

Education. For complete classification of this Act to the Code, see section 1400 of Title 20 and Tables.

#### AMENDMENTS

1990—Subsec. (c)(2). Pub. L. 101-476 substituted "Individuals with Disabilities Education Act" for "Education of the Handicapped Act".

#### EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-476 effective Oct. 1, 1990, see section 1001 of Pub. L. 101-476, set out as a note under section 238 of Title 20, Education.

#### REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, § 101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

### SUBCHAPTER II—PROGRAMS OF NATIONAL SIGNIFICANCE

#### PART C—TRAINING AND PUBLIC AWARENESS PROJECTS

##### § 2251. Training

###### (a) Technology training

###### (1) General authority

The Secretary shall enter into contracts or cooperative agreements with appropriate public or private agencies and organizations, including institutions of higher education, for the purposes of—

*[See main edition for text of (A) and (B), (2); (b)]*

(As amended Pub. L. 102-569, title IX, § 913(1), Oct. 29, 1992, 106 Stat. 4487.)

#### AMENDMENTS

1992—Subsec. (a)(1). Pub. L. 102-569 substituted "public or private agencies and organizations, including institutions of higher education," for "nonprofit or for-profit entities" in introductory provisions.

##### § 2252. Public awareness projects

###### (a) Program authorized

The Secretary shall make grants to, or enter into contracts with, public or private agencies and organizations, including institutions of higher education, to carry out national projects that recognize and build awareness of the importance and efficacy of assistive technology devices and assistive technology services for individuals of all ages with disabilities functioning in various settings of daily life.

*[See main edition for text of (b)]*

(As amended Pub. L. 102-569, title IX, § 913(2), Oct. 29, 1992, 106 Stat. 4487.)

#### AMENDMENTS

1992—Subsec. (a). Pub. L. 102-569 substituted "public or private agencies and organizations, including institutions of higher education," for "nonprofit and for-profit entities".

#### PART D—DEMONSTRATION AND INNOVATION PROJECTS

##### § 2261. Program authorized

###### (a) Demonstration and innovation projects

The Secretary shall make grants to, or enter into contracts or cooperative agreements with, public or private agencies and organizations, including institutions of higher education, to pay all or part of the cost of establishing or operating demonstration and innovation projects relating to technology-related assistance for individuals with disabilities.

*[See main edition for text of (b) and (c)]*

(As amended Pub. L. 102-569, title IX, § 913(3), Oct. 29, 1992, 106 Stat. 4487.)

#### AMENDMENTS

1992—Subsec. (a). Pub. L. 102-569 substituted "public or private agencies and organizations, including institutions of higher education," for "nonprofit and for-profit entities".

#### CHAPTER 25—DISPLACED HOMEMAKERS SELF-SUFFICIENCY ASSISTANCE

##### Sec.

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§ 2301. Findings; statement of purpose

(a) Findings

The Congress finds that—

(1) the Nation has a vested interest in building a quality and productive workforce that will enable the United States to compete effectively in the global marketplace;

(2) two in every three new entrants to the workforce during the 1990's will be women, and such women need appropriate basic and occupational skills to fill jobs requiring much higher skill levels than the jobs of today;

(3) there are approximately 15,600,000 displaced homemakers in the United States, the majority of whom are women not in the labor force, who live in poverty and who require educational, vocational, training and other services to obtain financial independence and economic security; and

(4) Federal, State, and local programs addressing the training and employment needs of displaced homemakers have been fragmented and insufficient to serve displaced homemakers effectively.

(b) Purpose

It is the purpose of this chapter to provide assistance to States to provide coordination and referral services, support service assistance, and program and technical assistance to displaced homemakers and displaced homemaker service providers. Such assistance will enable public and private entities to better meet the needs of displaced homemakers and will expand the employment and self-sufficiency options of displaced homemakers.

(Pub. L. 101-554, § 2, Nov. 15, 1990, 104 Stat. 2751.)

SHORT TITLE

Section 1 of Pub. L. 101-554 provided that: "This Act [enacting this chapter] may be cited as the 'Displaced Homemakers Self-Sufficiency Assistance Act'."

§ 2302. Definitions

As used in this chapter:

(1) The term "adult population" includes individuals aged 22 through 64.

(2) The term "community-based organization" has the same meaning given that term in section 1503 of this title.

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

(A) has been dependent either—

(i) on public assistance and whose youngest child is within 2 years of losing eligibility under part A of title IV of the Social Security Act [42 U.S.C. 601 et seq.], or

(ii) on the income of another family member but is no longer supported by that income, and

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

(4) The term "eligible service provider" means—

(A) a community-based organization;

(B) a local educational agency (as such term is defined in section 1503 of this title);

(C) a postsecondary school (as such term is defined in such section);

(D) an institution of higher education (as such term is defined in such section);

(E) an area vocational education school (as such term is defined in such section); or

(F) other entities designated by the Governor that have the demonstrated ability to meet the needs of displaced homemakers.

(5) The term "eligible statewide public agency or statewide nonprofit organization" means agencies and organizations with demonstrated experience administering programs that serve displaced homemakers.

(6) The term "Secretary" means the Secretary of Labor.

(7) The term "State" includes any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands.

(8) The term "supportive services assistance" means assistance which is necessary to enable an individual eligible for services under this chapter to participate in programs funded under this chapter. Such services may include transportation, health care, special services and materials for the handicapped, child care, adult dependent care, meals, temporary shelter, financial counseling and other reasonable expenses required for participation in the program and may be provided in-kind or through cash assistance.

(Pub. L. 101-554, § 3, Nov. 15, 1990, 104 Stat. 2751.)

REFERENCES IN TEXT

The Social Security Act, referred to in par. (3)(A)(i), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Part A of title IV of the Act is classified generally to part A (§ 601 et seq.) of subchapter IV of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

§ 2303. Program authorization

(a) Grants by Secretary

Except as provided in subsections (b) and (c) of this section, for any fiscal year for which the appropriation for this chapter is less than \$25,000,000, the Secretary shall make the funds available as grants to eligible State agencies and statewide nonprofit organizations on a competitive award basis.

(b) State grant program

Except as provided in subsection (c) of this section, for any fiscal year for which the appropriation for this chapter equals or exceeds \$25,000,000, and for any fiscal year thereafter the Secretary shall use the available funds to make grants to States from allocations under section 2306 of this title.

(c) Reservation

The Secretary shall reserve such amounts as are necessary, not to exceed 5 percent of the funds appropriated pursuant to this chapter,

for training and technical assistance under section 2313(b) of this title, and for administration and evaluation of the programs funded under this chapter.

(Pub. L. 101-554, § 4, Nov. 15, 1990, 104 Stat. 2752.)

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2312 of this title.

#### § 2304. Competitive grants

##### (a) In general

Each eligible statewide public agency or statewide nonprofit organization desiring to receive a competitive grant under section 2303(a) of this title shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require. Each such application shall contain assurances that the State Job Training Coordinating Council and the Governor have had an opportunity to review and comment on the application. Each applicant shall include the comments received by the applicant pursuant to such review.

##### (b) Priority

In awarding grants under section 2303(a) of this title, the Secretary shall give priority to applications from statewide public agencies and statewide nonprofit organizations which—

(1) demonstrate that employment and training related services will be provided to displaced homemakers who are economically disadvantaged;

(2) provide access to a comprehensive referral system so that participants will be directed to appropriate services based on their assessed needs;

(3) demonstrate that employment and training related funds and services to be provided will be coordinated with other Federal and non-Federal programs providing education, training, or other human services;

(4) demonstrate the ability to provide appropriate transition for participants into other related programs such as adult basic education, remedial education, vocational education, and the Job Training Partnership Act [29 U.S.C. 1501 et seq.]; and

(5) demonstrate experience in providing services to displaced homemakers.

##### (c) Awards

The Secretary shall not award more than 1 competitive grant per State. The competition for such grants shall be conducted annually, except that when a grantee has performed satisfactorily under the terms of an existing grant agreement and the immediately preceding grant agreement, the Secretary may waive the requirement for such competition upon receipt from the grantee of a satisfactory program plan for the succeeding grant period.

(Pub. L. 101-554, § 5, Nov. 15, 1990, 104 Stat. 2753.)

#### REFERENCES IN TEXT

The Job Training Partnership Act, referred to in subsec. (b)(4), is Pub. L. 97-300, Oct. 13, 1982, 96 Stat.

1322, as amended, which is classified generally to chapter 19 (§ 1501 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1501 of this title and Tables.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2306 of this title.

#### § 2305. Use of competitive grant funds

##### (a) In general

Funds awarded under section 2303(a) of this title may be used for any purpose described in section 2309 of this title and for statewide model and demonstration projects that provide special services for rural displaced homemakers, minority displaced homemakers, women age 40 and older, and for nontraditional training or self-employment training.

##### (b) Administrative cost

Each eligible service provider receiving assistance under this chapter may use no more than 20 percent of the funds awarded to such service provider for administrative costs.

(Pub. L. 101-554, § 6, Nov. 15, 1990, 104 Stat. 2753.)

#### § 2306. Allocation

##### (a) Allocation among States

###### (1) In general

Except as provided in paragraph (2), financial assistance to States under section 2303(b) of this title shall be allotted based on the ratio of the adult population of the State to the total adult population of the United States.

###### (2) Minimum State allocation

No State shall receive an allotment for any fiscal year described in section 2303(b) of this title that is less than 0.5 percent of the total funds appropriated for such fiscal year.

###### (3) Timely allocation

(A) All allotments and allocations under this chapter shall be based on the latest available data and estimates satisfactory to the Secretary.

(B) Whenever the Secretary allots and allocates funds required to be allotted or allocated by formula or otherwise under this chapter, the Secretary shall publish in a timely fashion in the Federal Register the proposed amount to be distributed to each recipient.

(C) All funds required to be distributed by formula under this chapter shall be allotted within 45 days after the enactment of the appropriations therefor.

(D) All funds required to be distributed through competitive grants under section 2304 of this title shall be allotted within 30 days after the completion of the competition and the approval of grants.

##### (b) Maintenance of effort

###### (1) In general

Except as provided in paragraph (2), a State is entitled to receive its full allocation of

funds under section 2303(b) of this title for any fiscal year if the Secretary finds that the aggregate expenditures of public funds within the State with respect to the provision of services for displaced homemakers for the preceding fiscal year was not less than 90 percent of such aggregate expenditures of public funds for the fiscal year preceding the first fiscal year for which an allocation of funds is made under section 2303(b) of this title.

**(2) Reductions**

The Secretary shall reduce the amount of the allocation of funds under section 2303(b) of this title in any fiscal year in the exact proportion to which the State falls to meet the requirements of paragraph (1) by falling below 90 percent of the aggregate expenditures of public funds.

**(3) Waiver**

The Secretary may waive, for any fiscal year, the requirements of this subsection if the Secretary determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State.

(Pub. L. 101-554, § 7, Nov. 15, 1990, 104 Stat. 2753.)

**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in section 2303 of this title.

**§ 2307. State plan**

**(a) Plan required**

In order to receive funds under section 2303(b) of this title, the Governor of each State shall develop and submit to the Secretary for review and approval an annual State plan, describing the programs, assessment, and counseling activities, coordination and referral activities, and services for displaced homemakers to be assisted with funds provided. Such plan shall be submitted at such time and in such form as the Secretary shall require by regulation.

**(b) Contents of plan**

Each State plan submitted under subsection (a) of this section shall—

(1) contain assurances that funds provided under this chapter will be used to supplement and not supplant Federal, State, and local public funds expended to provide services for displaced homemakers;

(2) contain assurances that displaced homemakers with the greatest financial need will be given priority for services under this chapter;

(3) contain assurances that displaced homemakers 40 years of age or older and minority displaced homemakers will be given special consideration for services under this chapter;

(4) provide a description of the State's administration of the program funded under this chapter;

(5) demonstrate that funds and services, including supportive services, under this chapter will be coordinated with other existing Federal and non-Federal programs providing

education, training, or other human services; and

(6) contain assurances that the State Job Training Coordinating Council and any significant State organization representing displaced homemakers have had the opportunity to review and comment on the State plan, and include such comments when it is submitted for approval.

(Pub. L. 101-554, § 8, Nov. 15, 1990, 104 Stat. 2754.)

**§ 2308. State administration**

**(a) Designation of administrative entity**

The Governor of each State receiving an allotment under section 2303(b) of this title shall designate either—

(1) the existing State displaced homemaker unit, or

(2) the State unit administering displaced homemaker/single parent programs as authorized by the Carl Perkins Vocational and Applied Technology Education Act [20 U.S.C. 2301 et seq.],

as the administrative entity for programs funded under this chapter.

**(b) State administrative entity**

Each State administrative entity for displaced homemaker services in a State receiving financial assistance under section 2303(b) of this title shall—

(1) make appropriate services available to displaced homemakers through the use of eligible service providers;

(2) develop an annual plan for the use of all funds available under this chapter for displaced homemaker programs, manage and coordinate the distribution of these funds, and monitor the use of funds distributed to eligible service providers;

(3) set forth the criteria to be used in approving applications from eligible service providers;

(4) provide appropriate pre-service and in-service training, technical assistance, and advice to individuals providing services to displaced homemakers; and

(5) gather, analyze, and disseminate data on the adequacy and effectiveness of the State in meeting the training and employment needs of displaced homemakers.

(Pub. L. 101-554, § 9, Nov. 15, 1990, 104 Stat. 2755.)

**REFERENCES IN TEXT**

The Carl Perkins Vocational and Applied Technology Education Act, referred to in subsec. (a)(2), probably means the Carl D. Perkins Vocational and Applied Technology Education Act, which is Pub. L. 88-210, Dec. 18, 1963, 77 Stat. 403, as amended, and which is classified generally to chapter 44 (§ 2301 et seq.) of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 2301 of Title 20 and Tables.

**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in section 2310 of this title.

**§ 2309. Use of funds****(a) In general**

Funds allocated to States pursuant to section 2303(b) of this title shall be used to provide services to displaced homemakers, including (but not limited to) the following: referral services, supportive service assistance, career counseling, assessment, testing and evaluation, pre-employment services, basic skills, literacy and bilingual training, recruitment and outreach, job development and placement, follow-up services and life skills development.

**(b) Supplement not supplant**

Funds provided under this chapter shall be used to supplement and not to supplant Federal, State, and local public funds expended to provide services to displaced homemakers.

**(c) Supportive services limitations****(1) Health care, meals, and shelter**

Not more than 5 percent of the funds made available to any eligible service provider for any fiscal year may be used to provide health care, meals, and temporary shelter.

**(2) Duplication**

Funds used under this chapter to provide supportive services shall not be used to duplicate services provided by any other public or private source that are available to participants without cost.

**(d) Administrative cost**

Each eligible service provider receiving assistance under this chapter may use no more than 20 percent of the funds awarded to such service provider for administrative costs.

(Pub. L. 101-554, § 10, Nov. 15, 1990, 104 Stat. 2755.)

**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in section 2305 of this title.

**§ 2310. Within State allocation****(a) In general**

Subject to subsection (e)<sup>1</sup> of this section, from amounts allotted to each State pursuant to section 2303(b) of this title, the designated administrative entity of each State shall make grants to eligible service providers to provide education, training related, and supportive services to displaced homemakers.

**(b) Awards**

The administrative entity of each State receiving assistance under this chapter shall award grants to eligible service providers only on a competitive basis. The competition for such grants shall be conducted annually, except that when a grantee has performed satisfactorily under the terms of an existing grant agreement and the immediately preceding grant agreement, the administrative entity may waive the requirement for such competition upon receipt from the grantee of a satisfactory program plan for the succeeding grant period.

**(c) Assurances**

Each service provider receiving a grant shall provide assurances that the services offered under this chapter are of sufficient size, scope, and quality to reasonably meet the education and training related needs of the displaced homemakers being served.

**(d) Reservations**

The Governor of each State shall reserve no more than 5 percent of funds allotted under section 2303(b) of this title for the costs of State administration pursuant to section 2308 of this title.

(Pub. L. 101-554, § 11, Nov. 15, 1990, 104 Stat. 2756.)

**§ 2311. Eligible service providers****(a) In general**

The designated administrative entity of each State receiving assistance shall select eligible service providers that demonstrate the ability to effectively deliver training, education, and supportive services to displaced homemakers.

**(b) Priority**

Each State receiving financial assistance under this chapter shall give priority in awarding grants to eligible service providers which have experience in providing services to displaced homemakers.

**(c) Community-based organizations**

Community-based organizations shall be given the opportunity to compete on an equitable basis with other eligible service providers for grants under this chapter.

(Pub. L. 101-554, § 12, Nov. 15, 1990, 104 Stat. 2756.)

**§ 2312. National activities****(a)<sup>1</sup> Information**

From amounts available under section 2303(c) of this title, the Secretary shall implement a uniform data collection system to collect information from the States. The information to be collected shall include—

- (1) the number of displaced homemakers served,
- (2) the race, age, and sex of displaced homemakers,
- (3) the number of dependents of displaced homemakers,
- (4) the amount of income of displaced homemakers,
- (5) the range of services identified during the assessment process as necessary for displaced homemakers, and
- (6) the services received by displaced homemakers and appropriate outcomes, including type of training and education received, and type of job and wage-at-placement for displaced homemakers placed.

(Pub. L. 101-554, § 13, Nov. 15, 1990, 104 Stat. 2756.)

<sup>1</sup> So in original. No subsec. (c) has been enacted.

<sup>1</sup> So in original. No subsec. (b) has been enacted.

§ 2313. Administrative provisions

(a) In general

The Secretary shall take appropriate action to establish administrative procedures for the selection, administration, monitoring, and evaluation of displaced homemaker programs authorized under this chapter.

(b) Special rule

The Secretary may provide, where appropriate, through grants or contracts, training and technical assistance to statewide public agencies or statewide nonprofit organizations serving displaced homemakers.

(c) Report

The Secretary shall biennially report to the Congress on the funds and services provided to displaced homemakers and the results of any evaluations under this chapter.

(Pub. L. 101-554, § 14, Nov. 15, 1990, 104 Stat. 2757.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2303 of this title.

§ 2314. Authorization of appropriations

There are authorized to be appropriated to carry out this chapter \$35,000,000 for fiscal year 1991 and such sums as may be necessary for each succeeding fiscal year. Funds appropriated pursuant to this section are authorized to remain available for two fiscal years succeeding the fiscal year for which appropriated.

(Pub. L. 101-554, § 15, Nov. 15, 1990, 104 Stat. 2757.)

CHAPTER 26—NATIONAL CENTER FOR THE WORKPLACE

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§ 2401. Purpose; designation

It is the purpose of this chapter to address the problems created by the simultaneous convergence of broad economic, social, cultural, political, and technological changes in the workplace through a national center administered by the Department of Labor that will join together workplace experts from America's best institutions of higher education with experts from the public and private sectors to conduct research, share information, and propose remedies.

(Pub. L. 102-325, title XV, § 1511, July 23, 1992, 106 Stat. 831.)

§ 2402. Establishment

(a) Establishment

(1) In general

There is authorized to be established the National Center for the Workplace (hereafter in this chapter referred to as the "Center") through competitive grant or contract between the Secretary of Labor and an eligible recipient.

(2) Matching funds

In order to receive the grant described in paragraph (1) an eligible entity shall provide matching funds from non-Federal sources equal to 25 percent of the funds received pursuant to such grant.

(b) Eligible recipient

An eligible recipient shall be a consortium of institutions of higher education in the United States. The consortium shall represent a diversity of views on and an expertise in the field of employment policy, and shall be represented and coordinated by a host institution of higher education that meets all of the following criteria:

(1) Broad collective knowledge of and demonstrable experience in the wide range of employment and workplace issues.

(2) A faculty that, collectively, demonstrates a nonpartisan research and policy perspective joining the several relevant workplace disciplines (labor economics, industrial relations, collective bargaining, human resource management, sociology, psychology, and law) in a multidisciplinary approach to workplace issues.

(3) Established credibility and working relationships with employers, unions, and government agencies on a national scale, and established means of providing education and technical assistance to each of the above groups that include publications, state-of-the-art electronic and video technology, and distinguished extension/outreach programs operating on a national and international level.

(c) Report

The Center shall annually report to the Congress, the Secretary of Education, and the Secretary of Labor on the activities of the Center.

(Pub. L. 102-325, title XV, § 1512, July 23, 1992, 106 Stat. 831.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2404 of this title.

§ 2403. Use of funds

(a) Center activities

Payments made under this chapter may be used to establish and operate the Center, to bring together major independent researchers from the Center's member-institutions focused on the most significant workplace problems with the aim of analysis and synthesis of policy implications and dissemination of findings, and to support the following activities: