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Section 188 of the Workforce Investment Act of 1998

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Sec. 188. Nondiscrimination

(a) In general

(1) Federal financial assistance For the purpose of applying the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), on the basis of disability under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), on the basis of sex under title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), or on the basis of race, color, or national origin under title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), programs and activities funded or otherwise financially assisted in whole or in part under this Act are considered to be programs and activities receiving Federal financial assistance.

(2) Prohibition of discrimination regarding participation, benefits, and employment

No individual shall be excluded from participation in, denied the benefits of, subjected to discrimination, or denied employment in the administration of or in connection with, any such program or activity because of race, sex (except as otherwise permitted under title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.)), national origin, age, disability, or political affiliation or belief.

(3) Prohibition on assistance for facilities for sectarian instruction or religious worship

Participants shall not be employed under this chapter to carry out the construction, operation, or maintenance of any facility that is used or to be used for sectarian instruction or as a place for religious worship, or to respect to the maintenance of a facility that is not primarily or inherently devoted to sectarian instruction or religious worship, in a case in which the organization operating the facility is part of a program or activity providing such instruction or worship to participants).

(4) Prohibition on discrimination on basis of participant status

No person may discriminate against an individual who is a participant in a program or activity that receives funding under this chapter, with respect to the terms and conditions affecting, or rights provided to, the individual because of the status of the individual as a participant.

(5) Prohibition on discrimination against certain noncitizens

Participation in programs and activities or receiving funds under this chapter shall be available to citizens and lawful permanent residents of the United States, lawfully admitted permanent resident aliens, refugees, asylees, and paroled temporary lawful permanent residents authorized by the Attorney General to work in the United States.

(b) Action of Secretary Whenever the Secretary finds that a State or other recipient of funds under this chapter failed to comply with a provision of law referred to in subsection (a)(1) of this section, or with paragraph (4) or (5) of subsection (a) of this section, including an applicable regulation prescribed to carry out such provision,

paragraph, the Secretary shall notify such State or recipient and shall request that the State or recipient within a reasonable period of time, not to exceed 60 days, the State or recipient fails or refuses to comply, the Secretary may -

(1) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted;

(2) take such other action as may be provided by law.

(c) Action of Attorney General

When a matter is referred to the Attorney General pursuant to subsection (b)(1) of this section, or when the Attorney General has reason to believe that a State or other recipient of funds under this chapter is engaged in a pattern or practice of discrimination in violation of a provision of law referred to in subsection (a)(1) of this section, the Attorney General may bring a civil action in any appropriate district court of the United States for such relief as may be appropriate, including injunctive relief.

(d) Job Corps

For the purposes of this section, Job Corps members shall be considered as the ultimate beneficiaries of financial assistance.

(e) Regulations

The Secretary shall issue regulations necessary to implement this section not later than one year after the date of the enactment of the Act of 1998. Such regulations shall adopt standards for determining discrimination and procedures for enforcing such standards consistent with the Acts referred to in a subsection (a)(1) of this section, as well as procedures to ensure that complaints filed under this section and such Acts are processed in a manner that avoids duplication of effort.

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