

118TH CONGRESS
2D SESSION

S. 4950

To amend the Workforce Innovation and Opportunity Act regarding Native American programs.

IN THE SENATE OF THE UNITED STATES

AUGUST 1, 2024

Mr. LUJÁN introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Workforce Innovation and Opportunity Act regarding Native American programs.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Tribal Employment
5 and Training Support Act”.

6 **SEC. 2. AMENDMENTS TO WIOA.**

7 Section 166 of the Workforce Innovation and Oppor-
8 tunity Act (29 U.S.C. 3221) is amended—

9 (1) in subsection (a)(2)—

1 (A) by striking “(25 U.S.C. 450 et seq.)
 2 and the” and inserting “(25 U.S.C. 5301 et
 3 seq.), consistent with the”; and

4 (B) by inserting “, and that is in further-
 5 ance of the trust responsibility of the United
 6 States” before the period at the end;

7 (2) in subsection (b)—

8 (A) in paragraph (2), by striking “(25
 9 U.S.C. 450b)” and inserting “(25 U.S.C.
 10 5304)”; and

11 (B) in paragraph (3), by inserting “(20
 12 U.S.C. 7517)” before the period at the end;

13 (3) in subsection (c) by striking “, on a com-
 14 petitive basis,”;

15 (4) in subsection (d)(2), by striking subpara-
 16 graph (B) and inserting the following:

17 “(B) ADMINISTRATIVE COSTS.—Not more
 18 than 15 percent of the funds made available to
 19 an entity under subsection (c) may be used for
 20 the administrative costs of the activities and
 21 services described in subparagraph (A).

22 “(C) SPECIAL RULES.—

23 “(i) ELIGIBILITY.—Notwithstanding
 24 any other provision of this section, individ-
 25 uals who were eligible to participate in pro-

grams under section 401 of the Job Training Partnership Act (as such section was in effect on the day before the date of enactment of the Workforce Investment Act of 1998) shall be eligible to participate in an activity assisted under this section.

“(ii) TRANSFER OF UNOBLIGATED FUNDS.—An entity receiving funds under subsection (c) may transfer such funds that are unobligated for an award year to the following award year for activities described in subparagraph (A)(i) in that following award year.”;

(5) in subsection (e)(5), by striking “which shall” and all that follows through “such indicators” and inserting “including the expected levels of performance for indicators of such measures”;

(6) by striking subsection (h) and inserting the following:

“(h) PERFORMANCE ACCOUNTABILITY MEASURES.—

“(1) DEVELOPMENT OF INDICATORS AND STANDARDS.—The Secretary, in consultation with the Native American Employment and Training Council, shall develop a set of performance indicators and standards that, as provided in subsection

1 (e)(5), shall be applicable to programs under this
 2 section.

3 “(2) SPECIAL CONSIDERATIONS.—Such per-
 4 formance indicators and standards shall take into
 5 account—

6 “(A) the purpose of this section as de-
 7 scribed in subsection (a)(1);

8 “(B) the needs of the groups served by this
 9 section, including the differences in needs
 10 among such groups in various geographic serv-
 11 ice areas; and

12 “(C) the economic circumstances of the
 13 communities served, including differences in cir-
 14 cumstances among various geographic service
 15 areas.”;

16 (7) in subsection (i)—

17 (A) in paragraph (4)—

18 (i) in subparagraph (A)—

19 (I) by striking “Using” and in-
 20 serting the following:

21 “(i) ESTABLISHMENT.—Using”; and

22 (II) by adding at the end the fol-
 23 lowing:

24 “(ii) RECOMMENDATIONS.—The Sec-
 25 retary shall meet, not less than annually,

with the Council to consider recommendations from the Council on the operation and administration of the programs assisted under this section.”; and

(ii) in subparagraph (B)—

(I) by striking “The Council” and inserting the following:

“(i) IN GENERAL.—The Council”; and

(II) by adding at the end the following:

“(ii) VACANCIES.—An individual appointed to fill a vacancy on the Council occurring before the expiration of the term for which the predecessor of such individual was appointed shall be appointed only for the remainder of that term. Such an individual may serve on the Council after the expiration of such term until a successor is appointed.”;

(B) in paragraph (5)—

(i) by striking “is authorized to” and inserting “shall”;

(ii) by striking “The Secretary” and inserting the following:

“(A) IN GENERAL.—The Secretary”; and

1 (iii) by adding at the end the fol-
2 lowing:

3 “(B) ACTIVITIES.—The technical assist-
4 ance under subparagraph (A) shall include the
5 following activities:

6 “(i) Assisting entities described in
7 subsection (c) that receive assistance under
8 such subsection in understanding and navi-
9 gating the Federal requirements for
10 amounts awarded under this section.

11 “(ii) Supporting such entities with the
12 full range of services that can be sup-
13 ported, as permitted by Federal law, using
14 amounts awarded under this section.

15 “(iii) Supporting such entities in pro-
16 moting the economic and social develop-
17 ment of Indian, Alaska Native, and Native
18 Hawaiian communities in accordance with
19 the distinct goals of those communities, in-
20 cluding, as appropriate, by using program
21 flexibilities that are—

22 “(I) authorized under paragraph
23 (3); and

24 “(II) consistent with the prin-
25 ciples of the Indian Self-Determina-

1 tion and Education Assistance Act
2 (25 U.S.C. 5301 et seq.);

3 “(iv) Advising such entities on other
4 funding opportunities authorized by this
5 Act, including those that foster innovation
6 in workforce development programs serving
7 the needs of Indians, Alaska Natives, and
8 Native Hawaiians.”; and
9 (C) in paragraph (6)—

10 (i) by inserting “or provided by an-
11 other grantee that receives funds awarded
12 under subtitle B from any State for adult,
13 youth, or dislocated worker programs”
14 after “this title”; and

15 (ii) by inserting “or another grantee”
16 after “the States”; and

17 (8) in subsection (k), by striking paragraph (2)
18 and inserting the following:

19 “(2) AUTHORIZATION OF APPROPRIATIONS.—
20 There are authorized to be appropriated to carry out
21 this subsection such sums as may be necessary.”.

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