

1 **TITLE IV—AMENDMENTS TO THE**
2 **WAGNER-PEYSER ACT**

3 **SEC. 401. EMPLOYMENT SERVICE OFFICES.**

4 Section 1 of the Wagner-Peyser Act (29 U.S.C. 49)
5 is amended by inserting “service” before “offices”.

6 **SEC. 402. DEFINITIONS.**

7 Section 2 of the Wagner-Peyser Act (29 U.S.C. 49a)
8 is amended—

9 (1) by striking paragraph (1) and inserting the
10 following:

11 “(1) the terms ‘chief elected official’, ‘institu-
12 tion of higher education’, ‘one-stop center’, ‘one-stop
13 partner’, ‘training services’, ‘workforce development
14 activity’, and ‘workplace learning advisor’, have the
15 meaning given the terms in section 101 of the Work-
16 force Investment Act of 2011;”;

17 (2) in paragraph (2)—

18 (A) by striking “investment board” each
19 place it appears and inserting “development
20 board”; and

21 (B) by striking “of 1998” and inserting
22 “of 2011”;

23 (3) in paragraph (3)—

1 (A) by striking “134(c)” and inserting
2 “221(e)”; and

3 (B) by striking “1998” and inserting
4 “2011”; and

5 (4) in paragraph (4), by striking “and” at the
6 end;

7 (5) in paragraph (5), by striking the period and
8 inserting “; and”; and

9 (6) by adding at the end the following:

10 “(6) the term ‘employment service office’ means
11 a local office of a State agency; and

12 “(7) except in section 15, the term ‘State agen-
13 cy’, used without further description, means an
14 agency designated or authorized under section 4.”.

15 **SEC. 403. FEDERAL AND STATE EMPLOYMENT SERVICE OF-**
16 **FICES.**

17 (a) COORDINATION.—Section 3(a) of the Wagner-
18 Peyser Act (29 U.S.C. 49b(a)) is amended by striking
19 “services” and inserting “service offices”.

20 (b) PUBLIC LABOR EXCHANGE SERVICES SYSTEM.—
21 Section 3(c)(2) of the Wagner-Peyser Act (29 U.S.C.
22 49b(c)(2)) is amended by inserting “, and identify and dis-
23 seminate information on best practices for such system”
24 before the semicolon.

1 (c) ONE-STOP CENTERS.—Section 3 of the Wagner-
2 Peyser Act (29 U.S.C. 49b) is amended by inserting after
3 subsection (c) the following:

4 “(d) In order to improve service delivery, avoid dupli-
5 cation of services, and enhance coordination of services,
6 employment service offices in each State shall be colocated
7 with one-stop centers.

8 “(e) The Secretary, in consultation with States, is au-
9 thorized to assist the States in the development of national
10 electronic tools that may be used to improve access to
11 workforce information for individuals through—

12 “(1) the one-stop delivery systems established
13 as described in section 221(e) of the Workforce In-
14 vestment Act of 2011; and

15 “(2) such other delivery systems as the Sec-
16 retary determines to be appropriate.”.

17 **SEC. 404. ALLOTMENT OF SUMS.**

18 Section 6 of the Wagner-Peyser Act (29 U.S.C. 49e)
19 is amended—

20 (1) in subsection (a)—

21 (A) by striking “From” and inserting
22 “After making the reservation required by sub-
23 section (c), from”; and

24 (B) by striking “amounts appropriated
25 pursuant to section 5” and inserting “funds ap-

1 appropriated and (except for Guam) certified
2 under section 5 and made available for allot-
3 ments under this section”;

4 (2) in subsection (b)(1)—

5 (A) in the matter preceding subparagraph

6 (A)—

7 (i) by inserting before “the Secretary”
8 the following “after making the allotments
9 required by subsection (a),”; and

10 (ii) by striking “sums” and all that
11 follows through “this Act” and inserting
12 “funds described in subsection (a)”;

13 (B) in each of subparagraphs (A) and (B),
14 by striking “sums” and inserting “remainder”;
15 and

16 (C) by adding at the end the following:
17 “For purposes of this paragraph, the term
18 ‘State’ does not include Guam or the Virgin Is-
19 lands.”; and

20 (3) by adding at the end the following:

21 “(c) RESERVATION OF FUNDS FOR WORKFORCE IN-
22 NOVATION GRANTS.—For any fiscal year in which the
23 amount of funds appropriated and certified under section
24 5 and made available to carry out this section exceeds the
25 amount of funds appropriated and certified under section

1 5 and made available to carry out this section for fiscal
2 year 2010, the Secretary shall reserve and, subject to sec-
3 tion 142(a)(2) of the Workforce Investment Act of 2011,
4 make available one-half of such excess to carry out section
5 142 of the Workforce Investment Act of 2011, except that
6 such reservation shall not exceed \$50,000,000.”.

7 **SEC. 405. USE OF SUMS.**

8 (a) RESOURCES FOR UNEMPLOYMENT INSURANCE
9 CLAIMANTS.—Section 7(a)(3) of the Wagner-Peyser Act
10 (29 U.S.C. 49f(a)(3)) is amended—

11 (1) by striking “and” at the end of subpara-
12 graph (E);

13 (2) by striking the period at the end of sub-
14 paragraph (F) and inserting “; and”; and

15 (3) by inserting after subparagraph (F) the fol-
16 lowing:

17 “(G) providing unemployment insurance
18 claimants with referrals to, and application as-
19 sistance for, training and education resources
20 and programs, including Federal Pell Grants
21 under subpart 1 of part A of title IV of the
22 Higher Education Act of 1965 (20 U.S.C.
23 1070a et seq.), educational assistance under
24 chapter 30 of title 38, United States Code
25 (commonly referred to as the Montgomery GI

1 Bill), and chapter 33 of that title (Post-9/11
2 Veterans Educational Assistance), student as-
3 sistance under title IV of the Higher Education
4 Act of 1965 (20 U.S.C. 1070 et seq.), State
5 student higher education assistance, and train-
6 ing and education programs provided under ti-
7 tles II and III of the Workforce Investment Act
8 of 2011, and title I of the Rehabilitation Act of
9 1973 (29 U.S.C. 720 et seq.).”.

10 (b) STATE ACTIVITIES.—Section 7(b) of the Wagner-
11 Peyser Act (29 U.S.C. 49f(b)) is amended—

12 (1) in paragraph (1), by striking “performance
13 standards established by the Secretary” and insert-
14 ing “the performance accountability measures that
15 are based on indicators described in section
16 131(b)(2)(A)(i) of the Workforce Investment Act of
17 2011”; and

18 (2) in paragraph (2), by inserting “offices”
19 after “employment service”.

20 (c) PROVIDING ADDITIONAL FUNDS.—Section
21 7(c)(2) of the Wagner-Peyser Act (29 U.S.C. 49f(c)(2))
22 is amended by striking “1998” and inserting “2011”.

23 (d) OTHER SERVICES AND ACTIVITIES.—Section
24 7(d) of the Wagner-Peyser Act (29 U.S.C. 49f(d)) is
25 amended by striking “1998” and inserting “2011”.

1 (e) CONFORMING AMENDMENT.—Section 7(e) of the
2 Wagner-Peyser Act (29 U.S.C. 49f(e)) is amended by
3 striking “labor employment statistics” and inserting
4 “workforce and labor market information”.

5 **SEC. 406. STATE PLAN.**

6 Section 8 of the Wagner-Peyser Act (29 U.S.C. 49g)
7 is amended to read as follows:

8 “SEC. 8. Any State desiring to receive assistance
9 under section 6 shall prepare and submit to, and have ap-
10 proved by, the Secretary and the Secretary of Education,
11 a State plan in accordance with section 112 or 113 of the
12 Workforce Investment Act of 2011.”.

13 **SEC. 407. PERFORMANCE MEASURES.**

14 Section 13(a) of the Wagner-Peyser Act (29 U.S.C.
15 49l(a)) is amended to read as follows:

16 “(a) The activities carried out pursuant to section 7
17 shall be subject to the performance accountability meas-
18 ures that are based on indicators described in section
19 131(b)(2)(A)(i) of the Workforce Investment Act of
20 2011.”.

21 **SEC. 408. PILOT PROJECTS.**

22 The Wagner-Peyser Act is amended by inserting after
23 section 13 (29 U.S.C. 49l) the following:

1 **“SEC. 13A. PILOT PROJECTS.**

2 “(a) GRANTS.—From funds appropriated under sub-
3 section (f), the Secretary, in consultation with the Sec-
4 retary of Education, shall establish and carry out a pilot
5 program. In carrying out the program, the Secretary shall
6 annually make not more than 5 grants, on a competitive
7 basis, to State agencies to cooperate in the administration
8 of this Act by carrying out pilot projects that enhance the
9 professional development and provision of services by the
10 staff of such State agencies.

11 “(b) USE OF FUNDS.—Funds made available under
12 this section may be used to enable a State agency to—

13 “(1) make available a broad range of career
14 guidance services, including career planning, apti-
15 tude and interest assessments, and provision of
16 workforce and labor market information, and evalu-
17 ate the outcomes for recipients of such services;

18 “(2) strengthen the capacity of the State agen-
19 cy to identify job openings through the use of tech-
20 nology, and through intensive outreach to small and
21 medium size employers while using and enhancing
22 the business and employer services authorized under
23 this Act;

24 “(3) provide professional development and ca-
25 reer advancement opportunities for staff of a State
26 agency in order to upgrade their skills and com-

1 petencies in the provision of career development ac-
2 tivities, employer outreach, and other services au-
3 thorized under this Act, including upgrading those
4 skills and competencies through the training of such
5 staff to improve their knowledge of, and ability to ef-
6 fectively interact with, staff and programs of one-
7 stop partners and other entities administering work-
8 force development programs;

9 “(4) in cooperation with professional organiza-
10 tions and institutions of higher education, dem-
11 onstrate the efficacy and value of professional
12 credentialing for counselors of the State agency to
13 cooperate in the administration of this Act;

14 “(5) identify and implement strategies for State
15 agency staff to provide technical assistance and
16 training to assist other providers of workforce devel-
17 opment activities, including workplace learning advi-
18 sors, in providing counseling and employment-related
19 services to workers and job seekers, and employers;
20 and

21 “(6) identify and implement new strategies for
22 integrating counseling and technology to enhance the
23 provision of employment-related services under this
24 Act.

1 “(c) APPLICATIONS.—A State agency that seeks a
2 grant under this section shall submit an application to the
3 Secretary at such time, in such manner, and containing
4 such information as the Secretary may require.

5 “(d) PRIORITY.—In awarding grants under this sec-
6 tion, the Secretary, in consultation with the Secretary of
7 Education, shall—

8 “(1) give priority to a State agency that—

9 “(A) demonstrates participation by em-
10 ployees of the agency in the planning of the
11 proposed pilot project;

12 “(B) demonstrates participation by the
13 employees, or provides an assurance that the
14 employees will participate, in the implementa-
15 tion of the pilot project; and

16 “(C) demonstrates that the State agency
17 has established a partnership, or provides an
18 assurance that the agency will establish a part-
19 nership, with a relevant professional organiza-
20 tion, or with an institution of higher education;
21 and

22 “(2) ensure geographic diversity and diversity
23 with respect to the population density of the States
24 in which projects under this section will be carried
25 out.

1 “(e) REPORTS.—The Secretary shall annually pre-
2 pare and submit to the Committee on Education and
3 Labor of the House of Representatives and the Committee
4 on Health, Education, Labor, and Pensions of the Senate,
5 a report assessing the projects carried out under this sec-
6 tion and containing such recommendations for improve-
7 ments in the provision of counseling and other employ-
8 ment-related services under this Act as the Secretary de-
9 termines to be appropriate.

10 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
11 is authorized to be appropriated to carry out this section
12 such sums as may be necessary for each of fiscal years
13 2012 through 2016.”.

14 **SEC. 409. WORKFORCE AND LABOR MARKET INFORMATION**
15 **SYSTEM.**

16 (a) HEADING.—The section heading for section 15 of
17 the Wagner-Peyser Act (29 U.S.C. 491–2) is amended by
18 striking “**EMPLOYMENT STATISTICS**” and inserting
19 “**WORKFORCE AND LABOR MARKET INFORMATION**
20 **SYSTEM**”.

21 (b) NAME OF SYSTEM.—Section 15(a)(1) of the Wag-
22 ner-Peyser Act (29 U.S.C. 491–2(a)(1)) is amended by
23 striking “employment statistics system of employment sta-
24 tistics” and inserting “workforce and labor market infor-
25 mation system”.

1 (c) SYSTEM RESPONSIBILITIES.—Section 15(b) of
2 the Wagner-Peyser Act (29 U.S.C. 491–2(b)) is amend-
3 ed—

4 (1) by striking paragraph (1) and inserting the
5 following:

6 “(1) IN GENERAL.—

7 “(A) STRUCTURE.—The workforce and
8 labor market information system described in
9 subsection (a) shall be evaluated and improved
10 by the Secretary, in consultation with the
11 Workforce Information Advisory Council estab-
12 lished in subsection (d).

13 “(B) GRANTS AND RESPONSIBILITIES.—

14 “(i) IN GENERAL.—The Secretary
15 shall carry out the provisions of this sec-
16 tion in a timely manner, through grants to
17 or agreements with States.

18 “(ii) DISTRIBUTION OF FUNDS.—

19 Using amounts appropriated under sub-
20 section (g), the Secretary shall provide
21 funds through those grants and agree-
22 ments. In distributing the funds (relating
23 to workforce and labor market information
24 funding) for fiscal years 2012 through
25 2016, the Secretary shall continue to dis-

1 tribute the funds to States in the manner
2 in which the Secretary distributed funds to
3 the States under this section for fiscal
4 years 2004 through 2008.”; and

5 (2) by striking paragraph (2) and inserting the
6 following:

7 “(2) DUTIES.—The Secretary, with respect to
8 data collection, analysis, and dissemination of work-
9 force and labor market information for the system,
10 shall carry out the following duties:

11 “(A) Assign responsibilities within the De-
12 partment of Labor for elements of the work-
13 force and labor market information system de-
14 scribed in subsection (a) to ensure that the sta-
15 tistical and administrative data collected is con-
16 sistent with appropriate Bureau of Labor Sta-
17 tistics standards and definitions, and that the
18 information is accessible and understandable to
19 users of such data.

20 “(B) Actively seek the cooperation of heads
21 of other Federal agencies to establish and main-
22 tain mechanisms for ensuring complementarity
23 and nonduplication in the development and op-
24 eration of statistical and administrative data
25 collection activities.

1 “(C) Solicit, receive, and evaluate the rec-
2 ommendations from the Workforce Information
3 Advisory Council established in subsection (d)
4 concerning the evaluation and improvement of
5 the workforce and labor market information
6 system described in subsection (a) and respond
7 in writing to the Council regarding the rec-
8 ommendations.

9 “(D) Eliminate gaps and duplication in
10 statistical undertakings.

11 “(E) Through the Bureau of Labor Statis-
12 tics and the Employment and Training Admin-
13 istration, and in collaboration with States, de-
14 velop and maintain the elements of the work-
15 force and labor market information system de-
16 scribed in subsection (a), including the develop-
17 ment of consistent procedures and definitions
18 for use by the States in collecting the data and
19 information described in subparagraphs (A) and
20 (B) of subsection (a)(1).

21 “(F) Establish procedures for the system
22 to ensure that—

23 “(i) such data and information are
24 timely; and

1 “(ii) paperwork and reporting for the
2 system are reduced to a minimum.”.

3 (d) TWO-YEAR PLAN.—Section 15 of the Wagner-
4 Peysner Act (29 U.S.C. 491–2) is amended by striking sub-
5 section (c) and inserting the following:

6 “(c) TWO-YEAR PLAN.—The Secretary, acting
7 through the Commissioner of Labor Statistics and the As-
8 sistant Secretary for Employment and Training, and in
9 consultation with the Workforce Information Advisory
10 Council described in subsection (d) and heads of other ap-
11 propriate Federal agencies, shall prepare a 2-year plan for
12 the workforce and labor market information system. The
13 plan shall be developed and implemented in a manner that
14 takes into account the activities described in State plans
15 submitted by States under section 112 or 113 of the
16 Workforce Investment Act of 2011 and shall be submitted
17 to the Committee on Education and the Workforce of the
18 House of Representatives and the Committee on Health,
19 Education, Labor, and Pensions of the Senate. The plan
20 shall include—

21 “(1) a description of how the Secretary will
22 work with the States to manage the nationwide
23 workforce and labor market information system de-
24 scribed in subsection (a) and the statewide work-

1 force and labor market information systems that
2 comprise the nationwide system;

3 “(2) a description of the steps to be taken in
4 the following 2 years to carry out the duties de-
5 scribed in subsection (b)(2);

6 “(3) an evaluation of the performance of the
7 system, with particular attention to the improve-
8 ments needed at the State and local levels;

9 “(4) a description of the involvement of States
10 in the development of the plan, through consultation
11 by the Secretary with the Workforce Information
12 Advisory Council in accordance with subsection (d);
13 and

14 “(5) a description of the written recommenda-
15 tions received from the Workforce Information Advi-
16 sory Council established under subsection (d), and
17 the extent to which those recommendations were in-
18 corporated into the plan.”.

19 (e) WORKFORCE INFORMATION ADVISORY COUN-
20 CIL.—Section 15 of the Wagner-Peyser Act (29 U.S.C.
21 491–2) is amended by striking subsection (d) and inserting
22 the following:

23 “(d) WORKFORCE INFORMATION ADVISORY COUN-
24 CIL.—

1 “(1) IN GENERAL.—The Secretary, through the
2 Commissioner of Labor Statistics and the Assistant
3 Secretary of Labor for Employment and Training,
4 shall formally consult at least twice annually with
5 the Workforce Information Advisory Council estab-
6 lished in accordance with paragraph (2). Such con-
7 sultations shall address the evaluation and improve-
8 ment of the nationwide workforce and labor market
9 information system described in subsection (a) and
10 the statewide workforce and labor market informa-
11 tion systems that comprise the nationwide system
12 and how the Department of Labor and the States
13 will cooperate in the management of such systems.
14 The Council shall provide written recommendations
15 to the Secretary concerning the evaluation and im-
16 provement of the nationwide system, including any
17 recommendations regarding the 2-year plan de-
18 scribed in subsection (c).

19 “(2) ESTABLISHMENT OF COUNCIL.—

20 “(A) ESTABLISHMENT.—The Secretary
21 shall establish an advisory council that shall be
22 known as the Workforce Information Advisory
23 Council (referred to in this section as the
24 ‘Council’) to participate in the consultations

1 and provide the recommendations described in
2 paragraph (1).

3 “(B) MEMBERSHIP.—The Secretary shall
4 appoint the members of the Council, which shall
5 consist of—

6 “(i) 4 members who are representa-
7 tives of lead State agencies with responsi-
8 bility for workforce investment activities,
9 or State agencies described in section 4,
10 who have been nominated by such agencies
11 or by a national organization that rep-
12 resents such agencies;

13 “(ii) 4 members who are representa-
14 tives of the State workforce and labor mar-
15 ket information directors affiliated with the
16 State agencies that perform the duties de-
17 scribed in subsection (e)(2), who have been
18 nominated by the directors;

19 “(iii) 1 member who is a representa-
20 tive of providers of training services under
21 section 222 of the Workforce Investment
22 Act of 2011;

23 “(iv) 1 member who is a representa-
24 tive of economic development entities;

1 “(v) 1 member who is a representative
2 of businesses, who has been nominated by
3 national business organizations or trade
4 associations;

5 “(vi) 1 member who is a representa-
6 tive of labor organizations, who has been
7 nominated by a national labor federation;

8 “(vii) 1 member who is a representa-
9 tive of local workforce development boards,
10 who has been nominated by a national or-
11 ganization representing such boards; and

12 “(viii) 1 member who is a representa-
13 tive of research entities that utilize work-
14 force and labor market information.

15 “(C) GEOGRAPHIC DIVERSITY.—The Sec-
16 retary shall ensure that the membership of the
17 Council is geographically diverse and that no 2
18 of the members appointed under clauses (i),
19 (ii), and (vii) represent the same State.

20 “(D) PERIOD OF APPOINTMENT; VACAN-
21 CIES.—

22 “(i) IN GENERAL.—Each member of
23 the Council shall be appointed for a term
24 of 3 years, except that the initial terms for
25 members may be 1, 2, or 3 years in order

1 to establish a rotation in which one-third
2 of the members are selected each year. Any
3 such member may be appointed for not
4 more than 2 consecutive terms.

5 “(ii) VACANCIES.—Any member ap-
6 pointed to fill a vacancy occurring before
7 the expiration of the term for which the
8 member’s predecessor was appointed shall
9 be appointed only for the remainder of that
10 term. A member may serve after the expi-
11 ration of that member’s term until a suc-
12 cessor has taken office.

13 “(E) TRAVEL EXPENSES.—The members
14 of the Council shall not receive compensation
15 for the performance of services for the Council,
16 but shall be allowed travel expenses, including
17 per diem in lieu of subsistence, at rates author-
18 ized for employees of agencies under subchapter
19 I of chapter 57 of title 5, United States Code,
20 while away from their homes or regular places
21 of business in the performance of services for
22 the Council. Notwithstanding section 1342 of
23 title 31, United States Code, the Secretary may
24 accept the voluntary and uncompensated serv-
25 ices of members of the Council.

1 “(F) PERMANENT COUNCIL.—Section 14
2 of the Federal Advisory Committee Act (5
3 U.S.C. App.) shall not apply to the Council.”.

4 (f) STATE RESPONSIBILITIES.—Section 15(e) of the
5 Wagner-Peyser Act (29 U.S.C. 491–2(e)) is amended—

6 (1) by striking “employment statistics” each
7 place it appears and inserting “workforce and labor
8 market information”;

9 (2) in paragraph (1)(A) by striking “annual
10 plan” and inserting “plan described in subsection
11 (e)”;

12 (3) in paragraph (2)—

13 (A) in subparagraph (G), by inserting
14 “and” at the end;

15 (B) by striking subparagraph (H);

16 (C) in subparagraph (I), by striking “sec-
17 tion 136(f)(2) of the Workforce Investment Act
18 of 1998” and inserting “section 131(i)(2) of the
19 Workforce Investment Act of 2011”; and

20 (D) by redesignating subparagraph (I) as
21 subparagraph (H).

22 (g) AUTHORIZATION OF APPROPRIATIONS.—Section
23 15(g) of the Wagner-Peyser Act (29 U.S.C. 491–2(g)) is
24 amended by striking “1999 through 2004” and inserting
25 “2012 through 2016”.