such quality, including providing the activities described in section 3303(a)(1)(B) of this title;

(iii) with respect to programs carried out under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.), other than section 112 or part C of that title (29 U.S.C. 732, 741), the information described in section 101(a) of that Act (29 U.S.C. 721(a)); and

(iv) information on such additional specific requirements for a program referenced in any of clauses (i) through (iii) or the Wagner-Peyser Act (29 U.S.C. 49 et seq.) as the Secretary of Labor determines to be necessary to administer that program but cannot reasonably be applied across all such programs.

**(E) Assurances**

The unified State plan shall include assurances—

(i) that the State has established a policy identifying circumstances that may present a conflict of interest for a State board or local board member, or the entity or class of officials that the member represents, and procedures to resolve such conflicts;

(ii) that the State has established a policy to provide to the public (including individuals with disabilities) access to meetings of State boards and local boards, and information regarding activities of State boards and local boards, such as data on board membership and minutes;

(iii)(I) that the lead State agencies with responsibility for the administration of core programs reviewed and commented on the appropriate operational planning elements of the unified State plan, and approved the elements as serving the needs of the populations served by such programs; and

(II) that the State obtained input into the development of the unified State plan and provided an opportunity for comment on the plan by representatives of local boards and chief elected officials, businesses, labor organizations, institutions of higher education, other primary stakeholders, and the general public and that the unified State plan is available and accessible to the general public;

(iv) that the State has established, in accordance with section 3141(i) of this title, fiscal control and fund accounting procedures that may be necessary to ensure the proper disbursement of, and accounting for, funds paid to the State through allotments made for adult, dislocated worker, and youth programs to carry out workforce investment activities under subparts 2 and 3 of part B;

(v) that the State has taken appropriate action to secure compliance with uniform administrative requirements in this Act, including that the State will annually monitor local areas to ensure compliance and otherwise take appropriate action to secure compliance with the uniform administrative requirements under section 3244(a)(3) of this title;

(vi) that the State has taken the appropriate action to be in compliance with section 3248 of this title, if applicable;

(vii) that the Federal funds received to carry out a core program will not be expended for any purpose other than for activities authorized with respect to such funds under that core program;

(viii) that the eligible agency under subchapter II will—

(I) expend the funds appropriated to carry out that subchapter only in a manner consistent with fiscal requirements under section 3331(a) of this title (regarding supplement and not supplant provisions); and

(II) ensure that there is at least 1 eligible provider serving each local area;

(ix) that the State will pay an appropriate share (as defined by the State board) of the costs of carrying out section 3141 of this title, from funds made available through each of the core programs; and

(x) regarding such other matters as the Secretary of Labor or the Secretary of Education, as appropriate, determines to be necessary for the administration of the core programs.

**(3) Existing analysis**

As appropriate, a State may use an existing analysis in order to carry out the requirements of paragraph (1) concerning an analysis.

**(c) Plan submission and approval**

**(1) Submission**

**(A) Initial plan**

The initial unified State plan under this section (after July 22, 2014) shall be submitted to the Secretary of Labor not later than 120 days prior to the commencement of the second full program year after July 22, 2014.

**(B) Subsequent plans**

Except as provided in subparagraph (A), a unified State plan shall be submitted to the Secretary of Labor not later than 120 days prior to the end of the 4-year period covered by the preceding unified State plan.

**(2) Submission and approval**

**(A) Submission**

In approving a unified State plan under this section, the Secretary shall submit the portion of the unified State plan covering a program or activity to the head of the Federal agency that administers the program or activity for the approval of such portion by such head.

**(B) Approval**

A unified State plan shall be subject to the approval of both the Secretary of Labor and the Secretary of Education, after approval of the Commissioner of the Rehabilitation Services Administration for the portion of the plan described in subsection (b)(2)(D)(iii). The plan shall be considered to be approved at the end of the 90-day period beginning on the day the plan is submitted, unless the Secretary of Labor or the Secretary of Education makes a written determination, during the 90-day period, that the plan is inconsistent with the provisions of this section or the provisions authorizing the core programs, as appropriate.

**(3) Modifications**

**(A) Modifications**

At the end of the first 2-year period of any 4-year unified State plan, the State board shall review the unified State plan, and the Governor shall submit modifications to the plan to reflect changes in labor market and economic conditions or in other factors affecting the implementation of the unified State plan.

**(B) Approval**

A modified unified State plan submitted for the review required under subparagraph (A) shall be subject to the approval requirements described in paragraph (2). A Governor may submit a modified unified State plan at such other times as the Governor determines to be appropriate, and such modified unified State plan shall also be subject to the approval requirements described in paragraph (2).

**(4) Early implementers**

The Secretary of Labor, in conjunction with the Secretary of Education, shall establish a process for approving and may approve unified State plans that meet the requirements of this section and are submitted to cover periods commencing prior to the second full program year described in paragraph (1)(A).

([Pub. L. 113–128, title I, §102, July 22, 2014, 128 Stat. 1444](https://uscode.house.gov/statviewer.htm?volume=128&page=1444); [Pub. L. 114–18, §2(e)(1), May 22, 2015, 129 Stat. 213](https://uscode.house.gov/statviewer.htm?volume=129&page=213); [Pub. L. 114–95, title IX, §9215(yyy)(2), Dec. 10, 2015, 129 Stat. 2191](https://uscode.house.gov/statviewer.htm?volume=129&page=2191).)

**§3113. Combined State plan**

**(a) In general**

**(1) Authority to submit plan**

A State may develop and submit to the appropriate Secretaries a combined State plan for the core programs and 1 or more of the programs and activities described in paragraph (2) in lieu of submitting 2 or more plans, for the programs and activities and the core programs.

**(2) Programs**

The programs and activities referred to in paragraph (1) are as follows:

(A) Career and technical education programs authorized under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.).

(B) Programs authorized under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).

(C) Programs authorized under section 2015(d)(4) of title 7.

(D) Work programs authorized under section 2015(o) of title 7.

(E) Activities authorized under chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.).

(F) Activities authorized under chapter 41 of title 38.

(G) Programs authorized under State unemployment compensation laws (in accordance with applicable Federal law).

(H) Programs authorized under title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.).

(I) Employment and training activities carried out by the Department of Housing and Urban Development.

(J) Employment and training activities carried out under the Community Services Block Grant Act (42 U.S.C. 9901 et seq.).

(K) Programs authorized under section 60532 [1](https://uscode.house.gov/view.xhtml?hl=false&edition=prelim&path=%2Fprelim%40title29%2Fchapter32&req=granuleid%3AUSC-prelim-title29-chapter32-subchapter1&num=0&saved=L3ByZWxpbUB0aXRsZTI5L2NoYXB0ZXIzMg%3D%3D%7CZ3JhbnVsZWlkOlVTQy1wcmVsaW0tdGl0bGUyOS1jaGFwdGVyMzI%3D%7C%7C%7C0%7Cfalse%7Cprelim#3113_1_target) of title 34.

**(b) Requirements**

**(1) In general**

The portion of a combined plan covering the core programs shall be subject to the requirements of section 3112 of this title (including section 3112(c)(3) of this title). The portion of such plan covering a program or activity described in subsection (a)(2) shall be subject to the requirements, if any, applicable to a plan or application for assistance for that program or activity, under the Federal law authorizing the program or activity. At the election of the State, section 3112(c)(3) of this title may apply to that portion.

**(2) Additional submission not required**

A State that submits a combined plan that is approved under subsection (c) shall not be required to submit any other plan or application in order to receive Federal funds to carry out the core programs or the program or activities described in subsection (a)(2) that are covered by the combined plan.

**(3) Coordination**

A combined plan shall include—

(A) a description of the methods used for joint planning and coordination of the core programs and the other programs and activities covered by the combined plan; and

(B) an assurance that the methods included an opportunity for the entities responsible for planning or administering the core programs and the other programs and activities to review and comment on all portions of the combined plan.

**(c) Approval by the appropriate Secretaries**

**(1) Jurisdiction**

The appropriate Secretary shall have the authority to approve the corresponding portion of a combined plan as described in subsection (d). On the approval of the appropriate Secretary, that portion of the combined plan, covering a program or activity, shall be implemented by the State pursuant to that portion of the combined plan, and the Federal law authorizing the program or activity.

**(2) Approval of core programs**

No portion of the plan relating to a core program shall be implemented until the appropriate Secretary approves the corresponding portions of the plan for all core programs.

**(3) Timing of approval**

**(A) In general**

Except as provided in subparagraphs (B) and (C), a portion of the combined State plan covering the core programs or a program or activity described in subsection (a)(2) shall be considered to be approved by the appropriate Secretary at the end of the 90-day period beginning on the day the plan is submitted.

**(B) Plan approved by 3 or more appropriate Secretaries**

If an appropriate Secretary other than the Secretary of Labor or the Secretary of Education has authority to approve a portion of a combined plan, that portion of the combined plan shall be considered to be approved by the appropriate Secretary at the end of the 120-day period beginning on the day the plan is submitted.

**(C) Disapproval**

The portion shall not be considered to be approved if the appropriate Secretary makes a written determination, during the 90-day period (or the 120-day period, for an appropriate Secretary covered by subparagraph (B)), that the portion is not consistent with the requirements of the Federal law authorizing or applicable to the program or activity involved, including the criteria for approval of a plan or application, if any, under such law, or the plan is not consistent with the requirements of this section.