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Consolidated and Reformed Workforce  
Development and Literacy Act (1976)

Education: National Endowment for the Arts  
and Humanities, Subject Files I (1973-1996)

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December 2016

## Consolidated and Reformed Workforce Development and Literacy Act (1976): Speech 09

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Issue: State Apportionment

Background: The original Senate bill sent funds to the State, where employment and training funds would go to the Governor and education funds to the SEA. The House bill simply sent money to the State and did not specify the Governor or the SEA.

At the staff level, we have tried to reach an agreement that would, in essence, mirror the original Senate provision. Employment and training money would go to the Governor; education money would go to the appropriate entity in the state. This last provision was done to try to accommodate states where the SEA was not the agency in charge of vocational education; some states have separate vocational education boards. The House is now insisting that money go to the State and then to the Governor and the education entity. This would put the State Legislatures in the middle of the thicket and would risk education money going to those in charge of education.

Talking Points: I believe we should be reluctant to change the provision as put forth by the Senate staff, which would send employment and training money to the Governor and education funds to the appropriate education entity.

Current Vocational Education law does send money to the State and then to the State Board for Vocational Education. That provision, however, was changed in the Senate bill to the SEA or the entity specified in state law or constitution. The alternative that has been proposed at the staff level, as I understand it, is carefully crafted to insure that education funds will flow to the intended education agencies, and I am concerned that any revisions to that language could well have unintended and perhaps unfortunate consequences in directing funds where we do not intend them to go.

Walker

STATE APPORTIONMENT

**EXPLANATION OF ISSUE:**

THE STATE APPORTIONMENT ISSUE WOULD ALTER ALLOCATION OF FEDERAL WORKFORCE EDUCATION AND TRAINING FUNDS TO STATE EDUCATION AGENCIES AND GOVERNORS BY ASSIGNING THE RESPONSIBILITY OF ALLOCATION TO STATE LEGISLATURES FOR REDISTRIBUTION IN ACCORDANCE WITH STATE LAW GOVERNING EXPENDITURE OF FEDERAL FUNDS.

**TALKING POINTS IN OPPOSITION**

--THIS IS JUST ONE ADDITIONAL EXAMPLE OF WHY BLOCK GRANTS COMBINING MULTIPLE GOVERNMENTAL FUNCTIONS ARE QUESTIONABLE CONCEPTUALLY. IS A NEW BLOCK GRANT WORTH THE TIME AND EFFORT REQUIRED TO ESTABLISH NEW ENTITIES, NEW PROCEDURES, NEW FISCAL AGENTS, ETC. AT THE FEDERAL LEVEL, STATE LEVEL, AND LOCAL LEVELS?

--ASSIGNING THE RESPONSIBILITY OF ALLOCATION TO STATE LEGISLATURES FOR REDISTRIBUTION IN ACCORDANCE WITH STATE LAW GOVERNING EXPENDITURE OF FEDERAL FUNDS IS UNPRECEDENTED IN FEDERAL STATUTES REGARDING EDUCATION GOVERNANCE AND ACCOUNTABILITY.

State Apportionment (continued)

--THE IMPLICATIONS OF THIS UNPRECEDENTED CHANGE IN FEDERAL AID RECIPIENTS IS ENTIRELY UNKNOWN AND CANNOT BE READILY PREDICTED.

--THIS NEW ROLE OF RECEIVING AND DISBURSING FEDERAL AID WILL INVITE STATE LEGISLATURES TO EXERCISE THEIR POLITICAL AUTHORITY OVER THE BLOCK GRANTS IN MANY AREAS WHERE NEW-DECISIONS-MAKING FLEXIBILITY FOR STATE AND LOCAL PROGRAMS HAS BEEN CREATED IN THIS NEW ACT (FOR AN EXAMPLE: ESTABLISHING STATE-LEGISLATED PRIORITIES OR EXCLUSIVE USES OF THE CONCEPTUALLY FLEXIBILITY BLOCK GRANT FUNDS.

--FEDERAL LAW NOW REQUIRES A SINGLE FISCAL AGENT TO ENSURE ACCOUNTABILITY OF FEDERAL FUNDS. A FEDERAL MANDATE THAT STATE LEGISLATURES DETERMINE THE DISBURSEMENT OF FEDERAL FUNDS AMONG SEVERAL PURPOSES OF THIS ACT SUPERSEDES STATE AUTHORITY FOR EDUCATION ESTABLISHED IN STATE CONSTITUTIONS AND LAWS FOR THE RESPECTIVE RESPONSIBILITIES OF GOVERNORS, STATE LEGISLATURES, AND STATE EDUCATIONAL AGENCIES.

--FEDERAL LAW MUST NOT ASSIGN TO LEGISLATURES RESPONSIBILITIES WHICH THE STATES LAWS ALREADY ASSIGNED TO ADMINISTRATIVE AGENCIES.