

Attachment II

WORKFORCE INVESTMENT ACT OF 1998

Public Law 105-220--Aug. 7, 1998

112 Stat. 936

Public Law 105-220
105th Congress

An Act

To consolidate, coordinate, and improve employment, training, literacy, and vocational rehabilitation programs in the United States, and for other purposes.

TITLE III--WORKFORCE INVESTMENT-RELATED ACTIVITIES

Subtitle A--Wagner-Peyser Act

SEC. 309. EMPLOYMENT STATISTICS.

The Wagner-Peyser Act is amended--

(1) by redesignating section 15 (29 U.S.C. 49 note) as section 16; and

(2) by inserting after section 14 (29 U.S.C. 49l-1) the following:

SEC. 15. EMPLOYMENT STATISTICS.

(a) System Content.--

(1) In general.--The Secretary, in accordance with the provisions of this section, shall oversee the development, maintenance, and continuous improvement of a nationwide employment statistics system of employment statistics that includes--

(A) statistical data from cooperative statistical survey and projection programs and data from administrative reporting systems that, taken together, enumerate, estimate, and project employment opportunities and conditions at national, State, and local levels in a timely manner, including statistics on--

(i) employment and unemployment status of national, State, and local populations, including self-employed, part-time, and seasonal workers;

(ii) industrial distribution of occupations, as well as current and projected employment opportunities, wages, benefits (where data is available), and skill trends by occupation and industry, with particular attention paid to State and local conditions;

(iii) the incidence of, industrial and geographical

location of, and number of workers displaced by, permanent layoffs and plant closings; and

- ``(iv) employment and earnings information maintained in a longitudinal manner to be used for research and program evaluation;

``(B) information on State and local employment opportunities, and other appropriate statistical data related to labor market dynamics, which--

- ``(i) shall be current and comprehensive;
- ``(ii) shall meet the needs identified through the consultations described in subparagraphs (A) and (B) of subsection (e)(2); and
- ``(iii) shall meet the needs for the information identified in section 134(d);

``(C) technical standards (which the Secretary shall publish annually) for data and information described in subparagraphs (A) and (B) that, at a minimum, meet the criteria of chapter 35 of title 44, United States Code;

``(D) procedures to ensure compatibility and additivity of the data and information described in subparagraphs (A) and (B) from national, State, and local levels;

``(E) procedures to support standardization and aggregation of data from administrative reporting systems described in subparagraph (A) of employment-related programs;

``(F) analysis of data and information described in subparagraphs (A) and (B) for uses such as--

- ``(i) national, State, and local policymaking;
- ``(ii) implementation of Federal policies (including allocation formulas);
- ``(iii) program planning and evaluation; and
- ``(iv) researching labor market dynamics;

``(G) wide dissemination of such data, information, and analysis in a user-friendly manner and voluntary technical standards for dissemination mechanisms; and

``(H) programs of--

- ``(i) training for effective data dissemination;
- ``(ii) research and demonstration; and
- ``(iii) programs and technical assistance.

``(2) Information to be confidential.--

``(A) In general.--No officer or employee of the Federal Government or agent of the Federal Government may--

- ``(i) use any submission that is furnished for exclusively statistical purposes under the provisions of this section for any purpose other than the statistical purposes of this section for which the submission is furnished;
- ``(ii) make any publication or media transmittal of the data contained in the submission described in clause (i) that permits information concerning individual subjects to be reasonably inferred by either direct or indirect means; or
- ``(iii) permit anyone other than a sworn officer, employee, or agent of any Federal department or agency, or a contractor (including an employee of a contractor) of such department or agency, to examine an individual submission described in clause (i);

without the consent of the individual, agency, or other person

who is the subject of the submission or provides that submission.

“(B) Immunity from legal process.--Any submission (including any data derived from the submission) that is collected and retained by a Federal department or agency, or an officer, employee, agent, or contractor of such a department or agency, for exclusively statistical purposes under this section shall be immune from the legal process and shall not, without the consent of the individual, agency, or other person who is the subject of the submission or provides that submission, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding.

“(C) Rule of construction.--Nothing in this section shall be construed to provide immunity from the legal process for such submission (including any data derived from the submission) if the submission is in the possession of any person, agency, or entity other than the Federal Government or an officer, employee, agent, or contractor of the Federal Government, or if the submission is independently collected, retained, or produced for purposes other than the purposes of this Act.

“(b) System Responsibilities.--

“(1) In general.--The employment statistics system described in subsection (a) shall be planned, administered, overseen, and evaluated through a cooperative governance structure involving the Federal Government and States.

“(2) Duties.--The Secretary, with respect to data collection, analysis, and dissemination of labor employment statistics for the system, shall carry out the following duties:

“(A) Assign responsibilities within the Department of Labor for elements of the employment statistics system described in subsection (a) to ensure that all statistical and administrative data collected is consistent with appropriate Bureau of Labor Statistics standards and definitions.

“(B) Actively seek the cooperation of other Federal agencies to establish and maintain mechanisms for ensuring complementarity and nonduplication in the development and operation of statistical and administrative data collection activities.

“(C) Eliminate gaps and duplication in statistical undertakings, with the systemization of wage surveys as an early priority.

“(D) In collaboration with the Bureau of Labor Statistics and States, develop and maintain the elements of the employment statistics system described in subsection (a), including the development of consistent procedures and definitions for use by the States in collecting the data and information described in subparagraphs (A) and (B) of subsection (a)(1).

“(E) Establish procedures for the system to ensure that--

“(i) such data and information are timely;

“(ii) paperwork and reporting for the system are reduced to a minimum; and

“(iii) States and localities are fully involved in the development and continuous improvement of the system at all levels, including ensuring the provision, to such States and localities, of budget information necessary for carrying out their responsibilities under subsection (e).

``(c) Annual Plan.--The Secretary, working through the Bureau of Labor Statistics, and in cooperation with the States, and with the assistance of other appropriate Federal agencies, shall prepare an annual plan which shall be the mechanism for achieving cooperative management of the nationwide employment statistics system described in subsection (a) and the statewide employment statistics systems that comprise the nationwide system. The plan shall--

``(1) describe the steps the Secretary has taken in the preceding year and will take in the following 5 years to carry out the duties described in subsection (b)(2);

``(2) include a report on the results of an annual consumer satisfaction review concerning the performance of the system, including the performance of the system in addressing the needs of Congress, States, localities, employers, jobseekers, and other consumers;

``(3) evaluate the performance of the system and recommend needed improvements, taking into consideration the results of the consumer satisfaction review, with particular attention to the improvements needed at the State and local levels;

``(4) justify the budget request for annual appropriations by describing priorities for the fiscal year succeeding the fiscal year in which the plan is developed and priorities for the 5 subsequent fiscal years for the system;

``(5) describe current (as of the date of the submission of the plan) spending and spending needs to carry out activities under this section, including the costs to States and localities of meeting the requirements of subsection (e)(2); and

``(6) describe the involvement of States in the development of the plan, through formal consultations conducted by the Secretary in cooperation with representatives of the Governors of every State, and with representatives of local workforce investment boards, pursuant to a process established by the Secretary in cooperation with the States.

``(d) Coordination With the States.--The Secretary, working through the Bureau of Labor Statistics, and in cooperation with the States, shall--

``(1) develop the annual plan described in subsection (c) and address other employment statistics issues by holding formal consultations, at least once each quarter (beginning with the calendar quarter in which the Workforce Investment Act of 1998 is enacted) on the products and administration of the nationwide employment statistics system; and

``(2) hold the consultations with representatives from each of the 10 Federal regions of the Department of Labor, elected (pursuant to a process established by the Secretary) by and from the State employment statistics directors affiliated with the State agencies that perform the duties described in subsection (e)(2).

``(e) State Responsibilities.--

``(1) Designation of state agency.--In order to receive Federal financial assistance under this section, the Governor of a State shall--

``(A) designate a single State agency to be responsible for the management of the portions of the employment statistics system described in subsection (a) that comprise a statewide employment statistics system and for the State's participation in the development of the annual plan; and

``(B) establish a process for the oversight of such system.

``(2) Duties.--In order to receive Federal financial assistance under this section, the State agency shall--

``(A) consult with State and local employers, participants, and local workforce investment boards about the labor market relevance of the data to be collected and disseminated through the statewide employment statistics system;

``(B) consult with State educational agencies and local educational agencies concerning the provision of employment statistics in order to meet the needs of secondary school and postsecondary school students who seek such information;

``(C) collect and disseminate for the system, on behalf of the State and localities in the State, the information and data described in subparagraphs (A) and (B) of subsection (a)(1);

``(D) maintain and continuously improve the statewide employment statistics system in accordance with this section;

``(E) perform contract and grant responsibilities for data collection, analysis, and dissemination for such system;

``(F) conduct such other data collection, analysis, and dissemination activities as will ensure an effective statewide employment statistics system;

``(G) actively seek the participation of other State and local agencies in data collection, analysis, and dissemination activities in order to ensure complementary, compatibility, and usefulness of data;

``(H) participate in the development of the annual plan described in subsection (c); and

``(I) utilize the quarterly records described in section 136(f)(2) of the Workforce Investment Act of 1998 to assist the State and other States in measuring State progress on State performance measures.

``(3) Rule of construction.--Nothing in this section shall be construed as limiting the ability of a State agency to conduct additional

data collection, analysis, and dissemination activities with State funds or with Federal funds from sources other than this section.

``(f) Nonduplication Requirement.--None of the functions and activities carried out pursuant to this section shall duplicate the functions and activities carried out under the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.).

``(g) Authorization of Appropriations.--There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 1999 through 2004.

``(h) Definition.--In this section, the term 'local area' means the smallest geographical area for which data can be produced with statistical reliability.''.