

103^D CONGRESS
1ST SESSION

H. R. 2364

To provide employment opportunities to unemployed individuals in high unemployment areas in projects to repair and renovate vitally needed community facilities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 9, 1993

Mr. WILLIAMS introduced the following bill; which was referred to the
Committee on Education and Labor

A BILL

To provide employment opportunities to unemployed individuals in high unemployment areas in projects to repair and renovate vitally needed community facilities, and for other purposes.

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, together with the following table of con-
5 tents, may be cited as the “Jobs for the 1990’s Act”.

1 **TITLE I—GENERAL PURPOSE**
2 **AND AUTHORITY**

3 **SEC. 101. STATEMENT OF PURPOSE.**

4 It is the purpose of this Act to provide productive
5 and useful employment opportunities to unemployed indi-
6 viduals through payments for labor and related costs asso-
7 ciated with the repair or rehabilitation of essential commu-
8 nity and educational facilities; with the conservation, reha-
9 bilitation, and improvement of public lands; and with pub-
10 lic safety, health, social service, and other activities nec-
11 essary to the public welfare.

12 **SEC. 102. ELIGIBLE PARTICIPANTS.**

13 (a) GENERAL ELIGIBILITY REQUIREMENTS.—An in-
14 dividual shall be eligible to participate in a program or
15 activity receiving funds under this Act only if such individ-
16 ual (1) is an unemployed individual at the time of enroll-
17 ment, and (2) has been unemployed for at least 30 days
18 immediately preceding the date of such enrollment, except
19 as otherwise provided in subsection (e) of this section and
20 section 222. Individuals may be certified for purposes of
21 this section in accordance with procedures agreed to by
22 the eligible administrative entity and established in regula-
23 tions by the Secretary.

24 (b) DURATION OF ELIGIBILITY.—No individual who
25 is eligible under subsection (a) shall receive wages from

1 funds made available under this Act in excess of 26 weeks
2 in any 2-year period.

3 (c) PRIORITY FOR PARTICIPATION.—In the selection
4 of participants for activities under this Act, priority shall
5 be given to individuals who—

6 (1) at the time of selection, have exhausted or
7 are otherwise not eligible for unemployment insur-
8 ance benefits, particularly—

9 (A) those individuals who have been unem-
10 ployed for the longest periods of time preceding
11 the date of their selection, and

12 (B) those residing in families in which no
13 other member is employed on a full-time basis;
14 and

15 (2) have been employed within the past 2 years
16 by the employer that is providing the subsidized job
17 position.

18 (d) SPECIAL CONSIDERATION FOR VETERANS.—With
19 regard to services to veterans provided under section
20 201(a)(3)(O), special consideration in selecting partici-
21 pants for employment in such activities should be given
22 to veterans who otherwise meet the eligibility requirements
23 in this section.

24 (e) EQUAL EMPLOYMENT OPPORTUNITIES.—In cer-
25 tifying eligible participants under subsection (a) and in re-

1 ferring them for employment to recipients under titles II
2 and III, the administrative entity shall be responsible for
3 ensuring equal employment opportunities and the full par-
4 ticipation of traditionally underrepresented groups, includ-
5 ing women and racial and ethnic minorities, in employ-
6 ment provided with funds made available under this Act.
7 Each recipient of funds under title II or III shall be re-
8 sponsible for ensuring such opportunities and full partici-
9 pation in the selection of eligible participants for such
10 employment.

11 **SEC. 103. LIMITATION ON USE OF FUNDS.**

12 (a) RESERVATION FOR WAGES AND BENEFITS.—Not
13 less than 75 percent of the funds made available to any
14 recipient under titles II and III from funds appropriated
15 for any fiscal year shall be used to provide for wages and
16 related employment benefits to eligible participants for
17 work which the recipient certifies has been performed in
18 one or more of the activities authorized under this Act.

19 (b) LIMITATION ON ADMINISTRATIVE COSTS.—Not
20 more than 10 percent of the funds provided to any recipi-
21 ent under title II or III from funds appropriated for any
22 fiscal year may be used for the cost of administration.

23 (c) ACQUISITION OF TOOLS, EQUIPMENT, AND MA-
24 TERIALS.—The remainder of the funds provided to any
25 recipient under title II or III from funds appropriated for

1 any fiscal year (after compliance with subsection (a) and
2 deduction of cost of administration permitted by sub-
3 section (b)) may be used for the acquisition of supplies,
4 tools, equipment, and other materials.

5 (d) USE OF OTHER FUNDS.—

6 (1) USE OF ACQUISITION COSTS.—Nothing in
7 this Act shall be construed to preclude or limit the
8 payment of the costs of administration or the costs
9 of supplies, tools, equipment, or other materials ei-
10 ther in whole or in part, from non-Federal sources
11 or from Federal sources other than this Act, such as
12 section 106 of the Housing and Community Devel-
13 opment Act of 1974 (42 U.S.C. 5306).

14 (2) BUY AMERICAN REQUIREMENT.—In design-
15 ing projects under this Act, the recipient shall, to
16 the extent feasible, ensure that supplies, tools, equip-
17 ment, or other materials purchased or procured (in
18 accordance with paragraph (1)) have been manufac-
19 tured, mined, or produced in the United States, un-
20 less such supply, tool, equipment, or material is not
21 available in reasonable quantity and quality as re-
22 quired to fulfill the needs of the project or activity.

23 (e) TRAINING COST EXCEPTION.—Notwithstanding
24 subsection (a), funds available under title II may be used

1 for costs associated with training and related support for
2 a number of participants if—

3 (1) employers have made commitments to fill
4 an equal number of unsubsidized jobs with partici-
5 pants who have successfully completed such training;

6 (2) the recipient has entered into an agreement
7 for the provision of such training to participants
8 with one or more of the following: an administrative
9 entity designated under section 103(b)(1)(B) of the
10 Job Training Partnership Act (29 U.S.C.
11 1513(b)(1)(B), a local educational agency, an area
12 vocational education school, an institution of higher
13 education, a community-based organization, or other
14 qualified public or private nonprofit provider of
15 training services; and

16 (3) the costs associated with providing such
17 training and related support to any participant from
18 funds available under this Act do not exceed, on a
19 weekly basis, the maximum wage which may be paid
20 with funds available under this Act in accordance
21 with section 401(g)(2).

22 (f) SALARY LIMITATION.—Funds available for the
23 cost of administration pursuant to subsection (b) may not
24 be used to pay salaries or wages to administrative or
25 supervisory employees—

1 (1) at a rate which is greater than the rate of
2 the salaries or wages paid employees performing
3 comparable functions for the same employer, or

4 (2) if there is no such comparable rate, at a
5 rate which is in excess of the rate of pay prescribed
6 for GS-13 of the General Schedule with respect to
7 employees of the Government.

8 **TITLE II—COMMUNITY RE-**
9 **NEWAL EMPLOYMENT PRO-**
10 **GRAMS**

11 **PART A—COMMUNITY IMPROVEMENT PROJECTS**

12 **SEC. 201. EMPLOYMENT ACTIVITIES IN COMMUNITY IM-**
13 **PROVEMENT PROJECTS.**

14 (a) **QUALIFIED ACTIVITIES.**—Eligible participants
15 shall be employed in community improvement projects
16 under this title in one or more of the following activities:

17 (1) Activities to repair, rehabilitate, or improve
18 public facilities, including (A) road and street repair,
19 (B) bridge painting and repair, (C) repair and reha-
20 bilitation of public buildings and other community
21 facilities, including public libraries, (D) repair, mod-
22 ernization, and moderate rehabilitation of public
23 housing units, (E) repair and rehabilitation of water
24 systems and water development projects, (F) repair
25 and rehabilitation of public mass transportation sys-

1 tems, (G) erecting or replacing traffic control signs
2 and removing road sign obstructions, (H) replacing
3 school crossing, intersection, and other road surface
4 markings, (I) park and playground rehabilitation,
5 (J) installation and repair of drainage pipes and
6 catch basins in areas subject to flooding, (K) instal-
7 lation of graded ramps for the handicapped, and (L)
8 weatherization and other energy conservation
9 activities.

10 (2) Activities to conserve, rehabilitate, or im-
11 prove public lands, including (A) erosion, fire, flood,
12 drought, and storm damage prevention, assistance,
13 and control, (B) removal of refuse and hazardous
14 materials from drainage ditches, illegal dumping
15 sites, and other public areas, (C) stream, lake, and
16 waterfront harbor and port improvement and pollu-
17 tion control, (D) forestry, nursery, and silvicultural
18 operations, (E) fish culture and habitat maintenance
19 and improvement and other fishery assistance, (F)
20 rangeland conservation, rehabilitation, and improve-
21 ment, (G) reclamation of public lands damaged by
22 strip mining or other mineral extraction activities,
23 (H) wildlife habitat, rangelands, parks, and rec-
24 reational areas; (I) urban revitalization and histori-
25 cal and cultural site preservation; (J) road and trail

1 maintenance and improvement; (K) wetlands protec-
2 tion and pollution control; (L) improvement of aban-
3 doned railroad bed and right-of-way; (M) energy
4 conservation projects, renewable resource enhance-
5 ment, and recovery of biomass; and (N) reclamation
6 and improvement of strip-mined land.

7 (3) Public safety, health, social service, and
8 other activities necessary to the public welfare, in-
9 cluding (A) repairing or replacing fire hydrants and
10 assisting in fire hazard inspections, (B) emergency
11 food and shelter activities, (C) child and dependent
12 care activities specially designed to enable parents to
13 work, (D) assisting nutrition programs, (E) other
14 services for elderly and handicapped individuals, in-
15 cluding meals on wheels programs and inhome serv-
16 ices, (F) relief activities for victims in areas affected
17 by disasters, (G) upgrading home security for elderly
18 and low-income residents, (H) assisting public health
19 programs, including paraprofessional staff support
20 for community health centers, (I) emergency medical
21 and rescue services, (J) drug and alcohol abuse pro-
22 grams, (K) domestic violence programs, (L) edu-
23 cation and training assistance, such as literacy and
24 basic skills education, remedial tutoring, and occupa-
25 tional skills training, (M) programs of English lan-

1 guage instruction for unemployed individuals with
2 limited English proficiency, (N) assisting public li-
3 brary programs, including library aides programs,
4 (O) employment counseling and other services to vet-
5 erans, (P) security guards for public schools and
6 housing projects, (Q) police dispatchers, clerical and
7 traffic control personnel to free police officers for
8 full-time street duty, (R) staff support for adult and
9 juvenile correctional facilities, (S) rodent and insect
10 control activities, (T) hazardous materials surveys,
11 and (U) employment counseling and placement serv-
12 ices.

13 (b) JOINT PROGRAMS AUTHORIZED.—Nothing in
14 this Act shall be construed to preclude such activities from
15 being conducted in conjunction with programs funded
16 from sources other than under this Act.

17 (c) DEFINITION OF PROJECT.—For the purposes of
18 this section, the term “project” means a definable task
19 or a group of related tasks which—

20 (1) will be carried out by a government depart-
21 ment, public agency, private nonprofit organization,
22 or private contractor,

23 (2) will be completed within 18 months,

24 (3) is an activity authorized under this section
25 or section 241(b),

1 (4) will result in a specific product or accom-
2 plishment,

3 (5) would not otherwise be conducted with ex-
4 isting funds, and

5 (6) will meet the priorities established in section
6 205.

7 (d) PUBLIC LANDS PROJECTS LIMITATIONS.—

8 (1) BENEFITS AND REIMBURSEMENT.—Projects
9 to be carried out under subsection (a)(2) shall be
10 limited to projects on public lands or Indian lands
11 except where a project involving other lands will pro-
12 vide a documented public benefit and reimbursement
13 will be provided to the recipient for that portion of
14 the total costs of the project which does not provide
15 a public benefit. Notwithstanding any other provi-
16 sion of law, any reimbursement referred to in the
17 preceding sentence shall be retained by the recipient
18 and shall be used by the recipient for purposes of
19 carrying out other projects under this title.

20 (2) CONSISTENCY WITH LAWS AND POLICIES.—

21 All projects carried out under this Act for conserva-
22 tion, rehabilitation, or improvement of any public
23 lands or Indian lands shall be consistent with the
24 provisions of law and policies relating to the man-
25 agement and administration of such lands, with all

1 other applicable provisions of law, and with all man-
2 agement, operational, and other plans and docu-
3 ments which govern the administration of the area.

4 **SEC. 202. ELIGIBLE ADMINISTRATIVE ENTITIES.**

5 (a) IN GENERAL.—Except as otherwise provided in
6 this section, an eligible administrative entity under this
7 title shall be an administrative entity under section
8 103(b)(1)(B) of the Job Training Partnership Act (29
9 U.S.C. 1513(b)(1)(B)) that serves for one or more eligible
10 jurisdictions.

11 (b) ELIGIBLE JURISDICTION.—An eligible jurisdic-
12 tion under this title is an area which has an unemployment
13 rate in excess of 6.5 percent and which is—

14 (1) a unit of general local government which
15 has a population of 50,000 or more individuals;

16 (2) a consortium of contiguous units of general
17 local government which includes—

18 (A) two or more municipal governments
19 each of which is an eligible jurisdiction under
20 paragraph (1);

21 (B) a combination of one or more such
22 municipal governments and one or more county
23 governments (or equivalents); or

1 (C) two or more county governments (or
2 equivalents) at least one of which is an eligible
3 jurisdiction under paragraph (1);

4 (3) a contiguous group of census tracts that
5 constitutes an area of substantial unemployment (as
6 such term is defined in section 203(c)) that is not
7 within an area that is an eligible jurisdiction under
8 paragraph (1) or (2); or

9 (4) any Native American Indian tribe, band, or
10 group on a Federal or State reservation, the Okla-
11 homa Indians, and any Alaska Native village or
12 group as defined in the Alaska Native Claims Settle-
13 ment Act, having a governing body.

14 (c) QUALIFICATION OF ADMINISTRATIVE ENTI-
15 TIES.—

16 (1) IN GENERAL.—An administrative entity
17 that serves an eligible jurisdiction shall qualify as an
18 eligible administrative entity for that eligible juris-
19 diction by filing, within 30 days of the allotment of
20 funds to such area under section 203, a statement
21 in accordance with section 204 with respect to the
22 use of such allotment. If no such administrative en-
23 tity files such a statement within such 30 days, the
24 Secretary may, on the basis of the filing of such a

1 statement, qualify another administrative entity to
2 serve that jurisdiction.

3 (2) PRESERVATION OF LOCAL SERVICE.—A
4 larger unit of general local government (determined
5 on the basis of population) shall not qualify as an
6 eligible administrative entity to serve the population
7 of any geographic area within the jurisdiction of any
8 smaller unit of general local government (determined
9 on the basis of population) if the latter such unit is
10 or is part of an eligible administrative entity that
11 has filed a statement under section 204 with respect
12 to the use of funds provided under this title for such
13 area.

14 **SEC. 203. ALLOTMENT OF FUNDS.**

15 (a) NATIVE AMERICAN ALLOTMENT.—

16 (1) FUNDS RESERVED.—From the amount
17 available for purposes of this title for any fiscal year
18 (exclusive of the amount available for part C), the
19 Secretary shall reserve 2 percent for allotment
20 among Native American eligible jurisdictions de-
21 scribed in section 202(b)(4) in accordance with para-
22 graph (2).

23 (2) ALLOTMENTS.—The amounts which are re-
24 quired by paragraph (1) to be allotted in accordance
25 with this paragraph among Native American eligible

1 jurisdictions shall be allotted among such jurisdic-
2 tions on an equitable basis, taking into account the
3 extent to which regular employment opportunities
4 have been lacking for long-term periods among indi-
5 viduals within the jurisdiction of such entities.

6 (b) GENERAL ALLOTMENTS.—

7 (1) RESERVATION.—The remainder of the
8 amount available for this title for any fiscal year
9 (after making the allotment required by subsection
10 (a)) shall be allotted by the Secretary to the States
11 for allocation to eligible jurisdictions within each
12 State. Each State shall allocate to the eligible juris-
13 dictions within the State such amounts as deter-
14 mined by the Secretary pursuant to the formula con-
15 tained in paragraph (2).

16 (2) FORMULA.—Of the amounts allotted to eli-
17 gible jurisdictions for this part for each fiscal year—

18 (A) $33\frac{1}{3}$ percent shall be allotted on the
19 basis of the relative number of unemployed in-
20 dividuals residing in areas of substantial unem-
21 ployment within each eligible jurisdiction as
22 compared to the total number of such unem-
23 ployed individuals in all eligible jurisdictions in
24 all States;

1 (B) $33\frac{1}{3}$ percent shall be allotted on the
2 basis of the relative excess number of unem-
3 ployed individuals within each eligible jurisdic-
4 tion as compared to the total excess number of
5 unemployed individuals in all eligible jurisdic-
6 tions in all States; and

7 (C) $33\frac{1}{3}$ percent shall be allotted on the
8 basis of the relative number of unemployed in-
9 dividuals within each eligible jurisdiction as
10 compared to the total number of unemployed
11 individuals in all eligible jurisdictions in all
12 States.

13 (3) LIMITATIONS ON FORMULA.—The total al-
14 lotment for all eligible jurisdictions within any one
15 State shall not be less than one-quarter of 1 percent
16 of the total allotted to all eligible jurisdictions in all
17 States.

18 (c) DEFINITIONS.—For the purposes of this section:

19 (1) The term “area of substantial unemploy-
20 ment” means any area of sufficient size and scope
21 to sustain a program under this title and which has
22 an average rate of unemployment of at least 6.5 per-
23 cent for the most recent 12 months as determined
24 by the Secretary. Determinations of areas of sub-

1 stantial unemployment shall be made once each
2 fiscal year.

3 (2) The term “excess number” means the num-
4 ber which represents the number of unemployed in-
5 dividuals in excess of 4.5 percent of the civilian labor
6 force in the service delivery area, or the number
7 which represents the number of unemployed individ-
8 uals in excess of 4.5 percent of the civilian labor
9 force in areas of substantial unemployment in such
10 service delivery area.

11 **SEC. 204. REQUIREMENTS FOR RECEIPT OF ALLOTMENT.**

12 (a) SUBMISSION OF STATEMENT.—

13 (1) CONTENTS OF STATEMENT.—Each eligible
14 administrative entity which desires to receive its al-
15 lotment under section 203 shall, within 30 days
16 after receiving notice of such allotment, submit to
17 the Secretary a statement—

18 (A) designating a fiscal agent for the re-
19 ceipt of payments from such allotment;

20 (B) agreeing to use such funds only in ac-
21 cordance with the provisions of this Act;

22 (C) agreeing to use such funds for projects
23 or activities under part A, B, and C of this title
24 and which, to the maximum extent feasible, on-

1 site labor can begin within 30 days of receipt
2 of funds under this title; and

3 (D) agreeing to provide each of the quar-
4 terly reports required by subsection (c).

5 (2) ACTION BY SECRETARY.—Within 30 days
6 after the final day for the submission of statements
7 required by paragraph (1), the Secretary shall, on
8 the basis of only those eligible administrative entities
9 submitting such statements, make a final allotment
10 of funds in accordance with section 203, and shall
11 notify each such eligible administrative entity of the
12 amount of its final allotment.

13 (b) PAYMENT OF ALLOTMENTS.—

14 (1) PROSPECTIVE RULE.—For fiscal years be-
15 ginning after the date of enactment of this Act, the
16 Secretary shall pay to each eligible administrative
17 entity which has filed a statement in accordance
18 with subsection (a) its allotment for that fiscal year.
19 Such payments shall be made in equal installments
20 not later than 5 days after the beginning of each
21 quarter for which funds are available.

22 (2) PREVIOUS FISCAL YEAR PAYMENTS.—For
23 any fiscal year which began prior to the date of en-
24 actment of this Act, the Secretary shall, not later
25 than 30 days after the final allotment of funds for

1 such fiscal year under subsection (a)(2), pay to each
2 eligible administrative entity which has filed such a
3 statement the total amount of such allotment.

4 (c) REPORTS ON USE OF FUNDS.—Not later than 30
5 days after the end of each calendar quarter, each eligible
6 administrative entity which has, during such quarter, ex-
7 pended funds made available under this title (in that or
8 a preceding quarter) shall submit to the Secretary a report
9 on the use of such funds. Such report shall—

10 (1) describe in detail the jobs created with such
11 funds, including (A) the nature of the employment
12 activity, (B) the wage rates paid, and (C) the dura-
13 tion of employment;

14 (2) contain adequate data to evaluate the char-
15 acteristics of participants in programs under this
16 title, including the race, sex, age, handicapped sta-
17 tus, and veteran status of participants; and

18 (3) contain such other information as the Sec-
19 retary may specifically request in order to ascertain
20 whether such entity has used such funds in accord-
21 ance with the requirements of this Act.

22 (d) WITHHOLDING SUBJECT TO PROCEDURES.—The
23 Secretary may not withhold, suspend, or terminate the
24 payment of any installment of an allotment except in ac-
25 cordance with section 403.

1 **SEC. 205. PROJECT DESIGN.**

2 (a) PRIORITY.—In designing projects under this title,
3 the eligible administrative entity shall give priority to
4 projects on the basis of—

5 (1) the severity and duration of unemployment
6 within localities in the area of the eligible adminis-
7 trative entity,

8 (2) the degree to which project activities will
9 lead to the expansion of unsubsidized employment
10 opportunities in the private sector,

11 (3) the level of need which exists for the activi-
12 ties and services to be provided,

13 (4) the extent to which will provide long-term
14 benefits to the public,

15 (5) the extent to which will instill in the en-
16 rollee involved, a work ethic and a sense of public
17 service,

18 (6) the extent to which will be labor intensive,
19 and

20 (7) the extent to which can be planned and ini-
21 tiated promptly.

22 (b) COORDINATION.—To the extent feasible, employ-
23 ment opportunities established with funds made available
24 under this title shall be coordinated with other Federal,
25 State, and local activities, including vocational and adult
26 education, job training provided with funds available

1 under the Job Training Partnership Act (29 U.S.C. 1501
2 et seq.), economic development activities, and activities re-
3 ceiving funds available under section 106 of the Housing
4 and Community Development Act of 1974 (42 U.S.C.
5 5306).

6 **PART B—COMMUNITY IMPROVEMENT**

7 **ACTIVITIES FOR YOUTH TRAINEES**

8 **SEC. 221. YOUTH TRAINEE ACTIVITIES.**

9 (a) USE OF FUNDS AUTHORIZED.—Funds under this
10 title may be used for eligible youth who are paid wages
11 and benefits from such funds for part-time employment
12 not in excess of 32 hours per week. Such employment may
13 be in any activity described in section 201 or may be at
14 a work site operated by a public or private nonprofit agen-
15 cy or organization or by an employer organized for profit,
16 but shall be provided in a manner which requires, and is
17 consistent with, the youth's enrollment in high school, a
18 program which leads to a certificate of high school equiva-
19 lency, or a program of skill training or basic skill or em-
20 ployability development, including a program operated
21 pursuant to section 104. Such enrollment shall be for at
22 least 8 hours per week.

23 (b) JOINT PROJECTS AUTHORIZED.—In meeting the
24 requirements of subsection (a), funds required to be used
25 for such purpose may be used in activities which also re-

1 ceive funds under the Job Training Partnership Act (in-
2 cluding the Job Corps), the Carl D. Perkins Vocational
3 Education Act, or other State or local, public or private
4 education or training programs.

5 **SEC. 222. ELIGIBLE YOUTH.**

6 (a) EXEMPTION FROM UNEMPLOYMENT DURATION
7 REQUIREMENTS.—Notwithstanding section 102(a)(2) re-
8 garding the duration of unemployment, any youth aged
9 16 through 19 who is currently unemployed shall be eligi-
10 ble to be a participant in activities conducted under this
11 part.

12 (b) PRIORITY.—In selecting such participants, an eli-
13 gible administrative entity shall, notwithstanding section
14 102(c), give priority to individuals who are economically
15 disadvantaged. Among such individuals, eligible school
16 dropouts shall be served on an equitable basis. For pur-
17 poses of this subsection, a school dropout is an individual
18 who is not attending any school and has not received a
19 secondary school diploma or certificate of high school
20 equivalency.

1 **PART C—STATE JOB PROGRAMS**
2 **SEC. 241. FINANCIAL ASSISTANCE FOR STATE JOB PRO-**
3 **GRAMS.**

4 (a) USE OF ALLOTTED FUNDS.— Five percent of the
5 sums allotted to each State under section 203 shall be
6 available for purposes of this part.

7 (b) USE OF FUNDS.—The sums available under sub-
8 section (a) shall be used for employment of eligible partici-
9 pants under this Act—

10 (1) through State-administered programs and
11 activities authorized under section 201, such as
12 those in (A) State parks, forests, and conservation
13 programs (including rangeland rehabilitation and
14 improvement), (B) State hospitals and other institu-
15 tions and facilities providing health care, (C) State
16 correctional institutions and programs, and (D)
17 State-administered social service programs;

18 (2) through special assistance (in conjunction,
19 as appropriate, with eligible administrative entities
20 under title II) for areas which have experienced sud-
21 den or severe economic dislocations, including large-
22 scale losses of jobs caused by the closing of facilities
23 or mass layoffs;

24 (3) through State-directed emergency aid pro-
25 grams to cope with natural disasters, including ero-

1 sion, flood, drought, and storm damage assistance
2 and control activities; and

3 (4) through special assistance to seasonal farm-
4 workers and small farmers in rural, agricultural
5 areas which have experienced substantial losses of
6 jobs due to the rising numbers of farm mortgage
7 foreclosures and other severe economic disruption (in
8 conjunction, as appropriate, with eligible administra-
9 tive entities under title II or with related programs
10 under the Job Training Partnership Act (29 U.S.C.
11 1501 et seq.), or both).

12 (c) PROGRAM AND ACTIVITY SELECTION AND DE-
13 SIGN.—In determining the programs and activities to re-
14 ceive funds allotted under subsection (a), the State shall
15 give first priority to the establishment of those programs
16 and activities which will provide job sites (1) within juris-
17 dictions defined in section 202, or (2) only after such pri-
18 ority is met in the State, within areas in the State in which
19 the rate of unemployment is the highest. In designing
20 projects under this section, the State shall evaluate
21 projects on the basis of the severity and duration of unem-
22 ployment within localities in the State and the level of
23 need which exists for the activities and services to be
24 provided.

1 (d) STATEMENT REQUIRED.—Each State which de-
2 sires to expend funds under this part shall, within 30 days
3 after receiving notice of such allotment, submit to the
4 Secretary a statement—

5 (1) agreeing to use such funds only in accord-
6 ance with the provisions of this Act; and

7 (2) agreeing to provide each of the quarterly re-
8 ports required by subsection (e).

9 (e) REPORTS REQUIRED.—Not later than 30 days
10 after the end of each calendar quarter, each State which
11 has, during such quarter, expended funds made available
12 under this part (in that or a preceding quarter) shall sub-
13 mit to the Secretary a report on the use of such funds.
14 Such report shall—

15 (1) describe in detail the jobs created with such
16 funds including (A) the nature of the employment
17 activity, (B) the wage rates paid, and (C) the dura-
18 tion of employment;

19 (2) contain adequate data to evaluate the char-
20 acteristics of participants in programs under this
21 part, including the race, sex, age, handicapped sta-
22 tus, and veteran status of participants; and

23 (3) contain such other information as the Sec-
24 retary may specifically request in order to ascertain

1 whether such entity has used such funds in accord-
2 ance with the requirements of this Act.

3 **TITLE III—EDUCATIONAL FACIL-**
4 **ITY REPAIR AND RENOVA-**
5 **TION EMPLOYMENT ACTIVI-**
6 **TIES**

7 **PART A—ELEMENTARY AND SECONDARY**
8 **SCHOOL FACILITY IMPROVEMENT JOBS**

9 **SEC. 301. SCHOOL FACILITY REPAIR AND RENOVATION**
10 **PROJECTS.**

11 (a) USE OF FUNDS AUTHORIZED.—Funds shall be
12 made available under this part for any fiscal year to any
13 eligible local educational agency in an eligible jurisdiction
14 under section 202 and shall be used to carry out projects
15 and activities (in accordance with the limitation on use
16 of funds set forth in section 103) providing employment
17 to eligible participants (qualifying under section 102) in
18 work on the repair, renovation, or rehabilitation of the
19 public school facilities of such agency.

20 (b) USE OF QUICK-START PROJECTS.—To the maxi-
21 mum extent feasible, funds made available under this part
22 shall be used for projects or activities on which on-site
23 labor can begin within 30 days of receipt of funds under
24 this part.

1 (c) PERMITTED USE OF FUNDS.—Funds available
2 under this part shall be used in accordance with State and
3 local procedures—

4 (1) for assisting State and local educational
5 agencies in bringing their public school facilities into
6 conformity with the requirements of—

7 (A) the Act of August 12, 1968, commonly
8 known as the Architectural Barriers Act of
9 1968,

10 (B) section 504 of the Rehabilitation Act
11 of 1973,

12 (C) the Americans with Disabilities Act,
13 and

14 (D) environmental protection or health and
15 safety programs mandated by Federal, State, or
16 local law, especially for those facilities which
17 were constructed before such requirements were
18 in effect;

19 (2) for the repair, renovation, or rehabilitation
20 of public school facilities, including electrical rewir-
21 ing for new technology;

22 (3) for conversion of presently unused struc-
23 tures into adult training centers;

24 (4) for remodeling or renovating structures to
25 make them more energy efficient; or

1 (5) for detecting, removing, or otherwise con-
2 taining asbestos in academic or other facilities used
3 by students.

4 (d) TRIBAL SCHOOL PROJECTS.—

5 (1) APPLICATION REQUIRED.—Funds made
6 available to the Secretary of the Interior shall be
7 made available, upon application, to Indian tribal
8 schools for purposes consistent with subsection (c),
9 and consistent with Federal and tribal procedures.
10 Such applications shall contain a description of the
11 activities to be performed, with estimates of the
12 costs associated with such activities, and shall give
13 priority to the activities described in subsection
14 (c)(1).

15 (2) REGULATIONS.—The Secretary of the Inte-
16 rior shall, not later than 120 days after the date of
17 enactment of this Act, promulgate regulations nec-
18 essary for the establishment of the program author-
19 ized under this subsection. In addition, the Secretary
20 of the Interior shall, during such 120-day period and
21 annually thereafter, establish by regulation priorities
22 for making grants under this subsection which are
23 consistent with subsection (c).

24 (3) COMPLIANCE WITH ALLOTMENT REQUIRE-
25 MENTS.—For the purposes of section 303, the De-

1 department of the Interior shall be considered a State
2 educational agency.

3 (4) RULE OF CONSTRUCTION.—Nothing con-
4 tained in this subsection shall be construed to relieve
5 the Secretary of the Interior of the responsibility to
6 provide adequate and equitable funding under the
7 Snyder Act (25 U.S.C. 13) for the operations and
8 maintenance of Indian tribal school facilities.

9 **SEC. 302. ALLOTMENT OF FUNDS.**

10 (a) FUNDS RESERVED.—From the amount available
11 for purposes of this part for any fiscal year, the Secretary
12 shall reserve 2 percent for allotment among Native Amer-
13 ican eligible jurisdictions described in section 202(b)(4).
14 Such reserved amount shall be allotted among Native
15 American eligible jurisdictions on an equitable basis, tak-
16 ing into account the extent to which regular employment
17 opportunities have been lacking for long-term periods
18 among individuals within the jurisdiction of such entities.

19 (b) LOCAL EDUCATIONAL AGENCY ALLOTMENTS.—
20 The remainder of the amount available for purposes of
21 this part for any fiscal year shall be allotted by the Sec-
22 retary among local educational agencies located within eli-
23 gible jurisdictions (as determined under 202(b)) by allo-
24 cating to each such local educational agency an amount
25 that bears the same ratio to such remainder as the allot-

1 ment (under section 203(b)(2)) of the eligible jurisdiction
2 within which it is located bears to the sum of the allot-
3 ments to all eligible jurisdictions under such section.

4 **SEC. 303. REQUIREMENTS FOR RECEIPT OF ALLOTMENT.**

5 (a) STATEMENT REQUIRED.—

6 (1) CONTENTS OF STATEMENT.—Each local
7 educational agency which desires to receive its allot-
8 ment under section 302 shall, within 30 days after
9 receiving notice of such allotment, submit to the
10 Secretary a statement—

11 (A) agreeing to use such funds only in ac-
12 cordance with the provisions of this Act; and

13 (B) agreeing to provide each of the quar-
14 terly reports required by subsection (c).

15 (2) ACTION BY SECRETARY.—Within 30 days
16 after the final day for the submission of statements
17 required by paragraph (1), the Secretary shall, on
18 the basis of only those local educational agencies
19 submitting such statements, make a final allotment
20 of funds in accordance with section 302, and shall
21 notify each such agency of the amount of its final
22 allotment.

23 (b) PAYMENT OF ALLOTMENTS.—

24 (1) PROSPECTIVE PAYMENT RULE.—For fiscal
25 years beginning after the date of enactment of this

1 Act, the Secretary shall pay to each local educational
2 agency which has filed a statement in accordance
3 with subsection (a) its allotment for that fiscal year.
4 Such payments shall be made in equal installments
5 not later than 5 days after the beginning of each
6 quarter for which funds are available.

7 (2) PREVIOUS FISCAL YEARS.—For any fiscal
8 year which began prior to the date of enactment of
9 this Act, the Secretary shall, not later than 30 days
10 after the final allotment of funds for such fiscal year
11 under subsection (a)(2), pay to each local edu-
12 cational agency which has filed such a statement the
13 total amount of such allotment.

14 (c) REPORTS REQUIRED.—Not later than 30 days
15 after the end of each calendar quarter, each local edu-
16 cational agency which has, during such quarter, expended
17 (or made available to a local educational agency for ex-
18 penditure) funds made available under this part (in that
19 or a preceding quarter) shall submit to the Secretary a
20 report on the use of such funds. Such report shall—

21 (1) describe in detail the jobs created with such
22 funds including (A) the nature of the employment
23 activity, (B) the wage rates paid, and (C) the dura-
24 tion of employment;

1 (2) contain adequate data to evaluate the char-
2 acteristics of participants in programs under this
3 part, including the race, sex, age, handicapped
4 status, and veteran status of participants; and

5 (3) contain such other information as the Sec-
6 retary may specifically request in order to ascertain
7 whether such agency has used such funds in accord-
8 ance with the requirements of this Act.

9 (d) WITHHOLDING PROCEDURES.—The Secretary
10 may not withhold, suspend, or terminate the payment of
11 any installment of an allotment except in accordance with
12 section 403.

13 **PART B—HIGHER EDUCATION FACILITY**

14 **IMPROVEMENT PROJECTS**

15 **SEC. 321. ACADEMIC FACILITY REPAIR AND RENOVATION**
16 **PROJECTS.**

17 (a) USE OF FUNDS AUTHORIZED.—The funds made
18 available to any institution of higher education under this
19 part for any fiscal year shall be used to carry out projects
20 and activities (in accordance with the limitation on use
21 of funds set forth in section 103) providing employment
22 to eligible participants (qualifying under section 102) in
23 work on the repair, renovation, or rehabilitation of the
24 academic facilities of such institution.

1 (b) USE OF QUICK-START PROJECTS.—To the maxi-
2 mum extent feasible, funds made available under this part
3 shall be used for projects or activities on which on-site
4 labor can begin within 120 days of receipt of funds under
5 this part.

6 (c) PERMITTED USES OF FUNDS.—

7 (1) ELIGIBLE PROJECTS.—Funds allotted to
8 each State under section 322 shall be made available
9 through the higher education building agency of
10 such, in accordance with its State plan under part
11 A of title VII of the Higher Education Act of 1965,
12 to assist institutions of higher education in carrying
13 out eligible projects under that title for the repair,
14 renovation, and rehabilitation of academic facilities
15 and libraries if the primary purpose of such assist-
16 ance is—

17 (A) to enable such institutions to econo-
18 mize on the use of energy resources, with a pri-
19 ority for the use of coal, solar, and renewable
20 resources;

21 (B) to enable such institutions to bring
22 their academic facilities and libraries into con-
23 formity with the requirements of—

1 (i) the Act of August 12, 1968, com-
2 monly known as the Architectural Barriers
3 Act of 1968,

4 (ii) section 504 of the Rehabilitation
5 Act of 1973,

6 (iii) the Americans with Disabilities
7 Act, and

8 (iv) environmental protection or
9 health and safety programs mandated by
10 Federal, State, or local law, especially for
11 those facilities which were constructed be-
12 fore such requirements were in effect;

13 (C) to enable such institutions to renovate
14 research facilities and postsecondary technical
15 training facilities, including electrical rewiring
16 for new technology; or

17 (D) to enable such institutions to detect,
18 remove, or otherwise contain asbestos hazards
19 in academic or other facilities used by students.

20 (2) USE AT INSTITUTIONS LOCATED IN ELIGI-
21 BLE JURISDICTIONS.—Funds allotted under section
22 322 shall be made available only to institutions of
23 higher education that are located within eligible ju-
24 risdictions under section 202(b), except that the Sec-
25 retary may waive the requirements of this paragraph

1 for any State if there are no institutions of higher
2 education located within the eligible jurisdictions
3 within such State.

4 (3) SELECTION OF ELIGIBLE PROJECTS.—In
5 selecting eligible projects for the use of funds under
6 this part, the higher education building agency shall
7 give priority to projects at those institutions of
8 higher education—

9 (A) with the greatest proportion of stu-
10 dents receiving Pell Grants under the Higher
11 Education Act of 1965; and

12 (B) which have not been able to obtain
13 funds for the performance of the project
14 through the sale of bonds or other obligations.

15 **SEC. 322. ALLOTMENT OF FUNDS.**

16 (a) ALLOTMENT FORMULA.—

17 (1) FUNDS RESERVED.—From the amount
18 available for purposes of this part for any fiscal
19 year, the Secretary shall reserve 2 percent for allot-
20 ment among Native American eligible jurisdictions
21 described in section 202(b)(4). Such reserved
22 amount shall be allotted among Native American eli-
23 gible jurisdictions on an equitable basis, taking into
24 account the extent to which regular employment op-
25 portunities have been lacking for long-term periods

1 among individuals within the jurisdiction of such
2 entities.

3 (2) STATE ALLOTMENTS.—The remainder of
4 the amount available for purposes of this part shall
5 be allotted by the Secretary among the States by al-
6 locating to each State an amount that bears the
7 same ratio to such remainder as the sum of the al-
8 lotments (under section 203(b)(2)) of the eligible ju-
9 risdictions within such State bears to the sum of the
10 allotments to all eligible jurisdictions under such
11 section.

12 (b) ADMINISTRATIVE COSTS.—From the amount al-
13 lotted to any State under subsection (a), the higher edu-
14 cation building agency shall reserve not more than 1 per-
15 cent thereof for its necessary administrative costs in carry-
16 ing out the purposes of this part.

17 **SEC. 323. REQUIREMENTS FOR RECEIPT OF ALLOTMENT.**

18 (a) STATEMENT REQUIRED.—

19 (1) CONTENTS OF STATEMENT.—Each State
20 which desires to receive its allotment under section
21 322 shall, within 30 days after receiving notice of
22 such allotment, submit to the Secretary a state-
23 ment—

24 (A) designating a fiscal agent for the re-
25 ceipt of payments from such allotment;

1 (B) agreeing to use such funds only in ac-
2 cordance with the provisions of this Act; and

3 (C) agreeing to provide each of the quar-
4 terly reports required by subsection (c).

5 (2) ACTION BY SECRETARY.—Within 30 days
6 after the final day for the submission of statements
7 required by paragraph (1), the Secretary shall, on
8 the basis of only those States submitting such state-
9 ments, make a final allotment of funds in accord-
10 ance with section 322, and shall notify each State of
11 the amount of its final allotment.

12 (b) PAYMENT OF ALLOTMENTS.—

13 (1) PROSPECTIVE PAYMENT RULE.—For fiscal
14 years beginning after the date of enactment of this
15 Act, the Secretary shall pay to each State which has
16 filed a statement in accordance with subsection (a)
17 its allotment for that fiscal year. Such payments
18 shall be made in equal installments not later than 5
19 days after the beginning of each quarter for which
20 funds are available.

21 (2) PREVIOUS FISCAL YEARS.—For any fiscal
22 year which began prior to the date of enactment of
23 this Act, the Secretary shall, not later than 30 days
24 after the final allotment of funds for such fiscal year
25 under subsection (a)(2), pay to each State which has

1 filed such a statement the total amount of such
2 allotment.

3 (c) REPORTS REQUIRED.—Not later than 30 days
4 after the end of each calendar quarter, each State which
5 has, during such quarter, expended (or made available for
6 expenditure) funds made available under this part (in that
7 or a preceding quarter) shall submit to the Secretary a
8 report on the use of such funds. Such report shall—

9 (1) describe in detail the jobs created with such
10 funds including (A) the nature of the employment
11 activity, (B) the wage rates paid, and (C) the dura-
12 tion of employment;

13 (2) contain adequate data to evaluate the char-
14 acteristics of participants in programs under this
15 part, including the race, sex, age, handicapped sta-
16 tus, and veteran status of participants; and

17 (3) contain such other information as the Sec-
18 retary may specifically request in order to ascertain
19 whether such State has used such funds in accord-
20 ance with the requirements of this Act.

21 (d) WITHHOLDING PROCEDURES.—The Secretary
22 may not withhold, suspend, or terminate the payment of
23 any installment of an allotment except in accordance with
24 section 403.

1 **PART C—SPECIAL DEFINITIONS FOR TITLE III**

2 **SEC. 341. DEFINITIONS.**

3 Notwithstanding section 406, for purposes of this
4 title—

5 (1) the term “State educational agency” has
6 the meaning provided under section 1471(23) of the
7 Elementary and Secondary Education Act of 1965;

8 (2) the term “local educational agency” has the
9 meaning provided under section 1471(12) of the El-
10 ementary and Secondary Education Act of 1965;

11 (3) the term “higher education building agen-
12 cy” has the meaning provided under 734(b) of the
13 Higher Education Act of 1965;

14 (4) the term “Indian tribal school” means any
15 school operated by an Indian tribe under the Indian
16 Self-Determination and Education Assistance Act
17 (Public Law 93–638); and

18 (5) the term “institution of higher education”
19 has the meaning provided under section 1201(a) of
20 the Higher Education Act of 1965.

21 **TITLE IV—GENERAL**
22 **PROVISIONS**

23 **SEC. 401. GENERAL REQUIREMENTS.**

24 (a) **DISCRIMINATION PROHIBITED.**—

25 (1) **EXCLUSION PROHIBITED.**—No person shall
26 be excluded from participation in, denied the bene-

1 fits of, subjected to discrimination under, or denied
2 employment in the administration of or in connec-
3 tion with any program under this Act because of
4 race, color, religion, sex, national origin, age, handi-
5 cap, or political affiliation or belief.

6 (2) SECTARIAN PURPOSES PROHIBITED.—Par-
7 ticipants under this Act shall not be employed on the
8 construction, operation, or maintenance of so much
9 of any facility as is used or to be used for sectarian
10 instruction or as a place for religious worship.

11 (3) STATUS AS PARTICIPANTS.—With respect to
12 terms and conditions affecting, or rights provided to,
13 individuals who are participants in activities sup-
14 ported by funds provided under this Act, such indi-
15 viduals shall not be discriminated against solely be-
16 cause of their status as participants under this Act.

17 (b) USE OF FUNDS FOR SUPPLEMENTARY ACTIVI-
18 TIES.—Funds provided under this Act shall only be used
19 for activities which are in addition to those which would
20 otherwise be available in the area in the absence of such
21 funds.

22 (c) SUBSTITUTION FOR GOVERNMENT PROGRAMS
23 PROHIBITED.—No funds made available under this Act
24 for subsidized employment may be provided to a private
25 organization, institution, or contractor to conduct any ac-

1 tivities customarily performed by employees of a State, a
2 political subdivision, or a local educational agency in the
3 area served by the program.

4 (d) SERVICES TO RESIDENTS.—Only individuals re-
5 siding in the area of an eligible jurisdiction under title II
6 may participate in activities funded under title II or III,
7 except that a recipient may permit participation by home-
8 less individuals who cannot prove residence within the
9 eligible jurisdiction.

10 (e) HIRING OF VOLUNTARILY TERMINATED WORK-
11 ERS PROHIBITED.—No individual shall be eligible to be
12 employed in a position subsidized under this Act if such
13 individual has, within the preceding six months, volun-
14 tarily terminated, without good cause, his or her last pre-
15 vious full-time employment at a wage rate equal to or ex-
16 ceeding the Federal minimum wage as prescribed under
17 section 6(a)(1) of the Fair Labor Standards Act of 1938,
18 unless such individual has moved to follow a spouse.

19 (f) POLITICAL ACTIVITIES PROHIBITED.—Financial
20 assistance under this Act shall not be provided for any
21 program which involves political activities.

22 (g) WAGE RATES.—

23 (1) MINIMUM OR PREVAILING HOURLY RATE
24 REQUIRED.—An individual in employment subsidized
25 under this Act shall be paid wages which shall not

1 be less than the highest of (A) the minimum wage
2 under section 6(a)(1) of the Fair Labor Standards
3 Act of 1938, (B) the minimum wage under the ap-
4 plicable State or local minimum wage law, or (C) the
5 prevailing rates of pay for individuals employed in
6 similar occupations by the same employer.

7 (2) MAXIMUM AVERAGE RATE.—The average
8 weekly portion of the wages which may be paid to
9 participants from funds made available under this
10 Act for any fiscal year shall not exceed an amount
11 determined and published annually by the Secretary
12 before the beginning of such fiscal year. Such
13 amount shall be equal to—

14 (A) the national average weekly earnings
15 of production or nonsupervisory workers on pri-
16 vate, non-farm payrolls (as determined by the
17 Bureau of Labor Statistics for the most recent
18 12 months preceding such fiscal year for which
19 that determination is available),

20 (B) multiplied by 75 percent, and

21 (C) rounded to the nearest \$10.

22 (3) SUPPLEMENTATION PERMITTED.—Partici-
23 pants employed under this Act may have their wages
24 supplemented by the payment of additional wages

1 for such employment from sources other than this
2 Act.

3 (4) TIME OFF.—Participants employed under
4 this Act shall be allowed sufficient time off from
5 work activities to participate effectively in the job
6 search activities.

7 (5) PART-TIME/FLEX-TIME.—Funds under this
8 Act may be used to employ individuals in part-time,
9 flexible-time, and work-sharing employment cus-
10 tomarily offered by the employer, if such individuals
11 receive benefits customarily provided with respect to
12 such employment by the same employer.

13 (6) WORK RECORDS.—Programs under this Act
14 shall maintain an individual work record for each
15 participant, to be provided to each participant at the
16 end of his or her participation, which shall contain—

17 (A) a documentary history of the experi-
18 ence and skills acquired by each participant;
19 and

20 (B) a list of the major work tasks com-
21 pleted by each participant.

22 (h) EXPENDITURE SCHEDULE.—Any funds appro-
23 priated to carry out this Act which are allotted for any
24 fiscal year shall be available for expenditure by the recipi-
25 ent during a period of one year from the date of payment

1 to the recipient. No part of any allotment shall be revoked
2 or canceled as long as the funds so allotted are expended
3 by the recipient within such one-year period. If any such
4 funds are not so expended, the Secretary shall reallocate an
5 amount equal to such unexpended funds among other eli-
6 gible recipients in accordance with this Act.

7 (i) SELECTIVE SERVICE COMPLIANCE.—The Sec-
8 retary shall insure that each individual participating in
9 any program established under this Act, or receiving any
10 assistance or benefit under this Act, has not violated sec-
11 tion 3 of the Military Selective Service Act (50 U.S.C.
12 App. 453) by not presenting and submitting to registra-
13 tion as required pursuant to such section. The Director
14 of the Selective Service System shall cooperate with the
15 Secretary in carrying out this section.

16 (j) PROGRAM ABUSE REGULATIONS.—Regulations
17 promulgated by the Secretary under section 123(g) of the
18 Comprehensive Employment and Training Act as in effect
19 on April 1, 1981, shall apply to funds provided under this
20 Act for the purpose of assuring against program abuses,
21 including, but not limited to, nepotism, conflicts-of-inter-
22 ests; the charging of fees in connection with participation
23 in the program; excessive or unreasonable legal fees; the
24 improper commingling of funds under this Act with funds
25 received from other sources; the failure to keep and main-

1 tain sufficient, auditable, or otherwise adequate records;
2 kickbacks; political patronage; violations of applicable
3 child labor laws; the use of funds for lobbying local, State,
4 or Federal legislators, and the use of funds for activities
5 which are not directly related to the proper operation of
6 the program.

7 **SEC. 402. LABOR STANDARDS.**

8 (a) CONDITIONS AND BENEFITS.—

9 (1) WORKING CONDITIONS.—Conditions of em-
10 ployment and training shall be appropriate and rea-
11 sonable in light of such factors as the type of work,
12 geographical region, and proficiency of the partici-
13 pant.

14 (2) HEALTH, SAFETY, AND DISABILITY REGU-
15 LATIONS.—The regulations (relating to health and
16 safety and worker's compensation) implementing
17 paragraphs (2) and (3) of section 143(a) of the Job
18 Training Partnership Act (29 U.S.C. 1553(a)(2)
19 and (3)) issued on March 15, 1983, shall apply to
20 participants under this Act.

21 (3) COMPARABLE BENEFITS AND CONDI-
22 TIONS.—All individuals while employed in subsidized
23 jobs under this Act shall be provided benefits and
24 working conditions at the same level and to the same

1 extent as other employees doing the same type of
2 work.

3 (4) RETIREMENT CONTRIBUTIONS PROHIB-
4 ITED.—No funds available under this Act may be
5 used for contributions on behalf of any participant
6 to retirement systems or plans.

7 (b) PROTECTION OF EXISTING WORKERS.—

8 (1) DISPLACEMENT PROHIBITED.—No cur-
9 rently employed worker shall be displaced by any
10 participant (including partial displacement such as a
11 reduction in the hours of nonovertime work, wages,
12 or employment benefits).

13 (2) IMPAIRMENT OF CONTRACTS AND AGREE-
14 MENTS PROHIBITED.—No program shall impair ex-
15 isting contracts for services or collective-bargaining
16 agreements, except that no program under this Act
17 which would be inconsistent with the terms of a col-
18 lective-bargaining agreement shall be undertaken
19 without the written concurrence of the labor organi-
20 zation and employer concerned.

21 (3) FILLING OF LAID-OFF POSITIONS PROHIB-
22 ITED.—(A) No participant whose wages are sub-
23 sidized under this Act shall be employed or job open-
24 ing filled when any other individual is on layoff from
25 the same or any substantially equivalent job.

1 (B) No participant whose wages are subsidized
2 under this Act shall be employed or job opening
3 filled when, after the enactment of this Act, the em-
4 ployer terminates the employment of any regular
5 unsubsidized employee in the same or any substan-
6 tially equivalent job or otherwise reduces the number
7 of regular unsubsidized employees in such jobs.

8 (4) PROMOTIONAL INFRINGEMENT PROHIB-
9 ITED.—No jobs shall be created in a promotional
10 line that will infringe in any way upon the pro-
11 motional opportunities of currently employed individ-
12 uals.

13 (c) COMPLIANCE REPORTS.—

14 (1) SUBMISSION TO LABOR ORGANIZATIONS.—
15 Each quarterly report submitted pursuant to section
16 204(c), 241(e), 303(c), or 323(c) shall be transmit-
17 ted by the recipient to any labor organization rep-
18 resenting government employees who are engaged in
19 similar work to that performed by employees whose
20 wages are subsidized under this Act.

21 (2) CONTENTS OF REPORTS.—Each quarterly
22 report submitted pursuant to section 204(c), 241(e),
23 303(c), or 323(c) which is subject to the require-
24 ments of paragraph (3) shall, with respect to each

1 government department in which subsidized employ-
2 ment is provided under this Act, set forth—

3 (A) the number of all regular unsubsidized
4 employees of such department (i) during the
5 quarter to which such report applies, and (ii)
6 during the quarter preceding the enactment of
7 this Act; and

8 (B) the number of employees subsidized
9 under this Act in such department during each
10 such quarter.

11 (3) ANALYSIS OF JOB REDUCTION REQUIRED.—

12 If, for two succeeding calendar quarters, there has
13 been an average decline of 5 percent or more in the
14 number of such unsubsidized employees in any such
15 department as compared to such number for the
16 quarter described in paragraph (2)(A)(ii), such re-
17 port shall include a statement identifying the jobs
18 which have been reduced and setting forth any rea-
19 sons that such reduction does not result from a fail-
20 ure to comply with subsection (b) of this section.

21 (4) REVIEW.—Any such report which is re-
22 quired to contain such a statement shall be subject
23 to review in accordance with subsection (d).

24 (d) COMPLAINT PROCEDURE.—

1 (1) SUBMISSION OF COMPLAINTS.—Whenever
2 any employee, or labor organization representing em-
3 ployees, of a government employing subsidized em-
4 ployees under this Act submits to the Secretary a
5 complaint alleging that section 401 or subsection (a)
6 or (b) of this section has been violated, a copy of
7 such complaint shall be transmitted at the same
8 time to such government. An opportunity shall be af-
9 farded to such government to review such complaint
10 and to submit a reply to the Secretary within 15
11 days after receiving a copy of such complaint.

12 (2) INVESTIGATION OF COMPLAINTS.—An offi-
13 cial who shall be designated by the Secretary shall
14 review any report required to include a statement
15 specified in subsection (c)(3), or any complaint sub-
16 mitted in accordance with paragraph (1), to ascer-
17 tain the accuracy of the information set forth or al-
18 leged and to determine whether there is substantial
19 evidence that the affected activities fail to comply
20 with section 401 or subsection (a) or (b) of this
21 section.

22 (3) RECOMMENDATIONS.—The official so des-
23 igned shall, within 45 days of the submission of
24 such report or complaint, submit recommendations
25 to the Inspector General of such Department as to

1 whether the report or complaint warrants investiga-
2 tion by the Office of the Inspector General. After re-
3 viewing such recommendations, the Inspector Gen-
4 eral shall undertake any investigations (including an
5 audit, if appropriate) deemed to be warranted.

6 (4) DETERMINATIONS.—A determination of
7 whether a violation of subsection (b) of this section
8 has occurred shall be made after considering legiti-
9 mate bases for layoffs or terminations of employees
10 not subsidized under this Act within the same de-
11 partment or budget function, such as a shortfall of
12 revenues compared with expenditures despite main-
13 tenance of local tax effort, or the requirements of
14 governmental reorganizations or productivity im-
15 provements affecting work not performed by such
16 subsidized employees.

17 (5) REVIEW BY SECRETARY.—Not later than 90
18 days after the report or complaint described in para-
19 graph (2) is submitted, the Inspector General’s find-
20 ings as to whether a failure to comply with section
21 401 and subsection (a) or (b) of this section has oc-
22 curred shall be transmitted to the Secretary. The
23 Secretary shall, within 30 days after receiving the
24 Inspector General’s findings, issue a determination
25 as to whether a violation of section 401 or sub-

1 section (a) or (b) of this section has occurred, which
2 shall constitute the final determination of the Sec-
3 retary for purposes of chapters 5 and 7 of title 5,
4 United States Code.

5 (6) REPAYMENT REMEDY.—The Secretary shall
6 institute proceedings under section 403(b) for the
7 repayment of funds determined to have been ex-
8 pended in violation of section 401 or subsection (a)
9 or (b) of this section.

10 (e) LABOR ORGANIZATION.—

11 (1) USE FOR ORGANIZING OR DETERRING
12 UNIONS PROHIBITED.—Each recipient of funds
13 under this Act shall provide to the Secretary assur-
14 ances that none of such funds will be used to assist,
15 promote, or deter union organizing.

16 (2) CONSULTATION REQUIRED.—Where a labor
17 organization represents a substantial number of em-
18 ployees who are engaged in similar work or training
19 in the same area as that proposed to be funded
20 under this Act, an opportunity shall be provided for
21 such organization to submit comments with respect
22 to such proposal.

23 (f) DAVIS-BACON REQUIREMENTS.—

24 (1) PREVAILING WAGES REQUIRED.—All labor-
25 ers and mechanics employed by contractors or sub-

1 contractors in any construction, alteration, or repair,
2 including painting and decorating, of projects, build-
3 ings, and works which are federally assisted under
4 this Act, shall be paid wages at rates not less than
5 those prevailing on similar construction in the local-
6 ity as determined by the Secretary in accordance
7 with the Act of March 3, 1931 (commonly known as
8 the Davis-Bacon Act), as amended (40 U.S.C. 276a-
9 276a-5). The Secretary shall have, with respect to
10 such labor standards, the authority and functions
11 set forth in Reorganization Plan Numbered 14 of
12 1950 (15 FR 3176; 64 Stat. 1267) and section 2 of
13 the Act of June 1, 1934, as amended (48 Stat. 948,
14 as amended; 40 U.S.C. 276(c)).

15 (2) FUNDING REQUIRED.—Such rates are not
16 required to be paid to participants under this Act
17 unless they are employed in connection with projects
18 funded by this Act in whole or in part, exclusive of
19 wages and benefits, or projects covered by any other
20 statute requiring the payment of such Davis-Bacon
21 Act wage rates.

22 (g) DEFINITIONS.—For purposes of this section—

23 (1) information concerning numbers of employ-
24 ees shall be reported in a manner consistent with the
25 reporting of information (including the definitions of

1 terms) requested from governments by the Bureau
2 of the Census in the Survey of Government Employ-
3 ment for the 1982 Census of Governments, as au-
4 thorized in accordance with section 161 of title 13,
5 United States Code;

6 (2) the term “government” means a State, a
7 local unit of general purpose government, a public
8 agency, or a local educational agency; and

9 (3) the term “regular unsubsidized employee”
10 means any employee whose wages are paid in whole
11 or in part from non-Federal funds, but does not in-
12 clude any employee whose wages are paid in whole
13 or in part with funds made available under this Act.

14 **SEC. 403. FISCAL CONTROLS; SANCTIONS.**

15 (a) GAO REVIEW.—

16 (1) EVALUATION REQUIRED.—The Comptroller
17 General of the United States shall, on a selective
18 basis, evaluate the expenditures by the recipients
19 under this Act in order to assure that expenditures
20 are consistent with the provisions of this Act and to
21 determine the effectiveness of each recipient in ac-
22 complishing the purposes of this Act. The Comptrol-
23 ler General shall conduct the evaluations whenever
24 necessary and shall periodically (at least annually)

1 report to the Congress on the findings of such eval-
2 uations.

3 (2) IG RESPONSIBILITIES NOT AFFECTED.—
4 Nothing in this Act shall be deemed to relieve the
5 Inspector General of the Department of Labor or
6 the Inspector General of the Department of Edu-
7 cation of responsibilities under the Inspector General
8 Act.

9 (3) ACCESS TO RECORDS.—The purpose of eval-
10 uating and reviewing programs established or pro-
11 vided for by this Act, the Comptroller General shall
12 have access to and the right to copy any books, ac-
13 counts, records, correspondence, or other documents
14 pertinent to such programs that are in the posses-
15 sion, custody, or control of any recipient of funds
16 under this Act, or any contractor or subcontractor of
17 such recipients.

18 (b) REPAYMENT REQUIRED.—Every recipient shall
19 repay to the United States amounts found not to have
20 been expended in accordance with this Act. The Secretary
21 may offset such amounts against any other amount to
22 which the recipient is or may be entitled under this Act
23 unless he determines that such recipient should be held
24 liable pursuant to subsection (c). No such action shall be

1 taken except after notice and opportunity for a hearing
2 have been given to the recipient.

3 (c) PROCEDURE FOR REPAYMENT.—

4 (1) STANDARD FOR REPAYMENT.—Each recipi-
5 ent shall be liable to repay such amounts, from
6 funds other than funds received under this Act,
7 upon a determination that the misexpenditure of
8 funds was due to willful disregard of the require-
9 ments of this Act, gross negligence, or failure to ob-
10 serve accepted standards of administration. No such
11 finding shall be made except after notice and oppor-
12 tunity for a fair hearing.

13 (2) DETERMINATION REQUIRED.—In determin-
14 ing whether to impose any sanction authorized by
15 this section against a recipient for violations by a
16 subcontractor of such recipient under this Act, the
17 Secretary shall first determine whether such recipi-
18 ent has adequately demonstrated that it has—

19 (A) established and adhered to an appro-
20 priate system for the award and monitoring of
21 contracts with subcontractors which contains
22 acceptable standards for ensuring accountabil-
23 ity;

1 (B) entered into a written contract with
2 such subcontractor which established clear goals
3 and obligations in unambiguous terms;

4 (C) acted with due diligence to monitor the
5 implementation of the contract, including the
6 carrying out of the appropriate monitoring ac-
7 tivities (including audits) at reasonable inter-
8 vals; and

9 (D) taken prompt and appropriate correc-
10 tive action upon becoming aware of any evi-
11 dence of a violation of this Act by such sub-
12 contractor.

13 (3) WAIVER PERMITTED.—If the Secretary de-
14 termines that the recipient has demonstrated sub-
15 stantial compliance with the requirements of para-
16 graph (2), the Secretary may waive the imposition of
17 sanctions authorized by this section upon such recip-
18 ient. The Secretary is authorized to impose any
19 sanction consistent with the provisions of this Act
20 and of any applicable Federal or State law directly
21 against any subcontractor for violation of this Act.

22 (d) EMERGENCY ACTIONS.—In emergency situations,
23 if the Secretary determines it is necessary to protect the
24 integrity of the funds or ensure the proper operation of
25 the program, the Secretary may immediately terminate or

1 suspend financial assistance, in whole or in part, if the
2 recipient is given prompt notice and the opportunity for
3 a subsequent hearing within 30 days after such termi-
4 nation or suspension. The Secretary shall not delegate any
5 of the functions or authority specified in this subsection,
6 other than to an officer whose appointment was required
7 to be made by and with the advice and consent of the
8 Senate.

9 (e) DISCRIMINATION REMEDIES.—If the Secretary
10 determines that any recipient under this Act has dis-
11 charged or in any other manner discriminated against a
12 participant or against any individual in connection with
13 the administration of the program involved, or against any
14 individual because such individual has filed any complaint
15 or instituted or caused to be instituted any proceeding
16 under or related to this Act, or has testified or is about
17 to testify in any such proceeding or investigation under
18 or related to this Act, or otherwise unlawfully denied to
19 any individual a benefit to which that individual is entitled
20 under the provisions of this Act, the Secretary shall, with-
21 in thirty days, take such action or order such corrective
22 measures, as necessary, with respect to the recipient or
23 the aggrieved individual, or both.

1 (f) ADDITIONAL REMEDIES.—The remedies under
2 this section shall not be construed to be exclusive
3 remedies.

4 (g) RECORD KEEPING.—Recipients shall keep
5 records that are sufficient to permit the preparation of
6 reports required by this Act and to permit the tracing of
7 funds to a level of expenditure adequate to insure that
8 the funds have not been spent unlawfully.

9 (h) INVESTIGATIONS.—

10 (1) CONDUCT AUTHORIZED.—In order to insure
11 compliance with the provisions of this Act, the
12 Comptroller General of the United States may con-
13 duct investigations of the use of funds received
14 under this Act by any recipient.

15 (2) USE OF EXISTING RECORDS.—In conduct-
16 ing any investigation under this Act, the Secretary
17 or the Comptroller General of the United States may
18 not request the compilation of any new information
19 not readily available to such recipient.

20 **SEC. 404. JUDICIAL REVIEW.**

21 (a) REVIEW PERMITTED.—

22 (1) APPELLATE REVIEW.—With respect to any
23 corrective action or sanction imposed under section
24 403 by the Secretary, any party to a proceeding
25 which resulted in such action or sanction may obtain

1 review of such action or sanction in the United
2 States Court of Appeals having jurisdiction over the
3 applicant or recipient of funds, by filing a review
4 petition within 30 days of such final order.

5 (2) FILING OF RECORD.—The clerk of the court
6 shall transmit a copy of the review petition to the
7 Secretary who shall file the record upon which the
8 action or sanction was entered as provided in section
9 2112 of title 28, United States Code. Review peti-
10 tions, unless ordered by the court, shall not stay the
11 Secretary's action or sanction. Petitions under this
12 Act shall be heard expeditiously, if possible within
13 ten days of the filing of a reply brief.

14 (b) JURISDICTION.—The court shall have jurisdiction
15 to make and enter a decree affirming, modifying, or set-
16 ting aside the action or sanction of the Secretary in whole
17 or in part. The court's judgment shall be final, subject
18 to certiorari review by the Supreme Court of the United
19 States as provided in section 1254(1) of title 28, United
20 States Code.

21 **SEC. 405. AUTHORIZATION OF APPROPRIATIONS.**

22 (a) IN GENERAL.—In order to provide employment
23 opportunities for unemployed individuals under this Act—

24 (1) there are authorized to be appropriated
25 \$4,500,000,000 for fiscal year 1994; and

1 (2) there are authorized to be appropriated for
2 each succeeding fiscal year not more than the prod-
3 uct of (A) 4 percent of the total number of unem-
4 ployed individuals (seasonally adjusted), multiplied
5 by (B) the most recent average rate determined by
6 the Secretary under section 401(g)(2).

7 (b) DIVISION BETWEEN TITLES.—Of the amount ap-
8 propriated pursuant to subsection (a) for any fiscal year—

9 (1) 80 percent shall be available for purposes of
10 title II,

11 (2) 10 percent shall be available for purposes of
12 part A of title III, and

13 (3) 10 percent shall be available for purposes of
14 part B of title III.

15 (c) DEFINITION.—For purposes of this section, the
16 number of unemployed individuals means the average
17 number of individuals in the civilian labor force of the
18 United States who, in the first three months of the cal-
19 endar year in which begins the fiscal year for which the
20 appropriation is to be made, had been unemployed as de-
21 termined by the Bureau of Labor Statistics on a season-
22 ally adjusted basis.

23 **SEC. 406. DEFINITIONS.**

24 (a) DEFINITIONS.—For the purposes of this Act—

1 (1) the term “economically disadvantaged”
2 means an individual who (A) receives, or is a mem-
3 ber of a family which receives, cash welfare pay-
4 ments under a Federal, State, or local welfare pro-
5 gram; (B) has, or is a member of a family which
6 has, received a total family income during the 6-
7 month period prior to certification (exclusive of un-
8 employment compensation, child support payments,
9 and welfare payments) which, in relation to family
10 size, was not in excess of the higher of (i) the pov-
11 erty level determined in accordance with criteria es-
12 tablished by the Director of the Office of Manage-
13 ment and Budget, or (ii) 70 percent of the lower liv-
14 ing standard income level; (C) receives, or is a mem-
15 ber of a family which receives, food stamps pursuant
16 to the Food Stamp Act of 1977; (D) is a foster child
17 on behalf of whom State or local government pay-
18 ments are made; or (E) is a handicapped individual
19 whose own income meets the requirements of clause
20 (A) or (B), but who is a member of a family whose
21 income does not meet such requirements;

22 (2) the term “institution of higher education”
23 has the meaning provided under section 1201(a) of
24 the Higher Education Act of 1965;

1 (3) the term “local educational agency” has the
2 meaning provided in section 521(22) of the Carl D.
3 Perkins Vocational Education Act;

4 (4) the term “public library” has the meaning
5 provided under section 3 of the Library Services and
6 Construction Act;

7 (5) the term “recipient” means any eligible ad-
8 ministrative entity or State receiving funds under an
9 allotment for title II, any State or local educational
10 agency receiving funds under an allotment for part
11 A of title III, and any State higher education build-
12 ing agency or institution of higher education receiv-
13 ing funds under an allotment for part B of such
14 title;

15 (6) the term “Secretary” means the Secretary
16 of Labor, except that—

17 (A) for purposes of title III, such term
18 means the Secretary of Education; and

19 (B) with respect to sections 401(h), 403,
20 and 404, such term means either the Secretary
21 of Labor or the Secretary of Education, which-
22 ever is appropriate;

23 (7) the term “State” means any of the 50
24 States, the District of Columbia, the Commonwealth
25 of the Northern Mariana Islands, the Common-

1 wealth of Puerto Rico, American Samoa, Guam, the
2 Virgin Islands, the Federated States of Micronesia,
3 the Republic of the Marshall Islands, and Palau;

4 (8) the term “unemployed individuals” means
5 individuals aged sixteen or older who are without
6 jobs and who want and are available for work, as de-
7 termined in accordance with criteria used by the Bu-
8 reau of Labor Statistics of the Department of Labor
9 in defining individuals as unemployed, but such cri-
10 teria shall not be applied differently on account of
11 an individual’s previous employment; and

12 (9) the term “unit of general local government”
13 means any city, town, township, parish, or (except in
14 Connecticut, Massachusetts, Rhode Island, and Ver-
15 mont) county which is a general purpose political
16 subdivision of a State that has the power to levy
17 taxes and spend funds, as well as general corporate
18 and police powers.

19 (b) USE OF DATA.—In making determinations for
20 purposes of this Act with respect to population, civilian
21 labor force, and unemployment, the Secretary shall use the
22 most satisfactory current data available on a seasonally
23 adjusted basis.

24 (c) COMPUTATIONS.—For the purposes of computa-
25 tions of the number of unemployed individuals in a State,

1 county, or eligible administrative entity, the Secretary
2 shall determine the average number of individuals who
3 were unemployed during the most recent 12 months pre-
4 ceding the determination for which satisfactory data is
5 available.

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