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H. R. 4708

To establish a national public works program to provide incentives for the creation of jobs and address the restoration of infrastructure in communities across the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 30, 1994

Mr. MARTINEZ (for himself and Ms. WATERS) introduced the following bill; which was referred jointly to the Committees on Public Works and Transportation and Education and Labor

AUGUST 16, 1994

Additional sponsors: Mr. SCOTT, Mr. BECERRA, Mr. BERMAN, Mr. PASTOR, and Mr. FOGLIETTA

A BILL

To establish a national public works program to provide incentives for the creation of jobs and address the restoration of infrastructure in communities across the United States, 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 may be cited as the “Job Creation and In-
5 frastructure Restoration Act of 1994”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) the nation's infrastructure has suffered
4 greatly over the past three decades because of the
5 failure of the Federal government to renew and re-
6 store roads, bridges, public buildings, public lands
7 and other public assets;

8 (2) the lack of resources for the maintenance of
9 the infrastructure during this period has led to the
10 loss of both jobs and job skills in these vital areas,
11 with consequent increased unemployment and a re-
12 duction in the quality of life for residents of affected
13 areas;

14 (3) there is a critical need to renew and restore
15 both the public buildings and other assets, and the
16 jobs and job skills needed to ensure that those assets
17 are available for use by future generations;

18 (4) policies at the Federal level have dem-
19 onstrated diminished concern for the infrastructure
20 needs of the communities of the Nation and a shift-
21 ing of the burden for maintenance and creation of
22 highways, bridges, mass transit, and other infra-
23 structure on to local governments, in addition to the
24 burden for local needs (such as public safety, edu-
25 cation, health, and public welfare) that those juris-
26 dictions bear, thereby stretching already shrinking

1 resources beyond the capabilities of those govern-
2 ments to address these needs;

3 (5) Federal incentives that are specifically
4 linked to the development of jobs, and renewal of
5 important job skills will help reverse the trend to
6 continued erosion of the Nation's infrastructure;

7 (6) economic growth rates and future efficiency
8 and competitiveness of the national economy will be
9 substantially enhanced by programs of Federal Gov-
10 ernment assistance to state and local governments to
11 construct and rehabilitate the Nation's economic in-
12 frastructure;

13 (7) efforts to reform the welfare system are
14 based on the assumption that there will be jobs
15 available in the public and private sectors for cur-
16 rent welfare recipients, and for noncustodial parents
17 whose responsibilities include providing support for
18 their children;

19 (8) absent a concentrated effort on the part of
20 the Federal Government to create career jobs that
21 provide a living wage, efforts to reform the welfare
22 system are doomed to failure; and

23 (9) the creation of living wage jobs in conjunc-
24 tion with a large and sustained public works infra-
25 structure renewal program will reap significant re-

1 wards in direct tax payments at all levels of govern-
2 ment, increased economic expansion for the country,
3 and substantial reductions in the outlays for unem-
4 ployment support, welfare, Medicaid, and other gov-
5 ernment expenditures and will also lessen the burden
6 on government expenditures that result from lack of
7 employment for those at risk of entering a life of
8 crime.

9 **TITLE I—DEPARTMENT OF COMMERCE**

10 **GRANTS**

11 **SEC. 101. DEFINITIONS.**

12 (a) As used in this title, the following definitions
13 apply:

14 (1) **SECRETARY.**—The term “Secretary means
15 the Secretary of Commerce, acting through the Eco-
16 nomic Development Administration.

17 (2) **LOCAL GOVERNMENT.**—The term “local
18 government” means any city, county, town, parish or
19 other political subdivision of a State, and any Indian
20 tribe.

21 (3) **PUBLIC WORKS.**—The term “public works”
22 includes water and sewer lines, streets and roads,
23 water and sewage treatment plants or facilities, port
24 facilities, police and fire stations, detention centers,
25 schools, health facilities, industrial research or devel-

1 opment parks, research facilities at institutions of
2 higher learning, and other projects the Secretary de-
3 termines to be appropriate.

4 (4) STATE.—The term “State” includes the
5 several states, the District of Columbia, the Com-
6 monwealth of Puerto Rico, the Virgin Islands of the
7 United States, Guam, American Samoa, the Com-
8 monwealth of the Northern Marianas, and the Trust
9 Territory of the Pacific Islands.

10 **SEC. 102. DIRECT GRANTS.**

11 (a) CONSTRUCTION.—The Secretary is authorized to
12 make grants to any State or local government for the con-
13 struction (including demolition and other site preparation
14 activities), renovation, repair, restoration or other im-
15 provement of local public works projects, including those
16 public works projects of State and local governments for
17 which Federal financial assistance is authorized under
18 provisions of law other than this title or this Act. To the
19 extent appropriate, the Secretary may coordinate with
20 other Federal agencies in assessing grant requests, and
21 in providing appropriate levels of support.

22 (b) FEDERAL SHARE.—The Federal share of any
23 project for which a grant is made under this section shall
24 be no more than 90 percent of the cost of the project.

1 (c) TERMINATION OF GRANTS.—No new grants shall
2 be made pursuant to this section after the expiration of
3 any 3-consecutive month period during which the national
4 unemployment rate remained below 5.5 percent for each
5 such month, or after September 30, 1997, whichever first
6 occurs.

7 **SEC. 103. ALLOCATION OF FUNDS; PREFERENCES.**

8 (a) ALLOCATION OF FUNDS.—The Secretary shall al-
9 locate funds appropriated pursuant to section 9 of this
10 title as follows:

11 (1) INDIAN TRIBES.—Three-quarters of one
12 percent of such funds shall be set aside and shall be
13 expended only for grants for public works projects
14 under this title to Indian tribes and Alaska Native
15 villages. None of the remainder of such funds shall
16 be expended for such grants to such tribes and vil-
17 lages.

18 (2) OTHERS.—After the set-aside required by
19 paragraphs (1), (3), and (4) of this subsection, 60
20 percent of such funds shall be allocated among the
21 States on the basis of the ratio that the number of
22 unemployed persons in each State bears to the total
23 number of unemployed persons in all the States and
24 40 percent of such funds shall be allocated among
25 those States with an average unemployment rate for

1 the preceding 6-month period in excess of 6 percent
2 on the basis of the relative severity of unemployment
3 in each such State, except that no State shall be al-
4 located less than three-quarters of one percent or
5 more than twelve percent of such funds for local
6 public works projects within such State, except that
7 in the case of Guam, the Virgin Islands of the Unit-
8 ed States, American Samoa, the Commonwealth of
9 the Northern Mariana Islands, and the Trust Terri-
10 tory of the Pacific Islands, not less than one-half of
11 one percent in the aggregate shall be granted for
12 such projects in all five of such territories.

13 (3) SET-ASIDE.—Not less than 10 percent of
14 each State's allocations shall be set aside and shall
15 be expended only for grants for public works
16 projects under this title for local units of general
17 government with populations under 10,000.

18 (4) DEVELOPMENT AND ADMINISTRATION.—Up
19 to three-quarters of 1 percent of the total grant
20 award will be available for project development and
21 preparation, and for ongoing project administration.
22 This allocation shall be available for local units of
23 government defined as nonentitlement under the
24 Housing and Urban Development Community Devel-

1 opment Block Grant Program. Such allocation shall
2 not exceed \$15,000 for any single grant award.

3 (b) PREFERENCES.—

4 (1) LOCAL GOVERNMENT PROJECTS.—In mak-
5 ing grants under this title, the Secretary shall give
6 priority to public works projects of local govern-
7 ments.

8 (2) LOCALLY ENDORSED PROJECTS.—In mak-
9 ing grants under this title, the Secretary shall also
10 give priority to any public works projects requested
11 by a State or by a special purpose unit of local gov-
12 ernment which is endorsed by a general purpose
13 local government within such State.

14 (3) SCHOOL DISTRICT PROJECTS.—A project
15 requested by a school district shall be accorded the
16 full priority and preference to public works projects
17 of local governments provided in this subsection.

18 (4) APPLIES INDUSTRIAL RESEARCH PROJ-
19 ECTS.—A project that creates or adds to an applied
20 research facility at an institution of higher edu-
21 cation, and that facility is intended to promote the
22 development of new products and processes, or that
23 the Secretary determines will improve the competi-
24 tiveness of America industry shall be accorded full
25 priority and preference. For projects under this sec-

1 tion, matching funds requirements shall be waived if
2 the company or companies and school involved com-
3 mit, in the Secretary's determination, to undertake
4 all future equipment and maintenance expenses.

5 (c) HIGH UNEMPLOYMENT RATES.—

6 (1) PRIORITY.—In making grants under this
7 title, if for the 12 most recent consecutive months
8 the average national unemployment rate is equal to
9 or exceeds 6 percent, the Secretary shall—

10 (A) expedite and give priority to applica-
11 tions submitted by States or local governments
12 having unemployment rates for the 12 most re-
13 cent consecutive months in excess of the na-
14 tional unemployment rate, and

15 (B) shall give priority thereafter to appli-
16 cations submitted by States or local govern-
17 ments having average unemployment rates for
18 the 12 most recent consecutive months in ex-
19 cess of 6 percent, but less than the national un-
20 employment rate.

21 (2) INFORMATION REGARDING UNEMPLOYMENT
22 RATES.—Information regarding unemployment rates
23 may be furnished either by the Federal Government,
24 or by States or local governments, provided the Sec-
25 retary (A) determines that the unemployment rates

1 furnished by States or local governments are accu-
2 rate, and (B) shall provide assistance to States or
3 local governments in the calculation of such rates to
4 assure validity and standardization.

5 (3) LIMITATION ON APPLICABILITY.—Para-
6 graph (1) of this subsection shall not apply to any
7 State which receives a minimum allocation pursuant
8 to paragraph (2) of subsection (a) of this section.

9 (d) STATE AND LOCAL PRIORITIZATION OF APPLICA-
10 TIONS.—Whenever a State or local government submits
11 applications for grants under this title for 2 or more
12 projects, such State or local government shall submit as
13 part of such applications its priority for each such project.

14 (e) LOCALIZATION OF UNEMPLOYMENT DETERMINA-
15 TIONS.—The unemployment rate of a local government
16 may, for purposes of this title, and upon request of the
17 applicant, be based upon the unemployment rate of any
18 community or neighborhood (defined without regard to po-
19 litical or other subdivisions or boundaries) within the ju-
20 risdiction of such local government.

21 **SEC. 104. RULES, REGULATIONS, AND PROCEDURES.**

22 (a) IN GENERAL.—The Secretary shall, not later
23 than 30 days after the date of enactment of this title, pre-
24 scribe those rules, regulations, and procedures (including
25 application forms) necessary to carry out this Act. Such

1 rules, regulations, and procedures shall assure that ade-
2 quate consideration is given to the relative needs of var-
3 ious sections of the country. The Secretary shall consider
4 among other factors—

5 (1) the severity and duration of unemployment
6 in proposed project areas,

7 (2) the income levels and extent of
8 underemployment in proposed project areas,

9 (3) the extent to which proposed project areas
10 will contribute to the reduction of unemployment
11 and future economic growth, and

12 (4) the needs of proposed project areas to re-
13 cover from natural or other disaster which has af-
14 fected the infrastructure of such area.

15 (b) CONSIDERATION OF APPLICATIONS.—The Sec-
16 retary shall make a final determination with respect to
17 each application for a grant submitted under this title not
18 later than the 60th day after the date the Secretary re-
19 ceives such application.

20 (c) CONSIDERATION OF CONSTRUCTION INDUSTRY
21 UNEMPLOYMENT.—For purposes of this section, in con-
22 sidering the extent of unemployment or underemployment,
23 the Secretary shall consider the amount of unemployment
24 or underemployment in the construction and construction-
25 related industries.

1 **SEC. 105. GENERAL LIMITATIONS.**

2 (a) ACQUISITION OF LAND.—No part of any grant
3 made under section 102 of this title shall be used for the
4 acquisition of any interest in real property.

5 (b) MAINTENANCE COSTS.—Nothing in this title
6 shall be construed to authorize the payment of routine
7 scheduled maintenance costs in connection with any
8 projects constructed (in whole or in part) with Federal fi-
9 nancial assistance under this title.

10 (c) ON-SITE LABOR.—Grants made by the Secretary
11 under this title shall be made only for projects for which
12 the applicant gives satisfactory assurances, in such man-
13 ner and form as may be required by the Secretary and
14 in accordance with such terms and conditions as the Sec-
15 retary may prescribe, that, if funds are available, on-site
16 labor work can begin within 90 days of project approval.

17 (d) CONTRACTING.—

18 (1) CONTRACTING OUT REQUIRED.—No part of
19 the construction (including demolition and other site
20 preparation activities), renovation, restoration, re-
21 pair, or other improvement of any public works
22 project for which a grant is made under this title,
23 shall be performed directly by any department, agen-
24 cy, or instrumentality of any State or local govern-
25 ment.

1 (2) COMPETITIVE BIDDING.—Construction of
2 each project for which a grant is made under this
3 title shall be performed by contract awarded by com-
4 petitive bidding, unless the Secretary shall affirma-
5 tively find that, under the circumstances relating to
6 such project, an alternative method is in the public
7 interest.

8 (3) LOWEST RESPONSIVE BID.—Contracts for
9 the construction of each project for which a grant is
10 made under this title shall be awarded only on the
11 basis of the lowest responsive bid submitted by a
12 bidder meeting the established criteria of responsibil-
13 ity, subject to subsection (c) of this section.

14 (4) ADVERTISING.—No requirement or obliga-
15 tion shall be imposed as a condition precedent to the
16 award of a contract to a bidder for a project for
17 which a grant is made under this title, or to the Sec-
18 retary's concurrence in the award of a contract to
19 such bidder, unless such requirement or obligation is
20 otherwise lawful and is specifically set forth in the
21 advertised specifications or in this title.

22 (e) ENVIRONMENTAL SAFEGUARDS.—All local public
23 works projects carried out with Federal financial assist-
24 ance under this title shall comply with all relevant Federal,
25 State and local environmental laws and regulations.

1 (f) BUY AMERICAN.—If a local public works project
2 carried out with Federal financial assistance under this
3 title would be eligible for Federal financial assistance
4 under provisions of law other than this Act and, under
5 such other provisions of law, would be subject to title III
6 of the Act of March 3, 1933, popularly known as the Buy
7 America Act, or similar requirements, such project shall
8 be subject to such title of such Act of March 3, 1933,
9 or such similar requirements under this Act in the same
10 manner and to the same extent as such project would be
11 subject to such title of such Act of March 3, 1933, or such
12 similar requirements under such other provisions of law.

13 (g) MINORITY PARTICIPATION.—If a local public
14 works project carried out with Federal financial assistance
15 under this title would be eligible for Federal financial as-
16 sistance under provisions of law other than this Act and,
17 under such other provision of law, would be subject to any
18 minority participation requirement, such project shall be
19 subject to such requirement under this Act, in the same
20 manner and to the same extent as such project would be
21 subject to such requirement under such other provisions
22 of law.

23 (h) APPLICABILITY OF LAWS REGARDING INDIVID-
24 UALS WITH DISABILITIES.—Sections 504 and 505 of the
25 Rehabilitation Act of 1973 and the Americans With Dis-

1 abilities Act of 1990 shall apply to local public works
2 projects carried out under this title.

3 **SEC. 106. FUNDING.**

4 There is authorized to be appropriated
5 \$25,000,000,000 for fiscal years 1995, 1996 and 1997 to
6 carry out this title. Moneys appropriated pursuant to this
7 authorization shall remain available until expended. Any
8 amounts made available under this title for fiscal year
9 1995 shall be deemed to be emergency spending under sec-
10 tion 251(b)(2)(D) of the Balanced Budget and Emergency
11 Deficit Control Act of 1985.

12 **TITLE II—PUBLIC WORKS AND JOB**
13 **RESTORATION**

14 **Subtitle A—Jobs 2000**

15 **SEC. 201. SHORT TITLE.**

16 This subtitle may be cited as the “Jobs 2000 Act of
17 1994”.

18 **SEC. 202. PURPOSE.**

19 It is the purpose of this subtitle to develop and pro-
20 vide useful and productive opportunities for unemployed
21 and underemployed people, especially young people,
22 through payments for labor and related costs associated
23 with the construction, repair or rehabilitation of essential
24 community and educational facilities; with the reclama-
25 tion, improvement and conservation of public lands; and

1 with the creation, repair, rehabilitation and restoration of
2 public safety, public transportation, health, social services
3 and recreation facilities and other activities necessary to
4 the public welfare.

5 **SEC. 203. ELIGIBLE PARTICIPANTS.**

6 (a) GENERAL ELIGIBILITY REQUIREMENTS.—An in-
7 dividual shall be eligible to participate in a program,
8 project or activity receiving funds under this subtitle only
9 if such individual—

10 (1) is a lawful permanent resident or citizen of
11 the United States,

12 (2) is an unemployed individual at the time of
13 enrollment, and

14 (3) has been unemployed for at least 30 days
15 immediately preceding the date of such enrollment,
16 except as otherwise provided in subsection (e) of this
17 section and section 222. Individuals may be certified
18 for purposes of this section in accordance with pro-
19 cedures agreed to by the eligible administrative en-
20 tity and established in regulations established by the
21 Secretary.

22 (b) DURATION OF ELIGIBILITY.—No individual who
23 is eligible under subsection (a) shall receive wages from
24 funds made available under this subtitle in excess of 52

1 weeks in any 2-year period, in accordance with the follow-
2 ing subsidy schedule—

3 (1) up to 75 percent of the participant's wages
4 may be subsidized for the first 26 weeks,

5 (2) up to 50 percent of the participant's wages
6 may be subsidized for the next 13 weeks, and

7 (3) up to 25 percent of the participant's wages
8 may be subsidized for the next 13 weeks.

9 (c) PRIORITY FOR PARTICIPATION.—In the selection
10 of participants for activities under this subtitle, priority
11 shall be given to individuals who—

12 (1) at the time of selection, have exhausted or
13 are otherwise not eligible for unemployment benefits,
14 particularly—

15 (A) those individuals who have been unem-
16 ployed for the longest periods of time preceding
17 the date of their selection,

18 (B) those residing in households in which
19 no other member is employed on a full-time
20 basis, and

21 (C) those individuals who are or were
22 qualified participants in a Trade Adjustment
23 Act program or other Federal program provid-
24 ing job reemployment assistance due to base

1 closure, factory closure or other job loss due to
2 economic factors; and

3 (2) have been employed within the past 2 years
4 by the employer that is providing the subsidized job
5 position.

6 (d) SPECIAL CONSIDERATION FOR WELFARE RECIPI-
7 ENTS.—Entities receiving funds under this subtitle shall
8 give special consideration to applicants who are—

9 (1) custodial parents of children who are recipi-
10 ents of assistance under title IV of the Social Secu-
11 rity Act, and

12 (2) noncustodial parents of nondependent chil-
13 dren who are recipients of assistance under title IV
14 of the Social Security Act, but only if said applicants
15 agree in writing to the withholding of an appropriate
16 portion of their wages to be applied to the support
17 of said children under any child support order.

18 (e) SPECIAL CONSIDERATION FOR VETERANS.—With
19 regard to services to veterans provided under section
20 210(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 (f) EQUAL EMPLOYMENT OPPORTUNITIES.—In cer-
25 tifying eligible participants under subsection (a) and in re-

1 ferring them for employment to recipients under subtitles
2 B and C, 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 sub-
7 title. Each recipient of funds under subtitle B or C shall
8 be responsible for ensuring such opportunities and full
9 participation in the selection of eligible participants for
10 such employment.

11 **SEC. 204. 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 subtitles B and C 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 subtitle B or C 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 subtitle B or C from funds appropriated

1 for any fiscal year (after compliance with subsection (a)
2 and deduction of costs of administration permitted by sub-
3 section (b)) may be used for the acquisition of supplies,
4 tools, equipment, and other materials directly related to
5 the purpose for which the funds were provided.

6 (d) USE OF OTHER FUNDS.—

7 (1) USE OF ACQUISITION COSTS.—Nothing in
8 this Act shall be construed to preclude or limit the
9 payment of the costs of administration or the costs
10 of supplies, tools, equipment, or other materials di-
11 rectly related to the project or program being fund-
12 ed, either in whole or in part, from non-Federal
13 sources or from Federal sources other than this Act,
14 such as section 106 of the Housing and Community
15 Development Act of 1974 (42 U.S.C. 5306).

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

1 (e) TRAINING COST EXCEPTION.—Notwithstanding
2 subsection (a), funds available under subtitle B may be
3 used for costs associated with training and related support
4 for a number of participants if—

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

8 (2) the recipient has entered into an agreement
9 for the provision of such training to participants
10 with one or more of the following: an administrative
11 entity designated under section 103(b)(1)(B) of the
12 Job Training Partnership Act (29 U.S.C.
13 1513(b)(1)(B), a local educational agency, a voca-
14 tional education school, an institution of higher edu-
15 cation, a community-based organization, a commu-
16 nity action agency, a community development cor-
17 poration, or other qualified public or private non-
18 profit provider of training services; and

19 (3) the costs associated with providing such
20 training and related support to any participant from
21 funds available under this Act do not exceed, on a
22 weekly basis, the maximum wage which may be paid
23 with funds available under this Act in accordance
24 with section 301(g)(2).

1 (f) SALARY LIMITATION.—Funds available for the
2 cost of administration pursuant to subsection (b) may not
3 be used to pay salaries or wages to administrative or su-
4 pervisory employees—

5 (1) at a rate that is greater than the rate of the
6 salaries or wages paid to employees performing com-
7 parable functions for the same employer, or

8 (2) if there is no such comparable rate, at a
9 rate which is in excess of the rate of pay prescribed
10 for GS-13 of the General Schedule with respect to
11 employees of the Federal Government.

12 Subtitle B—Employment in Support of Community
13 Renewal

14 PART A—COMMUNITY IMPROVEMENT PROJECTS

15 **SEC. 210. EMPLOYMENT IN COMMUNITY IMPROVEMENT**
16 **PROJECTS.**

17 (a) QUALIFIED ACTIVITIES.—Eligible participants
18 shall be employed in community improvement projects
19 under this subtitle in one or more of the following activi-
20 ties:

21 (1) Repair, rehabilitation, or improvement of
22 public facilities, including—

23 (A) street, highway or road repair,

24 (B) painting and/or repair of bridges and
25 pedestrian overpasses or underpasses,

1 (C) rehabilitation or repair of community
2 facilities such as public libraries or other public
3 buildings,

4 (D) rehabilitation, repair and moderniza-
5 tion of public housing,

6 (E) water development projects and repair
7 of water systems,

8 (F) repair and rehabilitation of public
9 mass transit systems,

10 (G) erecting and replacing school crossing,
11 intersection and other road surface or sign
12 markings and removing road or public sidewalk
13 obstructions,

14 (H) rehabilitation of public playgrounds
15 and parks,

16 (I) installation and repair of drainage
17 pipes, catch basins or other portions of control
18 of potential flooding,

19 (J) installation of graded ramps and as-
20 sistance devices such as handrails for the handi-
21 capped, and

22 (K) weatherization and other energy con-
23 servation activities.

24 (2) Activities to conserve, restore, rehabilitate
25 or improve public lands, including—

1 (A) erosion, fire, flood, drought, earth-
2 quake, and storm damage prevention, assist-
3 ance, and control,

4 (B) removal of refuse and hazardous mate-
5 rials from drainage ditches, illegal dumping
6 sites, and other public areas,

7 (C) stream, lake and waterfront harbor
8 and port improvement and pollution control,

9 (D) nursery, forestry and silvicultural op-
10 erations,

11 (E) reclamation activities on public lands
12 that have been stripmined or subjected to other
13 mineral extraction activities,

14 (F) fish culture and habitat maintenance
15 and improvement and other fishery assistance,

16 (G) rehabilitation, improvement and con-
17 servation of rangelands,

18 (H) urban revitalization and historical and
19 cultural site preservation,

20 (I) road and trail maintenance and im-
21 provement,

22 (J) improvement and reuse of abandoned
23 railroad bed and right-of-way, and

1 (K) renewable resource enhancement, en-
2 ergy conservation projects and recovery of bio-
3 mass.

4 (3) Public safety, health, social service, and
5 other activities necessary to the public welfare, in-
6 cluding—

7 (A) fire hazard inspection and repair, and
8 repairing or replacing fire hydrants,

9 (B) emergency food and shelter activities,

10 (C) child and dependent care activities de-
11 signed to enable parents to become fully em-
12 ployed,

13 (D) assisting in nutrition programs for
14 children, the elderly and the disabled,

15 (E) other services, for the elderly or dis-
16 abled, including meals on wheels, inhome serv-
17 ices, and respite care,

18 (F) disaster relief efforts to assist victims,

19 (G) upgrading personal and residential se-
20 curity for elderly and low-income residents of
21 public or publicly assisted housing,

22 (H) public health services, including assist-
23 ance in community health centers,

24 (I) emergency medical and rescue services,

25 (J) drug and alcohol abuse programs,

1 (K) domestic violence programs, including
2 prevention of child abuse,

3 (L) education and training assistance, in-
4 cluding family literacy, English as a second lan-
5 guage, basic skills education, remedial tutoring,
6 and occupational skills training,

7 (M) assisting public library programs, in-
8 cluding library aides programs and book-
9 mobiles,

10 (N) employment counseling, homelessness
11 prevention and other services to veterans,

12 (O) security guards for public schools and
13 public housing projects,

14 (P) police support such as dispatchers,
15 neighborhood watch, and traffic control to free
16 police officers for full time street duty,

17 (Q) staff support for juvenile and adult
18 correctional facilities,

19 (R) rodent and insect control activities,

20 (S) hazardous materials surveys, and

21 (T) unemployment counseling and job
22 placement services.

23 (b) JOINT PROGRAMS AUTHORIZED.—Nothing in
24 this subtitle shall be construed to preclude such activities

1 from being conducted in conjunction with programs fund-
2 ed from sources other than under this subtitle.

3 (c) DEFINITION OF PROJECT.—For the purpose of
4 this section, the term “project” means a definable task
5 or group of related tasks which—

6 (1) will be carried out by a government depart-
7 ment, public or quasi-public agency, private non-
8 profit organization or private contractor,

9 (2) will be completed within 24 months,

10 (3) is an activity authorized under this section
11 or section 231(b),

12 (4) will result in a specific product or accom-
13 plishment,

14 (5) would not otherwise be conducted with ex-
15 isting funds, and

16 (6) will meet the priorities established in section
17 214.

18 (d) PUBLIC LANDS PROJECTS LIMITATIONS.—

19 (1) BENEFITS AND REIMBURSEMENT.—Projects
20 to be carried out under subsection (a)(2) shall be
21 limited to projects on public lands or Indian lands
22 except where a project involving other lands will pro-
23 vide a documented public benefit and reimbursement
24 will be provided to the recipient for that portion of
25 the total cost of the project which does not provide

1 a public benefit. Notwithstanding any other provi-
2 sion of law, any reimbursement referred to in the
3 preceding sentence shall be retained by the recipient
4 and shall be used by the recipient for purposes of
5 carrying out other projects under this subtitle.

6 (2) CONSISTENCY WITH LAWS AND POLICIES.—
7 All projects carried out under this Act for conserva-
8 tion, rehabilitation, restoration, or improvement of
9 any public lands or Indian lands shall be consistent
10 with the provisions of law and policies relating to the
11 management and administration of such lands, with
12 all other applicable provisions of law, and with all
13 management, operational, and other plans and docu-
14 ments which govern the administration of the area.

15 **SEC. 211. ELIGIBLE ADMINISTRATIVE ENTITIES.**

16 (a) IN GENERAL.—Except as otherwise provided in
17 this section, an eligible administrative entity under this
18 title shall be an administrative entity under section
19 103(b)(1)(B) of the Job Training Partnership Act (29
20 U.S.C. 1513(b)(1)(B)) that serves one or more eligible ju-
21 risdictions.

22 (b) ELIGIBLE JURISDICTION.—An eligible jurisdic-
23 tion under this subtitle is an area which has an unemploy-
24 ment rate in excess of 6 percent and which is—

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

3 (2) a consortium of contiguous units of general
4 local government which includes—

5 (A) two or more municipal governments at
6 least one of which is an eligible jurisdiction
7 under paragraph (1);

8 (B) a combination of one or more such
9 municipal governments and one or more county
10 governments (or equivalents); or

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

14 (3) a contiguous group of census tracts that
15 constitutes an area of substantial unemployment (as
16 that term is defined in section 212(c)) that is not
17 within an area that is an eligible jurisdiction under
18 paragraph (1) or (2); or

19 (4) any Native American Indian Tribe, band, or
20 group on a Federal or State reservation, the Okla-
21 homa Indians, and any Alaska Native village or
22 group as defined in the Alaska Native Claims Settle-
23 ment Act, having a governing body.

24 (c) QUALIFICATION OF ADMINISTRATIVE
25 ENTITIES.—

1 (1) IN GENERAL.—An administrative entity
2 that serves an eligible jurisdiction shall qualify as an
3 eligible administrative entity for that eligible juris-
4 diction by filing, within 30 days of the allotment of
5 funds to such area under section 212, a statement
6 in accordance with section 213 with respect to the
7 use of such allotment. If no such administrative en-
8 tity files such a statement within such 30 days, the
9 Secretary may, on the basis of the filing of such a
10 statement, qualify another administrative entity
11 within the same State to serve that jurisdiction.

12 (2) PRESERVATION OF LOCAL SERVICE.—A
13 larger unit of general local government (determined
14 on the basis of population) shall not qualify as an
15 eligible administrative entity to serve the population
16 of any geographic area within the jurisdiction of any
17 smaller unit of general local government (determined
18 on the basis of population) if the latter such unit is
19 or is part of an eligible administrative entity that
20 has filed a statement under section 213 with respect
21 to the use of funds provided under this title for such
22 area.

23 **SEC. 212. ALLOTMENT OF FUNDS.**

24 (a) NATIVE AMERICAN ALLOTMENT.—

1 (1) FUNDS RESERVED.—From the amount
2 available for purposes of this title for any fiscal year
3 (exclusive of the amount available for subpart C),
4 the Secretary shall reserve 2 percent for allotments
5 among Native American eligible jurisdictions de-
6 scribed in section 211(b)(4) in accordance with para-
7 graph (2).

8 (2) ALLOTMENTS.—The amounts which are re-
9 quired by paragraph (1) to be allotted in accordance
10 with this paragraph among Native American eligible
11 jurisdictions shall be allotted among such jurisdic-
12 tions on an equitable basis, taking into account the
13 extent to which regular employment opportunities
14 have been lacking for long-term periods among indi-
15 viduals within the jurisdiction of such entities.

16 (b) GENERAL ALLOTMENTS.—

17 (1) RESERVATION.—The remainder of the
18 amount available for this subtitle for any fiscal year
19 (after making the allotment required by subsection
20 (a)) shall be allotted by the Secretary to the States
21 for allocation to eligible jurisdictions within each
22 State. Each State shall allocate to the eligible jurisdic-
23 tions within the State such amounts as deter-
24 mined by the Secretary pursuant to the formula con-
25 tained in paragraph (2).

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

3 (A) $33\frac{1}{3}$ percent shall be allotted on the
4 basis of the relative number of unemployed in-
5 dividuals residing in areas of substantial unem-
6 ployment within each eligible jurisdiction as
7 compared to the total number of such unem-
8 ployed individuals in all eligible jurisdictions in
9 all States; and

10 (B) $66\frac{2}{3}$ percent shall be allotted on the
11 basis of the relative number of unemployed in-
12 dividuals residing within each eligible jurisdic-
13 tion as compared to the total number of unem-
14 ployed individuals residing in all eligible juris-
15 dictions in all States.

16 (3) LIMITATIONS ON FORMULA.—The total al-
17 lotment for all eligible jurisdictions within any one
18 State shall not be less than one-quarter of one per-
19 cent of the total allotted to all eligible jurisdictions
20 in all States.

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

22 (1) The term “area of substantial unemploy-
23 ment” means any area of sufficient size and scope
24 to sustain a program under this subtitle and which
25 has an average rate of unemployment of at least 6.0

1 percent for the most recent 12 months as deter-
2 mined by the Secretary. Determinations of areas of
3 substantial unemployment shall be made once each
4 fiscal year.

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

13 **SEC. 213. REQUIREMENTS FOR RECEIPT OF ALLOTMENT.**

14 (a) SUBMISSION OF STATEMENT.—

15 (1) CONTENTS OF STATEMENT.—Each eligible
16 administrative entity which desires to receive its al-
17 lotment under section 212 shall, within 30 days
18 after receiving notice of such allotment, submit to
19 the Secretary a statement—

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

22 (B) agreeing to use funds only in accord-
23 ance with the provisions of this Act;

24 (C) agreeing to use such funds for projects
25 or activities under subpart A, B, and C of this

1 subtitle and for which, to the maximum extent
2 feasible, on-site labor can begin within 45 days
3 of receipt of funds under this subtitle; and

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

6 (2) ACTION BY SECRETARY.—Within 30 days
7 after the final day for the submission of statements
8 required by paragraph (1), the Secretary shall, on
9 the basis of only those eligible administrative entities
10 submitting such statements, make a final allotment
11 of funds in accordance with section 212, and shall
12 notify each such eligible administrative entity of the
13 amount of its final allotment.

14 (b) PAYMENT OF ALLOTMENTS.—

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

23 (2) PREVIOUS FISCAL YEAR PAYMENTS.—For
24 any fiscal year which began prior to the date of en-
25 actment of this Act, the Secretary shall, not later

1 than 30 days after the final allotment of funds for
2 such fiscal year under subsection (a)(2), pay to each
3 eligible administrative entity which has filed a state-
4 ment the total amount of such allotment.

5 (c) REPORTS ON USE OF FUNDS.—Not later than 45
6 days after the end of each calendar quarter, each eligible
7 administrative entity which has, during such quarter, ex-
8 pended funds made available under this subtitle (in that
9 or a preceding quarter) shall submit to the Secretary a
10 report on the use of such funds. Such report shall—

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

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

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

23 (d) WITHHOLDING SUBJECT TO PROCEDURES.—The
24 Secretary may not withhold, suspend, or terminate the

1 payment of any installment of an allotment except in ac-
2 cordance with section 303.

3 **SEC. 214. PROJECT DESIGN.**

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

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

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

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

15 (4) the extent to which the activities will pro-
16 vide long-term benefits to the public,

17 (5) the extent to which the activities will instill
18 in the enrollee involved a work ethic and a sense of
19 public service,

20 (6) the extent to which the project will be labor
21 intensive, and

22 (7) the extent to which the project can be
23 planned and initiated promptly.

24 (b) COORDINATION.—To the extent feasible, employ-
25 ment opportunities established with funds made available

1 under this subtitle shall be coordinated with other Federal,
2 State and local activities, including vocational and adult
3 education, job training provided with funds available
4 under the Job Training Partnership Act (29 U.S.C. 1501
5 et seq.), the Family Support Act of 1988, and activities
6 receiving funds available under section 106 of the Housing
7 and Community Development Act of 1974 (42 U.S.C.
8 5306), and other Federal laws.

9 PART B—COMMUNITY IMPROVEMENT AND RENEWAL
10 ACTIVITIES FOR YOUTH TRAINEES

11 **SEC. 221. YOUTH TRAINEE ACTIVITIES.**

12 (a) USE OF FUNDS AUTHORIZED.—Funds under this
13 subtitle may be used for eligible youth who are paid wages
14 and benefits from such funds for part-time employment
15 not in excess of 32 hours per week. Such part-time em-
16 ployment may be in any activity described in section 310
17 or may be at a work site operated by a public or private
18 nonprofit agency or organization or by an employer orga-
19 nized for profit, but shall be provided in a manner which
20 requires, and is consistent with, the youth's enrollment in
21 high school, a program which leads to a certificate of high
22 school equivalency, or a program of basic skills, skills
23 training or employability development, including a pro-
24 gram operated pursuant to the Family Support Act. Such
25 enrollment shall be for a minimum of 8 hours per week.

1 (b) JOINT PROJECTS AUTHORIZED.—In meeting the
2 requirements of subsection (a), funds required to be used
3 for such purpose may be used in activities which also re-
4 ceive funds under the Job Training Partnership Act (in-
5 cluding Job Corps), the Carl D. Perkins Vocational Edu-
6 cation Act, the Family Support Act's Job Opportunities
7 and Basic Skills Program, or other State or local public
8 or private education or training programs.

9 **SEC. 222. ELIGIBLE YOUTH.**

10 (a) EXEMPTION FROM UNEMPLOYMENT DURATION
11 REQUIREMENTS.—Notwithstanding section 203(a)(2) re-
12 garding the duration of unemployment, (1) any youth
13 aged 16 through 19, or (2) any youth aged 16 through
14 24 who is the parent of a dependent non-custodial child,
15 and who executes an agreement of support and an author-
16 ization for the withholding of a portion of the wages from
17 such activity for use in supporting such dependent child,
18 and (3) who is currently unemployed shall be eligible to
19 be a participant in activities conducted under this part.

20 (b) PRIORITY.—In selecting such participants, an eli-
21 gible administrative shall, notwithstanding section 203(c),
22 give priority to individuals who are economically disadvan-
23 taged. Among such individuals, eligible school dropouts
24 shall be served on an equitable basis. For purposes of this
25 subsection, a school dropout is an individual who is not

1 attending any school and has not received a secondary
2 school diploma or certificate of high school equivalency.

3 PART C—STATE JOB PROGRAMS

4 **SEC. 231. FINANCIAL ASSISTANCE FOR STATE JOB PRO-**
5 **GRAMS.**

6 (a) USE OF ALLOTTED FUNDS.—Five percent of the
7 sums allotted to each State under section 204 shall be
8 available for purposes of this part.

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

12 (1) through State-administered programs and
13 activities authorized under section 201, such as
14 those in—

15 (A) State parks, forests, recreation, and
16 conservation programs (including rangeland re-
17 habilitation and improvement and beach front
18 erosion rehabilitation and repair),

19 (B) State hospital and other institutions
20 and facilities providing health care,

21 (C) State correctional institutions and pro-
22 grams, including juvenile facilities, and

23 (D) State administered social service pro-
24 grams (including State-sponsored pre-school
25 and child care programs);

1 (2) through special assistance (in conjunction,
2 as appropriate with eligible administrative entities
3 under subtitle B) for areas which have experienced
4 sudden or severe economic dislocations, including
5 large scale losses of jobs caused by the closing of fa-
6 cilities (including defense related facilities) or mass
7 layoffs;

8 (3) through State-directed emergency aid pro-
9 grams to cope with natural disasters, including ero-
10 sion, flood, drought, and storm damage assistance
11 and control activities; and

12 (4) through special assistance to seasonal farm-
13 workers and small farmers in rural, agricultural
14 areas which have experienced substantial losses of
15 jobs due to the rising numbers of farm mortgage
16 foreclosures and other severe economic disruption (in
17 conjunction, as appropriate, with eligible administra-
18 tive entities under subtitle B or with related pro-
19 grams under the Job Training Partnership Act (29
20 U.S.C. 1501 et seq.), or both).

21 (c) PROGRAM AND ACTIVITY SELECTION AND DE-
22 SIGN.—In determining the programs and activities to re-
23 ceive funds allotted under subsection (a), the State shall
24 give first priority to the establishment of those programs
25 and activities which will provide job sites (1) within juris-

1 ditions defined in section 204, or (2) only after such pri-
2 ority is met in the State, within areas in the State in which
3 the rate of unemployment is the highest. In designing
4 projects under this section, the State shall evaluate
5 projects on the basis of the severity and duration of unem-
6 ployment within localities in the State and the level of
7 need which exists for the activities and services to be pro-
8 vided.

9 (d) STATEMENT REQUIRED.—Each State which de-
10 sires to expend funds under this part shall, within 30 days
11 after receiving notice of such allotment, submit to the Sec-
12 retary a statement—

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

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

17 (e) REPORTS REQUIRED.—Not later than 30 days
18 after the end of each calendar quarter, each State which
19 has, during such quarter, expended funds made available
20 under this part (in that or a preceding quarter) shall sub-
21 mit to the Secretary a report on the use of such funds.
22 Such report shall—

23 (1) describe in detail the jobs created with such
24 funds including (A) the nature of the employment

1 activity, (B) the wage rates paid, and (C) the dura-
2 tion of employment;

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

7 (3) contain such other information as the Sec-
8 retary may specifically request in order to ascertain
9 whether the State has used such funds in accordance
10 with the requirements of this Act.

11 **Subtitle C—Employment Activities—Repair**
12 **and Renovation of Educational Facilities**

13 PART A—ELEMENTARY AND SECONDARY SCHOOL
14 FACILITY IMPROVEMENT JOBS

15 **SEC. 241. SCHOOL FACILITY REPAIR AND RENOVATION**
16 **PROJECTS.**

17 (a) USE OF FUNDS AUTHORIZED.—Funds shall be
18 made available under this part for any fiscal year to any
19 eligible local education agency in an eligible jurisdiction
20 under section 211 and shall be used to carry out projects
21 and activities (in accordance with the limitation on use
22 of funds set forth in section 204) providing employment
23 to eligible participants (qualifying under section 203) in
24 work on the repair, renovation, restoration or rehabilita-
25 tion of the public school facilities of such agency.

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 30 days of receipt of funds under
5 this part.

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

9 (1) for assisting State and local educational
10 agencies in bringing the public school facilities into
11 conformity with the requirements of—

12 (A) the Act of August 12, 1968, commonly
13 known as the Architectural Barriers Act of
14 1968,

15 (B) section 504 of the Rehabilitation Act
16 of 1973,

17 (C) the Americans with Disabilities Act,
18 and

19 (D) environmental protection or health and
20 safety programs mandated by Federal, State, or
21 local law, especially for those facilities which
22 were constructed before such requirements were
23 in effect;

1 (2) for the repair, renovation, restoration or re-
2 habilitation of public school facilities, including elec-
3 trical rewiring for new technology;

4 (3) for conversion of presently unused or
5 underused facilities into adult training centers or
6 pre-school education centers, including Head Start
7 centers;

8 (4) for remodeling or renovating structures to
9 make them more energy efficient; or

10 (5) for detecting, removing or otherwise con-
11 taining lead or asbestos in academic or other facili-
12 ties used by students.

13 (d) TRIBAL SCHOOL PROJECTS.—

14 (1) APPLICATION REQUIRED.—Funds made
15 available to the Secretary of the Interior shall be
16 made available, upon application, to Indian tribal
17 schools for purposes consistent with subsection (c),
18 and consistent with Federal and Tribal procedures.
19 Such applications shall contain a description of the
20 activities to be performed, with estimates of the
21 costs associated with such activities, and shall give
22 priority to the employment of Native Americans, and
23 to the activities described in subsection (c)(1).

24 (2) REGULATIONS.—The Secretary of the Inte-
25 rior shall, not later than 120 days after the date of

1 enactment of this Act, promulgate regulations nec-
2 essary for the establishment of the program author-
3 ized under this subsection. In addition, the Secretary
4 of the Interior shall, during the 120-day period and
5 annually thereafter, establish by regulation priorities
6 for making grants under this subsection which are
7 consistent with subsection (c).

8 (3) COMPLIANCE WITH ALLOTMENT REQUIRE-
9 MENTS.—For the purposes of section 242, the De-
10 partment of the Interior shall be considered as a
11 State educational agency.

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

18 **SEC. 242. ALLOTMENT OF FUNDS.**

19 (a) FUNDS RESERVED.—From the amount available
20 for purposes of this part for any fiscal year, the Secretary
21 shall reserve 2 percent for allotment among Native Amer-
22 ican eligible jurisdictions described in section 211(b)(4).
23 Such reserved amount shall be allotted among Native
24 American eligible jurisdictions on an equitable basis, tak-
25 ing into account the extent to which regular employment

1 opportunities have been lacking for long-term periods
2 among individuals within the jurisdiction of such entities.

3 (b) LOCAL EDUCATIONAL AGENCY ALLOTMENTS.—

4 The remainder of the amount available for purposes of
5 this part for any fiscal year shall be allotted by the Sec-
6 retary among local educational agencies located within eli-
7 gible jurisdictions (as determined by section 211(b)) by
8 allocating to each such local educational agency an
9 amount that bears the same ratio to such remainder as
10 the allotment (under section 212(b)(2)) of the eligible ju-
11 risdiction within which it is located bears to the sum of
12 the allotments to all eligible jurisdictions under such sec-
13 tion.

14 **SEC. 243. REQUIREMENTS FOR RECEIPT OF ALLOTMENT.**

15 (a) STATEMENT REQUIRED.—

16 (1) CONTENTS OF STATEMENT.—Each local
17 educational agency which desires to receive its allot-
18 ment under section 242 shall, within 30 days after
19 receiving notice of such allotment, submit to the Sec-
20 retary a statement—

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

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

1 (2) ACTION BY SECRETARY.—Within 30 days
2 after the final day for the submission of statements
3 required by paragraph (1), the Secretary shall, on
4 the basis of only those local educational agencies
5 submitting such statements, make a final allotment
6 of funds in accordance with section 242, and shall
7 notify each such agency of the amount of its final
8 allotment.

9 (b) PAYMENT OF ALLOTMENTS.—

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

18 (2) PREVIOUS FISCAL YEARS.—For any fiscal
19 year which began prior to the date of enactment of
20 this Act, the Secretary shall, not later than 30 days
21 after the final allotment of funds for such fiscal year
22 under subsection (a)(2), pay to each local education
23 agency which has filed such a statement the total
24 amount of such allotment.

1 (c) REPORTS REQUIRED.—Not later than 30 days
2 after the end of each calendar quarter, each local edu-
3 cational agency which has, during such quarter, expended
4 (or made available to a local educational agency for ex-
5 penditure) funds made available under this part (in that
6 or a preceding quarter) shall submit to the Secretary a
7 report on the use of such funds. Such report shall—

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

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

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

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

1 PART B—HIGHER EDUCATION FACILITY IMPROVEMENT
2 PROJECTS

3 **SEC. 251. ACADEMIC FACILITY REPAIR AND RENOVATION**
4 **PROJECTS.**

5 (a) USE OF FUNDS AUTHORIZED.—The funds made
6 available to any institution of higher education under this
7 part for any fiscal year shall be used to carry out projects
8 and activities (in accordance with the limitation on use
9 of funds set forth in section 204) providing employment
10 to eligible participants (qualifying under section 203) in
11 work on the repair, restoration, renovation, or rehabilita-
12 tion of the academic facilities of such institution.

13 (b) USE OF QUICK-START PROJECTS.—To the maxi-
14 mum extent feasible, funds made available under this part
15 shall be used for projects or activities on which on-site
16 labor can begin within 90 days of receipt of funds under
17 this part.

18 (c) PERMITTED USE OF FUNDS.—

19 (1) ELIGIBLE PROJECTS.—Funds allotted to
20 each State under section 252 shall be made available
21 through the higher education building agency of
22 such State, in accordance with its State plan under
23 part A of title VII of the Higher Education Act of
24 1965, to assist institutions of higher education in
25 carrying out eligible projects under that title for the

1 repair, restoration, renovation, and rehabilitation of
2 academic facilities and libraries if the primary pur-
3 pose of such assistance is—

4 (A) to enable such institutions to econo-
5 mize on the use of energy resources, with a pri-
6 ority for the use of coal, solar, and renewable
7 resources;

8 (B) to enable such institutions to bring
9 their academic facilities and libraries into con-
10 formity with the requirements of—

11 (i) the Act of August 12, 1968, com-
12 monly known as the Architectural Barriers
13 Act of 1968,

14 (ii) section 504 of the Rehabilitation
15 Act of 1973,

16 (iii) the Americans with Disabilities
17 Act, and

18 (iv) environmental protection or
19 health and safety programs mandated by
20 Federal, State, or local law, especially for
21 those facilities which were constructed be-
22 fore such requirements were in effect;

23 (C) to enable such institutions to renovate
24 research facilities and postsecondary technical

1 training facilities, including electrical rewiring
2 for new technology; or

3 (D) to enable such institutions to detect,
4 remove, or otherwise contain asbestos hazards
5 in academic or other facilities used by students.

6 (2) USE AT INSTITUTIONS LOCATED IN ELIGI-
7 BLE JURISDICTIONS.—Funds allotted under section
8 252 shall be made available only to institutions of
9 higher education that are located within eligible ju-
10 risdictions under section 211(b), except that the Sec-
11 retary may waive the requirements of this paragraph
12 for any State if there are no institutions of higher
13 education located within the eligible jurisdictions
14 within such State.

15 (3) SELECTION OF ELIGIBLE PROJECTS.—In
16 selecting eligible projects for the use of funds under
17 this part, the higher education building agency shall
18 give priority to projects at those institutions of high-
19 er education—

20 (A) with the greatest proportion of stu-
21 dents receiving Pell Grants under the Higher
22 Education Act of 1965; and

23 (B) which have not been able to obtain
24 funds for the performance of the project
25 through the sale of bonds or other obligations.

1 **SEC. 252. ALLOTMENT OF FUNDS**

2 (a) ALLOTMENT FORMULA.—

3 (1) FUNDS RESERVED.—From the amount
4 available for purposes of this part for any fiscal
5 year, the Secretary shall reserve 2 percent for allot-
6 ment among Native American eligible jurisdictions
7 described in section 211(b)(4). Such reserved
8 amount shall be allotted among Native American eli-
9 gible jurisdictions on an equitable basis, taking into
10 account the extent to which regular employment op-
11 portunities have been lacking for long-term periods
12 among individuals within the jurisdiction of such en-
13 tities.

14 (2) STATE ALLOTMENTS.—The remainder of
15 the amount available for purposes of this part shall
16 be allotted by the Secretary among the States by allo-
17 cating to each State an amount that bears the same
18 ratio to such remainder as the sum of the allotments
19 (under section 212(b)(2)) of the eligible jurisdictions
20 within such State bears to the sum of the allotments
21 to all eligible jurisdictions under such section.

22 (b) ADMINISTRATIVE COSTS.—From the amount
23 allotted to any State under subsection (a), the higher edu-
24 cation building agency shall reserve not more than 1 per-
25 cent thereof for its necessary administrative costs in carry-
26 ing out the purposes of this part.

1 **SEC. 253. REQUIREMENTS FOR RECEIPT OF ALLOTMENT.**

2 (a) STATEMENT REQUIRED.—

3 (1) CONTENT OF STATEMENT.—Each State
4 which desires to receive its allotment under section
5 252 shall, within 30 days after receiving notice of
6 such allotment, submit to the Secretary a state-
7 ment—

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

10 (B) agreeing to use funds only in accord-
11 ance with the provisions of this Act; and

12 (C) agreement to provide each of the quar-
13 terly reports required by subsection (c).

14 (2) ACTION BY SECRETARY.—Within 30 days
15 after the final statements required by paragraph (1),
16 the Secretary shall, on the basis of only those States
17 submitting such statements, make a final allotment
18 of funds in accordance with section 252, and shall
19 notify each State of the amount of its final allot-
20 ment.

21 (b) PAYMENT OF ALLOTMENTS.—

22 (1) PROSPECTIVE PAYMENT RULE.—For fiscal
23 years beginning after the date of enactment of this
24 Act, the Secretary shall pay to each State which has
25 filed a statement in accordance with subsection (a)
26 its allotment for that fiscal year. Such payments

1 shall be made in equal installments not later than 5
2 days after the beginning of each quarter for which
3 funds are available.

4 (2) PREVIOUS FISCAL YEARS.—For any fiscal
5 year which begins prior to the date of enactment of
6 this Act, the Secretary shall, not later than 30 days
7 after the final allotment of funds for such fiscal year
8 under subsection (a)(2), pay to each State which has
9 filed such a statement the total amount of such al-
10 lotment.

11 (c) REPORTS REQUIRED.—Not later than 30 days
12 after the end of each calendar quarter, each State which
13 has, during such quarter, expended (or made available for
14 expenditure) funds made available under this part (in that
15 or a preceding quarter) shall submit to the Secretary a
16 report on the use of such funds. Such report shall—

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

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

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

5 (d) WITHHOLDING PROCEDURES.—The Secretary
6 may not withhold, suspend, or terminate the payment of
7 any installment of an allotment except in accordance with
8 section 303.

9 PART C—SPECIAL DEFINITIONS FOR SUBTITLE C

10 **SEC. 261. DEFINITIONS.**

11 Notwithstanding section 305, for purposes of this
12 subtitle—

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

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

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

22 (4) the term “Indian tribal school” means any
23 school operated by an Indian tribe under the Indian
24 Self-Determination and Education Assistance Act
25 (Public Law 93–638); and

1 (5) the term “institution of higher education”
2 has the meaning provided under section 1201(a) of
3 the Higher Education Act of 1965.

4 PART D—AUTHORIZATION OF APPROPRIATIONS

5 **SEC. 271. AUTHORIZATION OF APPROPRIATIONS.**

6 (a) IN GENERAL.—In order to provide employment
7 opportunities for unemployed individuals under this title
8 there are authorized to be appropriated \$45,000,000,000
9 for each the fiscal years 1995, 1996, 1997, 1998 and
10 1999.

11 (b) DIVISION BETWEEN SUBTITLES.—Of the amount
12 appropriated pursuant to subsection (a) for any fiscal
13 year—

14 (1) 80 percent shall be available for purposes of
15 subtitle B,

16 (2) 10 percent shall be available for purposes of
17 part A of subtitle C, and

18 (3) 10 percent shall be available for purposes of
19 part B of subtitle C.

20 **TITLE III—GENERAL PROVISIONS**

21 **SEC. 301. GENERAL REQUIREMENTS.**

22 (A) DISCRIMINATION PROHIBITED—

23 (1) EXCLUSION PROHIBITED.—No person shall
24 be excluded from participation in, denied the bene-
25 fits of, subjected to discrimination under, or denied

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

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

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

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

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

1 political subdivision, or a local educational agency in the
2 area served by the program.

3 (d) SERVICES TO RESIDENTS.—Only individuals re-
4 siding in the area of an eligible jurisdiction under title II
5 may participate in activities funded under such titles, ex-
6 cept that a recipient may permit participation by homeless
7 individuals who cannot prove residence within the eligible
8 jurisdiction.

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

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

21 (g) WAGE RATES.—

22 (1) MINIMUM OR PREVAILING HOURLY RATE
23 REQUIRED.—An individual in employment subsidized
24 under this Act shall be paid wages which shall not
25 be less than the highest of (A) the minimum wage

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

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

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

19 (B) multiplied by 75 percent, and

20 (C) rounded up to the nearest \$10.

21 (3) SUPPLEMENTATION PERMITTED.—Partici-
22 pants employed under this Act may have their wages
23 supplemented by the payment of additional wages
24 for such employment from sources other than this
25 Act.

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

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

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

15 (A) a documentary history of the experi-
16 ence and skills acquired by such participant,
17 and

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

20 (h) EXPENDITURE SCHEDULE.—Any funds appro-
21 priated to carry out this Act which are allotted for any
22 fiscal year shall be available for expenditure by the recipi-
23 ent during a period of one year from the date of payment
24 to the recipient. No part of any allotment shall be revoked
25 or cancelled as long as the funds so allotted are expended

1 by the recipient within such one-year period. If any such
2 funds are not so expended, the Secretary shall reallocate an
3 amount equal to such unexpended funds among other eli-
4 gible recipients in accordance with this Act.

5 (i) PROGRAM ABUSE REGULATIONS.—Regulations
6 promulgated by the Secretary under section 123(g) of the
7 Comprehensive Employment and Training Act as in effect
8 on April 1, 1981, shall apply to funds provided under this
9 Act for the purpose of assuring against program abuses,
10 including, but not limited to, nepotism, conflicts-of-inter-
11 ests, the charging of fees in connection with participation
12 in the program; excessive or unreasonable legal fees; the
13 improper commingling of funds under this Act with funds
14 received from other sources; the failure to keep and main-
15 tain sufficient, auditable, or otherwise adequate records;
16 kickbacks; political patronage; violations of applicable
17 child labor laws; the use of funds for lobbying local, State,
18 or Federal legislators, and the use of funds for activities
19 which are not directly related to the proper operation of
20 the program.

21 **SEC. 302. LABOR STANDARDS.**

22 (a) CONDITIONS AND BENEFITS.—

23 (1) WORKING CONDITIONS.—Conditions of em-
24 ployment and training shall be appropriate and rea-
25 sonable in light of such factors as the type of work,

1 geographical region, and proficiency of the partici-
2 pant.

3 (2) HEALTH, SAFETY, AND DISABILITY REGU-
4 LATIONS.—The regulations (relating to health and
5 safety, and worker’s compensation) implementing
6 paragraphs (2) and (3) of section 143(a) of the Job
7 Training Partnership Act (29 U.S.C. 1553(a)(2)
8 and (3)) issued on March 15, 1983, shall apply to
9 participants under this Act.

10 (3) COMPARABLE BENEFITS AND CONDI-
11 TIONS.—All individuals while employed in subsidized
12 jobs under this Act shall be provided benefits and
13 working conditions at the same level and to the same
14 extent as other employees doing the same type of
15 work.

16 (4) RETIREMENT CONTRIBUTIONS PROHIB-
17 ITED.—No funds available under this Act may be
18 used for contributions on behalf of any participant
19 to retirement systems or plans. Nothing in this sub-
20 section shall relieve either a participant or a pro-
21 gram from requirements of the Social Security Act.

22 (b) PROTECTION OF EXISTING WORKERS.—

23 (1) DISPLACEMENT PROHIBITED.—No cur-
24 rently employed worker shall be displaced by any
25 participant (including partial displacement such as a

1 reduction in the hours of nonovertime work, wages,
2 or employment benefits).

3 (2) IMPAIRMENT OF CONTRACTS AND AGREE-
4 MENTS PROHIBITED.—No program shall impair ex-
5 isting contracts for services or collective-bargaining
6 agreements, except that no program under this Act
7 which would be inconsistent with the terms of a col-
8 lective-bargaining agreement shall be undertaken
9 without the written concurrence of the labor organi-
10 zation and employer concerned.

11 (3) FILLING OF LAID-OFF POSITIONS PROHIB-
12 ITED.—

13 (A) No participant whose wages are sub-
14 sidized under this Act shall be employed or job
15 opening filled when any other individual is on
16 layoff from the same or any substantially equiv-
17 alent job.

18 (B) No participant whose wages are sub-
19 sidized under this Act shall be employed or job
20 opening filled when, after the enactment of this
21 Act, the employer terminates the employment of
22 any regular unsubsidized employee in the same
23 or any substantially equivalent job or otherwise
24 reduces the number of regular unsubsidized em-
25 ployees in such jobs.

1 (4) PROMOTIONAL INFRINGEMENT PROHIB-
2 ITED.—No jobs shall be created in a promotional
3 line that will infringe in any way upon the pro-
4 motional opportunities of currently employed individ-
5 uals.

6 (c) COMPLIANCE REPORTS.—

7 (1) SUBMISSION TO LABOR ORGANIZATIONS.—
8 Each quarterly report submitted pursuant to section
9 212(c), 231(e), 243(c), or 253(c) shall be transmit-
10 ted by the recipient to any labor organization rep-
11 resenting government employees who are engaged in
12 similar work to that performed by employees whose
13 wages are subsidized under this Act.

14 (2) CONTENTS OF REPORTS.—Each quarterly
15 report submitted pursuant to section 212(c), 231(e),
16 243(c), or 253(c) which is subject to the require-
17 ments of paragraph (3) shall, with respect to each
18 government department in which subsidized employ-
19 ment is provided under this Act, set forth—

20 (A) the number of all regular employees of
21 such department (i) during the quarter to
22 which such report applies and (ii) during the
23 quarter preceding the enactment of this Act;
24 and

1 (B) the number of employees subsidized
2 under this Act in such department during each
3 such quarter.

4 (3) ANALYSIS OF JOB REDUCTION REQUIRED.—

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

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

17 (d) COMPLAINT PROCEDURE.—

18 (1) SUBMISSION OF COMPLAINTS.—Whenever
19 any employee, or labor organization representing em-
20 ployees, of a government employing subsidized em-
21 ployees under this Act submits to the Secretary a
22 complaint alleging that section 301 or subsection (a)
23 or (b) of this section has been violated, a copy of
24 such complaint shall be transmitted at the same
25 time to such government to review such complaint

1 and to submit a reply to the Secretary within 15
2 days after receiving a copy of such complaint.

3 (2) INVESTIGATION OF COMPLAINTS.—An official
4 who shall be designated by the Secretary shall review any
5 report required to include a statement specified in sub-
6 section (c)(3), or any complaint submitted in accordance
7 with paragraph (1), to ascertain the accuracy of the infor-
8 mation set forth or alleged and to determine whether there
9 is substantial evidence that the affected activities fail to
10 comply with section 301 or subsection (a) or (b) of this
11 section.

12 (3) RECOMMENDATIONS.—The official so des-
13 igned shall, within 45 days of the submission of
14 such report or complaint, submit recommendations
15 to the Inspector General of such Department as to
16 whether the report or complaint warrants investiga-
17 tion by the Office of the Inspector General. After re-
18 viewing such recommendations, the Inspector Gen-
19 eral shall undertake any investigations (including an
20 audit, if appropriate) deemed to be warranted.

21 (4) DETERMINATIONS.—A determination of
22 whether a violation of subsection (b) of this section
23 has occurred shall be made after considering legiti-
24 mate bases for layoffs or terminations of employees
25 not subsidized under this Act within the same de-

1 partment or budget function, such as a shortfall of
2 revenues compared with expenditures despite main-
3 tenance of local tax effort, or the requirements of
4 governmental reorganizations or productivity im-
5 provements affecting work not performed by such
6 subsidized employees.

7 (5) REVIEW BY SECRETARY.—Not later than 90
8 days after the report or complaint described in para-
9 graph (2) is submitted, the Inspector General’s find-
10 ings as to whether a failure to comply with section
11 301 and subsection (a) or (b) of this section has oc-
12 curred, shall be transmitted to the Secretary. The
13 Secretary shall, within 30 days after receiving the
14 Inspector General’s findings, issue a determination
15 as to whether a violation of section 301 or sub-
16 section (a) or (b) of this section has occurred, which
17 shall constitute the final determination of the Sec-
18 retary for purposes of chapters 5 and 7 of title 5,
19 United States Code.

20 (6) REPAYMENT REMEDY.—The Secretary shall
21 institute proceedings under section 303(b) for the
22 repayment of funds determined to have been ex-
23 pended in violation of section 301 or subsection (a)
24 or (b) of this section.

25 (e) LABOR ORGANIZATION.—

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

6 (2) CONSULTATION REQUIRED.—Where a labor
7 organization represents a substantial number of em-
8 ployees who are engaged in similar work or training
9 in the same area as that proposed to be funded
10 under this Act, an opportunity shall be provided for
11 such organization to submit comments with respect
12 to such proposal.

13 (f) DAVIS-BACON REQUIREMENTS.—

14 (1) PREVAILING WAGES REQUIRED.—All labor-
15 ers and mechanics employed by contractors or sub-
16 contractors in any construction, alteration, or repair,
17 including painting and decorating, of projects, build-
18 ings, and works which are federally assisted under
19 this Act, shall be paid wages at rates not less than
20 those prevailing on similar construction in the local-
21 ity as determined by the Secretary in accordance
22 with the Act of March 3, 1931 (commonly known as
23 the Davis-Bacon Act), as amended (40 U.S.C. 276a-
24 276a-5). The Secretary shall have with respect to
25 such labor standards, the authority and functions

1 set forth in Reorganization Plan Numbered 14 of
2 1950 (15 FR 3176; 64 Stat. 1267) and section 2 of
3 the Act of June 1, 1934, as amended (48 Stat. 948,
4 as amended; 40 U.S.C. 276(c)).

5 (2) FUNDING REQUIRED.—Such rates are not
6 required to be paid to participants under this Act
7 unless they are employed in connection with projects
8 funded by this Act in whole or in part, exclusive of
9 wages and benefits, or projects covered by any other
10 statute requiring the payment of such Davis-Bacon
11 Act wage rates.

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

13 (1) information concerning numbers of employ-
14 ees shall be reported in a manner consistent with the
15 reporting of information (including the definitions of
16 terms) requested from governments by the Bureau
17 of the Census in the Survey of Government Employ-
18 ment for the 1982 Census of Governments, as au-
19 thorized in accordance with section 161 of title 13,
20 United States Code;

21 (2) the term “government” means a State, a
22 local unit of general purpose government, a public
23 agency, or a local educational agency; and

24 (3) the term “regular unsubsidized employee”
25 means any employee whose wages are paid in whole

1 or in part from non-Federal funds, but does not in-
2 clude any employee whose wages are paid in whole
3 or in part with funds made available under this Act.

4 **SEC. 303. FISCAL CONTROLS; SANCTIONS.**

5 (a) GAO REVIEW.—

6 (1) EVALUATION REQUIRED.—The Comptroller
7 General of the United States shall, on a selective
8 basis, evaluate the expenditures by the recipients
9 under this Act in order to assure that expenditures
10 are consistent with the provisions of this Act and to
11 determine the effectiveness of each recipient in ac-
12 complishing the purposes of this Act. The Comptrol-
13 ler General shall conduct the evaluations whenever
14 necessary and shall periodically (at least annually)
15 report to the Congress on the findings of such eval-
16 uations.

17 (2) IG RESPONSIBILITIES NOT AFFECTED.—
18 Nothing in this Act shall be deemed to relieve the
19 Inspector General of the Department of Labor or
20 the Inspector General of the Department of Edu-
21 cation of their responsibilities under the Inspector
22 General Act.

23 (3) ACCESS TO RECORDS.—For the purpose of
24 evaluating and reviewing programs established or
25 provided for by this Act, the Comptroller General

1 shall have access to and the right to copy any books,
2 accounts, records, correspondence, or other docu-
3 ments pertinent to such programs that are in the
4 possession, custody, or control of any recipient of
5 funds under this Act, or any contractor or sub-
6 contractor of such recipients.

7 (b) REPAYMENT REQUIRED.—Every recipient shall
8 repay to the United States amounts found not to have
9 been expended in accordance with this Act. The Secretary
10 may offset such amounts against any other amount in
11 which the recipient is or may be entitled under this Act
12 unless he determines that such recipient should be held
13 liable pursuant to subsection (c). No such action shall be
14 taken except after notice and opportunity for a hearing
15 have been given to the recipient.

16 (c) PROCEDURE FOR REPAYMENT.—

17 (1) STANDARD FOR REPAYMENT.—Each recipi-
18 ent shall be liable to repay such amounts, from
19 funds other than funds received under this Act,
20 upon a determination that the misexpenditure of
21 funds was due to willful disregard of the require-
22 ments of this Act, gross negligence, or failure to ob-
23 serve accepted standards of administration. No such
24 finding shall be made except after notice and oppor-
25 tunity for a fair hearing.

1 (2) DETERMINATION REQUIRED.—In determin-
2 ing whether to impose any sanction authorized by
3 this section against a recipient for violations by a
4 subcontractor of such recipient under this Act, the
5 Secretary shall first determine whether such recipi-
6 ent has adequately demonstrated that it has—

7 (A) established and adhered to an appro-
8 priate system for the award and monitoring of
9 contracts with subcontractors which contains
10 acceptable standards for ensuring accountabil-
11 ity;

12 (B) entered into a written contract with
13 such subcontractor which establishes clear goals
14 and obligations in unambiguous terms;

15 (C) acted with due diligence to monitor the
16 implementation of the contract, including the
17 carrying out of the appropriate monitoring ac-
18 tivities (including audits) at reasonable inter-
19 vals; and

20 (D) taken prompt and appropriate correc-
21 tive action upon becoming aware of any evi-
22 dence of a violation of this Act by such sub-
23 contractor.

24 (3) WAIVER PERMITTED.—If the Secretary de-
25 termines that the recipient has demonstrated sub-

1 stantial compliance with the requirements of para-
2 graph (2), the Secretary may waive the imposition of
3 sanctions authorized by this section upon such recip-
4 ient. The Secretary is authorized to impose any
5 sanction consistent with the provision of this Act
6 and of any applicable Federal or State law directly
7 against any subcontractor for violation of this Act.

8 (d) EMERGENCY ACTIONS.—In emergency situations,
9 if the Secretary determines it is necessary to protect the
10 integrity of the funds or ensure the proper operation of
11 the program, the Secretary may immediately terminate or
12 suspend financial assistance, in whole or in part, if the
13 recipient is given prompt notice and the opportunity for
14 a subsequent hearing within 30 days after such termi-
15 nation or suspension. The Secretary shall not delegate any
16 of the functions or authority specified in this subsection,
17 other than to an officer whose appointment was required
18 to be made by and with the advice and consent of the Sen-
19 ate.

20 (e) DISCRIMINATION REMEDIES.—If the Secretary
21 determines that any recipient under this Act has dis-
22 charged or in any other manner discriminated against a
23 participant or against any individual in connection with
24 the administration of the program involved, or against any
25 individual because such individual has filed any compliant

1 or instituted or caused to be instituted any proceeding
2 under or related to this Act, or has testified or is about
3 to testify in any such proceeding or investigation under
4 or related to this Act, or otherwise unlawfully denied to
5 any individual a benefit to which that individual is entitled
6 under the provisions of this Act, the Secretary shall, with-
7 in thirty days, take such action or order such corrective
8 measures, as necessary, with respect to the recipient or
9 the aggrieved individual, or both.

10 (f) ADDITIONAL REMEDIES.—The remedies under
11 this section shall not be construed to be exclusive rem-
12 edies.

13 (g) RECORDKEEPING. Recipients shall keep records
14 that are sufficient to permit the preparation of reports re-
15 quired by this Act and to permit the tracing of funds to
16 a level of expenditure adequate to insure that the funds
17 have not been spent unlawfully.

18 (h) INVESTIGATIONS.—

19 (1) CONDUCT AUTHORIZED.—In order to insure
20 compliance with the provisions of this Act, the
21 Comptroller General of the United States may con-
22 duct investigations of the use of funds received
23 under this Act by any recipient.

24 (2) USE OF EXISTING RECORDS.—In conduct-
25 ing any investigation under this Act, the Secretary

1 or the Comptroller General of the United States may
2 not request the compilation of any new information
3 not readily available to such recipient.

4 **SEC. 304. JUDICIAL REVIEW.**

5 (a) REVIEW PERMITTED.—

6 (1) APPELLATE REVIEW.—With respect to any
7 corrective action or sanction imposed under section
8 303 by the Secretary, any party to a proceeding
9 which resulted in such action or sanction may obtain
10 review of such action or sanction in the United
11 States Court of Appeals having jurisdiction over the
12 applicant or recipient of funds, by filing a review pe-
13 tition within 30 days of the issuance of a final order.

14 (2) FILING OF RECORD.—The clerk of the court
15 shall transmit a copy of the review petition to the
16 Secretary who shall file the record upon which the
17 action or sanction was entered as provided in section
18 2112 of title 28, United States Code. Review peti-
19 tions, unless ordered by the court, shall not stay the
20 Secretary's action or sanction. Petitions under this
21 Act shall be heard expeditiously, if possible within
22 ten days of the filing of a reply brief.

23 (b) JURISDICTION.—The court shall have jurisdiction
24 to make and enter a decree affirming, modifying, or set-
25 ting aside the action or sanction of the Secretary in whole

1 or in part. The court’s judgment shall be final, subject
2 to certiorari review by the Supreme Court of the United
3 States as provided in section 1254(1) of title 28, United
4 States Code.

5 **SEC. 305. DEFINITIONS.**

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

7 (1) the term “economically disadvantaged”
8 means an individual who—

9 (A) receives, or is a member of a family
10 which receives, cash welfare payments under a
11 Federal, State, or local welfare program;

12 (B) has, or is a member of a family which
13 has, received a total family income during the
14 6-month period prior to certification (exclusive
15 of unemployment compensation, child support
16 payments, and welfare payments) which, in re-
17 lation to family size, was not in excess of the
18 higher of (i) the poverty level determined in ac-
19 cordance with criteria established by the Direc-
20 tor of the Office of Management and Budget, or
21 (ii) 70 percent of the lower living standard in-
22 come level;

23 (C) receives, or is a member of a family
24 which receives, food stamps pursuant to the
25 Food Stamp Act of 1977;

1 (D) is a foster child on behalf of whom
2 State or local government payments are made;
3 or

4 (E) is a handicapped individual whose own
5 income meets the requirements of clause (A) or
6 (B), but who is a member of a family whose in-
7 come does not meet such requirements;

8 (2) the term “institution of higher education”
9 has the meaning provided under section 1201(a) of
10 the Higher Education Act of 1965;

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

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

17 (5) the term “recipient” means any eligible ad-
18 ministrative entity or State or local educational
19 agency receiving funds under an allotment for part
20 A of title II, and any State higher education build-
21 ing agency or institution of higher education receiv-
22 ing funds under an allotment for part B of such
23 title;

1 (6) except as specifically provided elsewhere in
2 this Act, the term “Secretary” means the Secretary
3 of Labor, except that—

4 (A) for purposes of subtitle C of title II,
5 such term means the Secretary of Education;
6 and

7 (B) with respect to sections 302(h), 304,
8 and 305, such term means either the Secretary
9 of Labor or the Secretary of Education, which-
10 ever is appropriate;

11 (7) the term “State” means any of the 50
12 States, the District of Columbia, the Commonwealth
13 of the Northern Mariana Islands, the Common-
14 wealth of Puerto Rico, American Samoa, Guam, the
15 Virgin Islands of the United States, the Federated
16 States of Micronesia, the Republic of the Marshall
17 Islands, and Palau;

18 (8) the term “unemployed individuals” means
19 individuals aged sixteen or older who are without
20 jobs and who want or are available for work, as de-
21 termined in accordance with criteria used by the Bu-
22 reau of Labor Statistics of the Department of Labor
23 in defining individuals as unemployed, but such cri-
24 teria shall not be applied differently on account of
25 an individual’s previous employment; and

1 (9) the term “unit of local government” means
2 any city, town, township, parish, or (except in Con-
3 necticut, Massachusetts, Rhode Island, and Ver-
4 mont) county which is a general purpose political
5 subdivision of a State that has the power to levy
6 taxes and spend funds, as well as general corporate
7 and police powers.

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

13 (c) COMPUTATIONS.—For the purposes of computa-
14 tions of the number of unemployed individuals in a State,
15 county, or eligible administrative entity, the Secretary
16 shall determine the average number of individuals who
17 were unemployed during the most recent 12 months pre-
18 ceding the determination for which satisfactory data is
19 available.

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