

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1405

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.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 5, 1995

Mr. MARTINEZ (for himself, Mr. FATTAH, Mr. DELLUMS, Ms. WATERS, Mr. CLAY, Mr. LEWIS of Georgia, Mr. ABERCROMBIE, Mr. OWENS, Mr. SCOTT, Ms. ROYBAL-ALLARD, and Ms. VELÁZQUEZ) introduced the following bill; which was referred to the Committee on Economic and Educational Opportunities, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## 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 1995”.

1 **SEC. 2. FINDINGS.**

2 Congress finds:

3 (a) That the investments made during the  
4 1930s, 1940s, and 1950s in the infrastructure of the  
5 United States through the Roosevelt public works  
6 programs, the National Highway Act of President  
7 Eisenhower, and other major efforts, led to the  
8 greatest economic recovery and sustained level of  
9 economic growth in the first 150 years of our Na-  
10 tion's existence.

11 (b) That the Nation's infrastructure has suf-  
12 fered greatly over the past three decades because of  
13 the failure of the Federal Government to renew and  
14 restore roads, bridges, public buildings, public lands  
15 and other public assets.

16 (c) The lack of resources for the maintenance  
17 of the infrastructure during this period has led to  
18 the loss of both jobs and job skills in these vital  
19 areas, with consequent increased unemployment and  
20 a reduction in the quality of life for residents of af-  
21 fected areas.

22 (d) There is a critical need to renew and restore  
23 both the public buildings and other assets, and the  
24 jobs and job skills needed to ensure that those assets  
25 are available for use by future generations and for

1 any defense needs the country may face in the fu-  
2 ture.

3 (e) Policies at the Federal level have dem-  
4 onstrated diminished concern for the infrastructure  
5 needs of the communities of the Nation and a shift-  
6 ing of the burden for maintenance and creation of  
7 highways, bridges, mass transit, and other infra-  
8 structure on to local governments, in addition to the  
9 burden for local needs (such as public safety, edu-  
10 cation, health, and public welfare) that those juris-  
11 dictions bear, thereby stretching already shrinking  
12 resources beyond the capabilities of those govern-  
13 ments to address these needs.

14 (f) Federal incentives that are specifically  
15 linked to the development of jobs, and renewal of  
16 important job skills will help reverse the trend to  
17 continued erosion of the Nation's infrastructure.

18 (g) Economic growth rates and future efficiency  
19 and competitiveness of the national economy will be  
20 substantially enhanced by programs of Federal Gov-  
21 ernment assistance to State and local governments  
22 to construct and rehabilitate the Nation's economic  
23 infrastructure.

24 (h) Efforts to reform the welfare system are  
25 based on the assumption that there will be jobs

1 available in the public and private sectors for cur-  
2 rent welfare recipients, and for non-custodial parents  
3 whose responsibilities include providing support for  
4 their children.

5 (i) absent a concentrated effort on the part of  
6 the Federal Government to create career jobs that  
7 provide a living wage, efforts to reform the welfare  
8 system are doomed to failure.

9 (j) The creation of living wage jobs in conjunc-  
10 tion with a large and sustained public works infra-  
11 structure renewal program will reap significant re-  
12 wards in direct tax payments at all levels of govern-  
13 ment, increased economic expansion for the country,  
14 and substantial reductions in the outlays for unem-  
15 ployment support, welfare, Medicaid, and other gov-  
16 ernment expenditures and will also lessen the burden  
17 on government expenditures that result from lack of  
18 employment for those at risk of entering a life of  
19 crime.

## 20 **TITLE I—DEPARTMENT OF COMMERCE**

### 21 **GRANTS**

#### 22 **SEC. 101. DEFINITIONS.**

23 (a) As used in this title, the following definitions  
24 apply:

1           (1) SECRETARY.—The Term “Secretary”  
2 means the Secretary of Commerce, acting through  
3 the Economic Development Administration.

4           (2) LOCAL GOVERNMENT.—The term “local  
5 government” means any city, county, town, parish  
6 or other political subdivision of a State, and any In-  
7 dian tribe.

8           (3) PUBLIC WORKS.—The term “public works”  
9 includes water and sewer lines, streets and roads,  
10 water and sewage treatment plants or facilities, port  
11 facilities, police and fire stations, detention centers,  
12 schools, health facilities, industrial research or devel-  
13 opment parks, research facilities at institutions of  
14 higher learning, and other projects the Secretary de-  
15 termines to be appropriate.

16           (4) STATE.—The term “State” includes the  
17 several States, the District of Columbia, the Com-  
18 monwealth of Puerto Rico, the Virgin Islands of the  
19 United States, Guam, American Samoa, the Com-  
20 monwealth of the Northern Marianas, and the Trust  
21 Territory of the Pacific Islands.

22 **SEC. 102. DIRECT GRANTS.**

23           (a) CONSTRUCTION.—The Secretary is authorized to  
24 make grants to any State or local government for the con-  
25 struction (including demolition and other site preparation

1 activities), renovation, repair, restoration or other im-  
2 provement of local public works projects, including those  
3 public works projects of State and local governments for  
4 which Federal financial assistance is authorized under  
5 provisions of law other than this title or this Act. To the  
6 extent appropriate, the Secretary may coordinate with  
7 other Federal agencies in assessing grant requests, and  
8 in providing appropriate levels of support.

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

12 (c) TERMINATION OF GRANTS.—No new grants shall  
13 be made pursuant to this section after the expiration of  
14 any 3-consecutive month period during which the national  
15 unemployment rate remained below 5 percent for each  
16 such month, or after September 30, 1999, whichever first  
17 occurs.

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

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

22 (1) INDIAN TRIBES.—Three-quarters of one  
23 percent of such funds shall be set aside and shall be  
24 expended only for grants for public works projects  
25 under this title to Indian tribes and Alaska Native

1 villages. None of the remainder of such funds shall  
2 be expended for such grants to such tribes and vil-  
3 lages.

4 (2) OTHERS.—After the set-aside required by  
5 paragraphs (1), (3), and (4) of this subsection, 60  
6 percent of such funds shall be allocated among the  
7 States on the basis of the ratio that the number of  
8 unemployed persons in each State bears to the total  
9 number of unemployed persons in all the States and  
10 40 percent of such funds shall be allocated among  
11 those States with an average unemployment rate for  
12 the preceding 6-month period in excess of 6 percent  
13 on the basis of the relative severity of unemployment  
14 in each such State, except that no State shall be al-  
15 located less than three-quarters of one percent or  
16 more than twelve percent of such funds for local  
17 public works projects within such State, except that  
18 in the case of Guam, the Virgin Islands of the Unit-  
19 ed States, American Samoa, the Commonwealth of  
20 the Northern Mariana Islands, and the Trust Terri-  
21 tory of the Pacific Islands, not less than one-half of  
22 one percent in the aggregate shall be granted for  
23 such projects in all five of such territories.

24 (3) SET-ASIDE.—Not less than 10 percent of  
25 each State's allocations shall be set aside and shall

1 be expended only for grants for public works  
2 projects under this title for local units of general  
3 government with populations under 10,000.

4 (4) DEVELOPMENT AND ADMINISTRATION.—Up  
5 to three-quarters of one percent of the total grant  
6 award will be available for project development and  
7 preparation, and for ongoing project administration.  
8 This allocation shall be available for local units of  
9 government defined as nonentitlement under the  
10 Housing and Urban Development Community Devel-  
11 opment Block Grant Program. Such allocation shall  
12 not exceed \$15,000 for any single grant award.

13 (b) PREFERENCES.—

14 (1) LOCAL GOVERNMENT PROJECTS.—In mak-  
15 ing grants under this title, the Secretary shall give  
16 priority to public works projects of local govern-  
17 ments that will employ residents of such grantees  
18 who are experienced, apprentice or novice workers in  
19 construction activities.

20 (2) LOCALLY ENDORSED PROJECTS.—In mak-  
21 ing grants under this title, the Secretary shall also  
22 give priority to any public works projects requested  
23 by a State or by a special purpose unit of local gov-  
24 ernment which is endorsed by a general purpose  
25 local government within such State.

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

5           (4) APPLIED INDUSTRIAL RESEARCH  
6 PROJECTS.—A project that creates or adds to an ap-  
7 plied research facility at an institution of higher  
8 education, and that facility is intended to promote  
9 the development of new products and processes, or  
10 that the Secretary determines will improve the com-  
11 petitiveness of American industry shall be accorded  
12 full priority and preference. For projects under this  
13 section, matching funds requirements shall be  
14 waived if the company or companies and school in-  
15 volved commit, in the Secretary's determination, to  
16 undertake all future equipment and maintenance ex-  
17 penses.

18           (c) HIGH UNEMPLOYMENT RATES.—

19           (1) PRIORITY.—In making grants under this  
20 title, if for the 12 most recent consecutive months  
21 the average national unemployment rate in the con-  
22 struction trades is equal to or exceeds 8 percent, the  
23 Secretary shall—

24                   (A) expedite and give priority to applica-  
25 tions submitted by States or local governments

1           having unemployment rates for the 12 most re-  
2           cent consecutive months in excess of the na-  
3           tional unemployment rate in the construction  
4           trades, and

5                   (B) shall give priority thereafter to appli-  
6           cations submitted by States or local govern-  
7           ments having average unemployment rates for  
8           construction trades for the 12 most recent con-  
9           secutive months in excess of 6 percent, but less  
10          than the national unemployment rate.

11           (2) INFORMATION REGARDING UNEMPLOYMENT  
12          RATES.—Information regarding unemployment rates  
13          may be furnished either by the Federal Government,  
14          or by States or local governments, provided the Sec-  
15          retary—

16                   (A) determines that the unemployment  
17          rates furnished by States or local governments  
18          are accurate, and

19                   (B) shall provide assistance to States or  
20          local governments in the calculation of such  
21          rates to assure validity and standardization.

22           (3) LIMITATION ON APPLICABILITY.—Para-  
23          graph (1) of this subsection shall not apply to any  
24          State which receives a minimum allocation pursuant  
25          to paragraph (2) of subsection (a) of this section.

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

6 (e) LOCALIZATION OF UNEMPLOYMENT DETERMINA-  
7 TIONS.—The local unemployment rate of construction  
8 trades workers may, for purposes of this title, and upon  
9 request of the applicant, be based upon the unemployment  
10 rate of any community or neighborhood (defined without  
11 regard to political or other subdivisions or boundaries)  
12 within the jurisdiction of such local government.

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

14 (a) IN GENERAL.—The Secretary shall, not later  
15 than 30 days after the date of enactment of this title, pre-  
16 scribe those rules, regulations, and procedures (including  
17 application forms) necessary to carry out this Act. Such  
18 rules, regulations, and procedures shall assure that ade-  
19 quate consideration is given to the relative needs of var-  
20 ious sections of the country. The Secretary shall consider  
21 among other factors—

22 (1) the severity and duration of unemployment  
23 in proposed project areas,

24 (2) the income levels and extent of  
25 underemployment in proposed project areas,

1           (3) the extent to which proposed project areas  
2 will contribute to increased employment in the con-  
3 struction trades and future economic growth, and

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

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

12           (c) CONSIDERATION OF CONSTRUCTION INDUSTRY  
13 EMPLOYMENT.—For purposes of this section, in consider-  
14 ing the extent of unemployment or underemployment, the  
15 Secretary shall consider the amount of unemployment or  
16 underemployment in the construction and construction-re-  
17 lated industries.

18 **SEC. 105. GENERAL LIMITATIONS.**

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

22           (b) MAINTENANCE COSTS.—Nothing in this title  
23 shall be construed to authorize the payment of routine  
24 scheduled maintenance costs in connection with any

1 projects constructed (in whole or in part) with Federal fi-  
2 nancial assistance under this title.

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

10 (d) CONTRACTING.—

11 (1) CONTRACTING OUT REQUIRED.—No part of  
12 the construction (including demolition and other site  
13 preparation activities), renovation, restoration, re-  
14 pair, or other improvement of any public works  
15 project for which a grant is made under this title,  
16 shall be performed directly by any department, agen-  
17 cy, or instrumentality of any State or local govern-  
18 ment.

19 (2) COMPETITIVE BIDDING.—Construction of  
20 each project for which a grant is made under this  
21 title shall be performed by contract awarded by com-  
22 petitive bidding, unless the Secretary shall affirma-  
23 tively find that, under the circumstances relating to  
24 such project, an alternative method is in the public  
25 interest.

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

7           (4) ADVERTISING.—No requirement or obliga-  
8           tion shall be imposed as a condition precedent to the  
9           award of a contract to a bidder for a project for  
10          which a grant is made under this title, or to the Sec-  
11          retary's concurrence in the award of a contract to  
12          such bidder, unless such requirement or obligation is  
13          otherwise lawful and is specifically set forth in the  
14          advertised specifications or in this title.

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

19          (f) BUY AMERICAN.—If a local public works project  
20          carried out with Federal financial assistance under this  
21          title would be eligible for Federal financial assistance  
22          under provisions of law other than this Act and, under  
23          such other provisions of law, would be subject to title III  
24          of the Act of March 3, 1933, popularly known as the Buy  
25          America Act, or similar requirements, such project shall

1 be subject to such title of such Act of March 3, 1933,  
2 or such similar requirements under this Act in the same  
3 manner and to the same extent as such project would be  
4 subject to such title of such Act of March 3, 1933, or such  
5 similar requirements under such other provisions of law.

6 (g) MINORITY PARTICIPATION.—If a local public  
7 works project carried out with Federal financial assistance  
8 under this title would be eligible for Federal financial as-  
9 sistance under provisions of law other than this Act and,  
10 under such other provision of law, would be subject to any  
11 minority participation requirement, such project shall be  
12 subject to such requirement under this Act, in the same  
13 manner and to the same extent as such project would be  
14 subject to such requirement under such other provisions  
15 of law.

16 (h) APPLICABILITY OF LAWS REGARDING INDIVID-  
17 UALS WITH DISABILITIES.—Sections 504 and 505 of the  
18 Rehabilitation Act of 1973 and the Americans With Dis-  
19 abilities Act of 1990 shall apply to local public works  
20 projects carried out under this title.

21 **SEC. 106. FUNDING.**

22 There is authorized to be appropriated  
23 \$25,000,000,000 for fiscal years 1995, 1996, and 1997  
24 to carry out this title. Moneys appropriated pursuant to  
25 this authorization shall remain available until expended.

1 Any amounts made available under this title for fiscal year  
2 1995 shall be deemed to be emergency spending under sec-  
3 tion 251(b)(2)(D) of the Balanced Budget and Emergency  
4 Deficit Control Act of 1985.

5 **TITLE II—PUBLIC WORKS AND JOB**  
6 **RESTORATION**

7 **Subtitle A—Jobs 2000**

8 **SEC. 201. SHORT TITLE.**

9 This subtitle may be cited as the “Jobs 2000 Act of  
10 1995”.

11 **SEC. 202. PURPOSE.**

12 It is the purpose of this subtitle to develop and pro-  
13 vide useful and productive opportunities for unemployed  
14 and underemployed people, especially young people,  
15 through payments for labor and related costs associated  
16 with the construction, repair or rehabilitation of essential  
17 community and educational facilities; with the reclama-  
18 tion, improvement and conservation of public lands; and  
19 with the creation, repair, rehabilitation and restoration of  
20 public safety, public transportation, health, social services  
21 and recreation facilities and other activities necessary to  
22 the public welfare.

23 **SEC. 203. ELIGIBLE PARTICIPANTS.**

24 (a) GENERAL ELIGIBILITY REQUIREMENTS.—An in-  
25 dividual shall be eligible to participate in a program,

1 project or activity receiving funds under this subtitle only  
2 if such individual—

3 (1) is a resident or citizen of the United States,

4 (2) is an unemployed individual at the time of  
5 enrollment, and

6 (3) has been unemployed for at least 30 days  
7 immediately preceding the date of such enrollment,  
8 except as otherwise provided in subsection (e) of this  
9 section and section 222.

10 Individuals may be certified for purposes of this section  
11 in accordance with procedures agreed to by the eligible ad-  
12 ministrative entity and established in regulations estab-  
13 lished by the Secretary.

14 (b) DURATION OF ELIGIBILITY.—No individual who  
15 is eligible under subsection (a) shall receive wages from  
16 funds made available under this subtitle in excess of 52  
17 weeks in any 2-year period, in accordance with the follow-  
18 ing subsidy schedule—

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

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

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

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

4 (1) at the time of selection, have exhausted or  
5 are otherwise not eligible for unemployment benefits,  
6 particularly—

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

10 (B) those residing in households in which  
11 no other member is employed on a full-time  
12 basis,

13 (C) those individuals who are or were  
14 qualified participants in a Trade Adjustment  
15 Act program or other Federal program provid-  
16 ing job reemployment assistance due to base  
17 closure, factory closure or other job loss due to  
18 economic factors, and

19 (D) those young people who are unem-  
20 ployed and who reside in communities with the  
21 highest levels of unemployment or  
22 underemployment; and

23 (2) (except for individuals described in subpara-  
24 graph (D)) have been employed within the past 2

1 years by the employer that is providing the sub-  
2 sidized job position.

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

6 (1) custodial parents of children who are recipi-  
7 ents of assistance under title IV of the Social Secu-  
8 rity Act, and

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

15 (e) SPECIAL CONSIDERATION FOR VETERANS.—With  
16 regard to services to veterans provided under section  
17 210(a)(3)(O), special consideration in selecting partici-  
18 pants for employment in such activities should be given  
19 to veterans who otherwise meet the eligibility requirements  
20 in this section.

21 (f) EQUAL EMPLOYMENT OPPORTUNITIES.—In cer-  
22 tifying eligible participants under subsection (a) and in re-  
23 ferring them for employment to recipients under subtitles  
24 B and C, the administrative entity shall be responsible for  
25 ensuring equal employment opportunities and the full par-

1 ticipation of traditionally underrepresented groups, includ-  
2 ing women and racial and ethnic minorities, in employ-  
3 ment provided with funds made available under this sub-  
4 title. Each recipient of funds under subtitle B or C shall  
5 be responsible for ensuring such opportunities and full  
6 participation in the selection of eligible participants for  
7 such employment.

8 **SEC. 204. LIMITATION ON USE OF FUNDS.**

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

16 (b) LIMITATION ON ADMINISTRATIVE COSTS.—Not  
17 more than 10 percent of the funds provided to any recipi-  
18 ent under subtitle B or C from funds appropriated for any  
19 fiscal year may be used for the cost of administration.

20 (c) ACQUISITION OF TOOLS, EQUIPMENT, AND MA-  
21 TERIALS.—The remainder of the funds provided to any  
22 recipient under subtitle B or C from funds appropriated  
23 for and fiscal year (after compliance with subsection (a)  
24 and deduction of costs of administration permitted by sub-  
25 section (b)) may be used for the acquisition of supplies,

1 tools, equipment, and other materials directly related to  
2 the purpose for which the funds were provided.

3 (d) USE OF OTHER FUNDS.—

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

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

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

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

4 (2) the recipient has entered into an agreement  
5 for the provision of such training to participants  
6 with one or more of the following: an Apprenticeship  
7 Training program which is certified by the Depart-  
8 ment of Labor for the construction industry and  
9 meets Federal standards for apprenticeship training;  
10 an administrative entity designated under section  
11 103(b)(1)(B) of the Job Training Partnership Act  
12 (29 U.S.C. 1513(b)(1)(B)), a local educational agen-  
13 cy, a vocational education school, an institution of  
14 higher education, a community-based organization, a  
15 community action agency, a community development  
16 corporation, or other qualified public or private non-  
17 profit provider of training services; and

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

24 Apprenticeship training shall be included in the Project  
25 Agreements negotiated with the Building Trades Councils

1 as outlined in section 105(d)(2) of this Act. Minority par-  
2 ticipation requirements as specified in this Act shall be  
3 applied to such Project Agreements.

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

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

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

15 **Subtitle B—Employment in Support of**  
16 **Community Renewal**

17 **PART A—COMMUNITY IMPROVEMENT PROJECTS**

18 **SEC. 210. EMPLOYMENT IN COMMUNITY IMPROVEMENT**  
19 **PROJECTS.**

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

24 (1) Repair, rehabilitation, or improvement of  
25 public facilities, including—

1 (A) street, highway or road repair,

2 (B) painting and/or repair of bridges and  
3 pedestrian overpasses or underpasses,

4 (C) rehabilitation or repair of community  
5 facilities such as public libraries or other public  
6 buildings,

7 (D) rehabilitation, repair and moderniza-  
8 tion of public housing,

9 (E) water development projects and repair  
10 of water systems,

11 (F) repair and rehabilitation of public  
12 mass transit systems,

13 (G) erecting and replacing school crossing,  
14 intersection and other road surface or sign  
15 markings and removing road or public sidewalk  
16 obstructions,

17 (H) rehabilitation of public playgrounds  
18 and parks,

19 (I) installation and repair of drainage  
20 pipes, catch basins or other portions of control  
21 of potential flooding,

22 (J) installation of graded ramps and as-  
23 sistance devices such as handrails for the handi-  
24 capped, and

1           (K) weatherization and other energy con-  
2           servation activities.

3           (2) Activities to conserve, restore, rehabilitate  
4           or improve public lands, including—

5           (A) erosion, fire, flood, drought, earth-  
6           quake, and storm damage prevention, assist-  
7           ance, and control,

8           (B) removal of refuse and hazardous mate-  
9           rials from drainage ditches, illegal dumping  
10          sites, and other public areas,

11          (C) stream, lake and waterfront harbor  
12          and port improvement and pollution control,

13          (D) nursery, forestry and silvicultural op-  
14          erations,

15          (E) reclamation activities on public lands  
16          that have been stripmined or subjected to other  
17          mineral extraction activities,

18          (F) fish culture and habitat maintenance  
19          and improvement and other fishery assistance,

20          (G) rehabilitation, improvement and con-  
21          servation of rangelands,

22          (H) urban revitalization and historical and  
23          cultural site preservation,

24          (J) road and trail maintenance and im-  
25          provement,

1 (K) improvement and reuse of abandoned  
2 railroad bed and right-of-way, and

3 (L) renewable resource enhancement, en-  
4 ergy conservation projects and recovery of bio-  
5 mass.

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

9 (A) fire hazard inspection and repair, and  
10 repairing or replacing fire hydrants,

11 (B) emergency food and shelter activities,

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

15 (D) assisting in nutrition programs for  
16 children, the elderly and the disabled,

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

20 (F) disaster relief efforts to assist victims,

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

24 (H) public health services, including assist-  
25 ance in community health centers,

- 1 (I) emergency medical and rescue services,  
2 (J) drug and alcohol abuse programs,  
3 (K) domestic violence programs, including  
4 prevention of child abuse,  
5 (L) education and training assistance, in-  
6 cluding family literacy, English as a second lan-  
7 guage, basic skills education, remedial tutoring,  
8 and occupational skills training,  
9 (M) assisting public library programs, in-  
10 cluding library aides programs and book mo-  
11 biles,  
12 (N) employment counselling, homelessness  
13 prevention and other services to veterans,  
14 (O) security guards for public schools and  
15 public housing projects,  
16 (P) police support such as dispatchers,  
17 neighborhood watch, and traffic control to free  
18 police officers for full time street duty,  
19 (Q) staff support for juvenile and adult  
20 correctional facilities,  
21 (R) rodent and insect control activities,  
22 (S) hazardous materials surveys, and  
23 (T) unemployment counselling and job  
24 placement services.

1 (b) JOINT PROGRAMS AUTHORIZED.—Nothing in  
2 this subtitle shall be construed to preclude such activities  
3 from being conducted in conjunction with programs fund-  
4 ed from sources other than under this subtitle.

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

8 (1) will be carried out by a government depart-  
9 ment, public or quasi-public agency, private non-  
10 profit organization or private contractor, including  
11 those carried out in conjunction with local Building  
12 Trades Councils (as described in section 204(e)(2)),

13 (2) if a program designed to create or modify,  
14 repair, rehabilitate or restore, buildings or other tan-  
15 gible property, will be completed within 24 months,

16 (3) is an activity authorized under this section  
17 or section 231(b),

18 (4) will result in a specific product or accom-  
19 plishment,

20 (5) would not otherwise be conducted with ex-  
21 isting funds, and

22 (6) will meet the priorities established in section  
23 214.

24 (d) PUBLIC LANDS PROJECTS LIMITATIONS.—

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

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

22 **SEC. 211. ELIGIBLE ADMINISTRATIVE ENTITIES.**

23          (a) IN GENERAL.—Except as otherwise provided in  
24          this section, an eligible administrative entity under this  
25          title shall be an administrative entity under section

1 103(b)(1)(B) of the Job Training Partnership Act (29  
2 U.S.C. 1513(b)(1)(B)) that serves one or more eligible ju-  
3 risdictions.

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

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

9 (2) a consortium of contiguous units of general  
10 local government which includes—

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

14 (B) a combination of one or more such  
15 municipal governments and one or more county  
16 governments (or equivalents); or

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

20 (3) a contiguous group of census tracts that  
21 constitutes an area of substantial unemployment (as  
22 that term is defined in section 212(c)) that is not  
23 within an area that is an eligible jurisdiction under  
24 paragraph (1) or (2); or

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

6           (c) QUALIFICATION OF ADMINISTRATIVE ENTI-  
7           TIES.—

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

19          (2) PRESERVATION OF LOCAL SERVICE.—A  
20          larger unit of general local government (determined  
21          on the basis of population) shall not qualify as an  
22          eligible administrative entity to serve the population  
23          of any geographic area within the jurisdiction of any  
24          smaller unit of general local government (determined  
25          on the basis of population) if the latter such unit is

1 or is part of an eligible administrative entity that  
2 has filed a statement under section 213 with respect  
3 to the use of funds provided under this title for such  
4 area.

5 **SEC. 212. ALLOTMENT OF FUNDS.**

6 (a) NATIVE AMERICAN ALLOTMENT.—

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

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

22 (b) GENERAL ALLOTMENTS.—

23 (1) RESERVATION.—The remainder of the  
24 amount available for this subtitle for any fiscal year  
25 (after making the allotment required by subsection

1 (a) shall be allotted by the Secretary to the States  
2 for allocation to eligible jurisdictions within each  
3 State. Each State shall allocate to the eligible juris-  
4 dictions within the State such amounts as deter-  
5 mined by the Secretary pursuant to the formula con-  
6 tained in paragraph (2).

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

9 (A)  $33\frac{1}{3}$  percent shall be allotted on the  
10 basis of the relative number of unemployed in-  
11 dividuals residing in areas of substantial unem-  
12 ployment within each eligible jurisdiction as  
13 compared to the total number of such unem-  
14 ployed individuals in all eligible jurisdictions in  
15 all States;

16 (B)  $66\frac{2}{3}$  percent shall be allotted on the  
17 basis of the relative number of unemployed in-  
18 dividuals residing within each eligible jurisdic-  
19 tion as compared to the total number of unem-  
20 ployed individuals residing in all eligible juris-  
21 dictions in all States.

22 (3) LIMITATIONS ON FORMULA.—The total al-  
23 lotment for all eligible jurisdictions within any one  
24 State shall not be less than one-quarter of 1 percent

1 of the total allotted to all eligible jurisdictions in all  
2 States.

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

4 (1) The term “area of substantial unemploy-  
5 ment” means any area of sufficient size and scope  
6 to sustain a program under this subtitle and which  
7 has an average rate of unemployment of at least 6.0  
8 percent for the most recent 12 months as deter-  
9 mined by the Secretary. Determinations of areas of  
10 substantial unemployment shall be made once each  
11 fiscal year.

12 (2) The term “excess number” means the num-  
13 ber which represents the number of unemployed in-  
14 dividuals in excess of 4.5 percent of the civilian labor  
15 force in the service delivery area, or the number  
16 which represents the number of unemployed individ-  
17 uals in excess of 4.5 percent of the civilian labor  
18 force in areas of substantial unemployment in such  
19 service delivery area.

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

21 (a) SUBMISSION OF STATEMENT.—

22 (1) CONTENTS OF STATEMENT.—Each eligible  
23 administrative entity which desires to receive its al-  
24 lotment under section 212 shall, within 30 days

1 after receiving notice of such allotment, submit to  
2 the Secretary a statement—

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

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

7 (C) agreeing to use such funds for projects  
8 or activities under subpart A, B, and C of this  
9 subtitle and for which, to the maximum extent  
10 feasible, on-site labor can begin within 45 days  
11 of receipt of funds under this subtitle; and

12 (D) agreeing 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 day for the submission of statements  
16 required by paragraph (1), the Secretary shall, on  
17 the basis of only those eligible administrative entities  
18 submitting such statements, make a final allotment  
19 of funds in accordance with section 212, and shall  
20 notify each such eligible administrative entity of the  
21 amount of its final allotment.

22 (b) PAYMENT OF ALLOTMENTS.—

23 (1) PROSPECTIVE RULE.—For fiscal years be-  
24 ginning after the date of enactment of this Act, the  
25 Secretary shall pay to each eligible administrative

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

6               (2) PREVIOUS FISCAL YEAR PAYMENTS.—For  
7       any fiscal year which began prior to the date of en-  
8       actment of this Act, the Secretary shall, not later  
9       than 30 days after the final allotment of funds for  
10      such fiscal year under subsection (a)(2), pay to each  
11      eligible administrative entity which has filed a state-  
12      ment the total amount of such allotment.

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

19                      (1) describe in detail the jobs created with such  
20      funds, including—

21                              (A) the nature of the employment activity,

22                              (B) the wage rates paid, and

23                              (C) the duration of employment;

24                      (2) contain adequate data to evaluate the char-  
25      acteristics of participants in programs under this

1 subtitle, including the sex, race, age, handicapped  
2 status, and veteran status of participants; and

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

7 (d) WITHHOLDING SUBJECT TO PROCEDURES.—The  
8 Secretary may not withhold, suspend, or terminate the  
9 payment of any installment of an allotment except in ac-  
10 cordance with section 303.

11 **SEC. 214. PROJECT DESIGN.**

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

15 (1) the severity and duration of unemployment  
16 within localities in the area of the eligible adminis-  
17 trative entity,

18 (2) the degree to which project activities will  
19 lead to the expansion of unsubsidized employment  
20 opportunities in the private sector,

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

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

1           (5) the extent to which the activities will instill  
2           in the enrollee involved a work ethic and a sense of  
3           public service,

4           (6) the extent to which the project will be labor  
5           intensive, and

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

8           (b) COORDINATION.—To the extent feasible, employ-  
9           ment opportunities established with funds made available  
10          under this subtitle shall be coordinated with other Federal,  
11          State, and local activities, including vocational and adult  
12          education, job training provided with funds available  
13          under the Job Training Partnership Act (29 U.S.C. 1501  
14          et. seq.), the Family Support Act of 1988, and activities  
15          receiving funds available under section 106 of the Housing  
16          and Community Development Act of 1974 (42 U.S.C.  
17          5306), and other Federal laws.

18           **PART B—COMMUNITY IMPROVEMENT AND**  
19           **RENEWAL ACTIVITIES FOR YOUTH TRAINEES**  
20           **SEC. 221. YOUTH TRAINEE ACTIVITIES.**

21           (a) USE OF FUNDS AUTHORIZED.—Funds under this  
22          subtitle may be used for eligible youth who are paid wages  
23          and benefits from such funds for part-time employment  
24          not in excess of 32 hours per week. Such part-time em-  
25          ployment may be in any activity described in section 310

1 or may be at a work site operated by a public or private  
2 nonprofit agency or organization or by an employer orga-  
3 nized for profit, but shall be provided in a manner which  
4 requires, and is consistent with, the youth's enrollment in  
5 high school, a program which leads to a certificate of high  
6 school equivalency, or a program of basic skills, skills  
7 training or employability development, including a pro-  
8 gram operated pursuant to the Family Support Act. Such  
9 enrollment shall be for a minimum of 8 hours per week.

10 (b) JOINT PROJECTS AUTHORIZED.—In meeting the  
11 requirements of subsection (a), funds required to be used  
12 for such purpose may be used in activities which also re-  
13 ceive funds under the Job Training Partnership Act (in-  
14 cluding Job Corps), the Carl D. Perkins Vocational Edu-  
15 cation Act, the Family Support Act's Job Opportunities  
16 and Basic Skills Program, or other State or local public  
17 or private education or training programs.

18 **SEC. 222. ELIGIBLE YOUTH.**

19 (a) EXEMPTION FROM UNEMPLOYMENT DURATION  
20 REQUIREMENTS.—Notwithstanding section 203(a)(2) re-  
21 garding the duration of unemployment—

22 (1) any youth aged 16 through 19,

23 (2) any youth aged 16 through 24 who is the  
24 parent of a dependent non-custodial child, and who  
25 executes an agreement of support and an authoriza-

1       tion for the withholding or a portion of the wages  
2       from such activity for use in supporting such de-  
3       pendent child, and

4             (3) who is currently unemployed shall be eligi-  
5       ble to be a participant in activities conducted under  
6       this part.

7       (b) PRIORITY.—In selecting such participants, an eli-  
8       gible administrative shall, notwithstanding section 203(c),  
9       give priority to individuals who are economically disadvan-  
10      taged. Among such individuals, eligible school dropouts  
11      shall be served on an equitable basis. For purposes of this  
12      subsection, a school dropout is an individual who is not  
13      attending any school and has not received a secondary  
14      school diploma or certificate of high school equivalency.

15                   **PART C—STATE JOB PROGRAMS**

16      **SEC. 231. FINANCIAL ASSISTANCE FOR STATE JOB PRO-**  
17                   **GRAMS.**

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

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

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

4 (A) State parks, forests, recreation, and  
5 conservation programs (including rangeland re-  
6 habilitation and improvement and beach front  
7 erosion rehabilitation and repair),

8 (B) State hospitals and other institutions  
9 and facilities providing health care,

10 (C) State correctional institutions and pro-  
11 grams, including juvenile facilities, and

12 (D) State administered social service pro-  
13 grams (including State-sponsored preschool and  
14 child care programs);

15 (2) through special assistance (in conjunction,  
16 as appropriate, with eligible administrative entities  
17 under subtitle B) for areas which have experienced  
18 sudden or severe economic dislocations, including  
19 large scale losses of jobs caused by the closing of fa-  
20 cilities (including defense-related facilities) or mass  
21 layoffs;

22 (3) through State-directed emergency aid pro-  
23 grams to cope with natural disasters, including ero-  
24 sion, flood, drought, and storm damage assistance  
25 and control activities; and

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

10       (c) PROGRAM AND ACTIVITY SELECTION AND DE-  
11 SIGN.—In determining the programs and activities to re-  
12 ceive funds allotted under subsection (a), the State shall  
13 give first priority to the establishment of those programs  
14 and activities which will provide job sites—

15           (1) within jurisdictions defined in section 204,

16       or

17           (2) only after such priority is met in the State,  
18       within areas in the State in which the rate of unem-  
19       ployment is the highest.

20 In designing projects under this section, the State shall  
21 evaluate projects on the basis of the severity and duration  
22 of unemployment within localities in the State and the  
23 level of need which exists for the activities and services  
24 to be provided.

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

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

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

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

15 (1) describe in detail the jobs created with such  
16 funds including—

17 (A) the nature of the employment activity,

18 (B) the wage rates paid, and

19 (C) the duration of employment;

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

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

1       whether the State has used such funds in accordance  
2       with the requirements of this Act.

3       **Subtitle C—Employment Activities—Repair**  
4       **and Renovation of Educational Facilities**

5       **PART A—ELEMENTARY AND SECONDARY**  
6       **SCHOOL FACILITY IMPROVEMENT JOBS**

7       **SEC. 241. SCHOOL FACILITY REPAIR AND RENOVATION**  
8       **PROJECTS.**

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

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

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

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

4           (A) the Act of August 12, 1968, commonly  
5 known as the Architectural Barriers Act of  
6 1968,

7           (B) section 504 of the Rehabilitation Act  
8 of 1973,

9           (C) the Americans with Disabilities Act,  
10 and

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

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

19           (3) for conversion of presently unused or  
20 underused facilities into adult training centers or  
21 preschool education centers, including Head Start  
22 centers;

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

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

4           (d) TRIBAL SCHOOL PROJECTS.—

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

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

24          (3) COMPLIANCE WITH ALLOTMENT REQUIRE-  
25          MENTS.—For the purposes of section 242, the De-

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

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

9       **SEC. 242. ALLOTMENT OF FUNDS.**

10       (a) FUNDS RESERVED.—From the amount available  
11       for purposes of this part for any fiscal year, the Secretary  
12       shall reserve 2 percent for allotment among Native Amer-  
13       ican eligible jurisdictions described in section 211(b)(4).  
14       Such reserved amount shall be allotted among Native  
15       American eligible jurisdictions on an equitable basis, tak-  
16       ing into account the extent to which regular employment  
17       opportunities have been lacking for long-term periods  
18       among individuals within the jurisdiction of such entities.

19       (b) LOCAL EDUCATIONAL AGENCY ALLOTMENTS.—  
20       The remainder of the amount available for purposes of  
21       this part for any fiscal year shall be allotted by the Sec-  
22       retary among local educational agencies located within eli-  
23       gible jurisdictions (as determined by section 211(b)) by  
24       allocating to each such local educational agency an  
25       amount that bears the same ratio to such remainder as

1 the allotment (under section 212(b)(2)) of the eligible ju-  
2 risdiction within which it is located bears to the sum of  
3 the allotments to all eligible jurisdictions under such sec-  
4 tion.

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

6 (a) STATEMENT REQUIRED.—

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

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

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

16 (2) ACTION BY SECRETARY.—Within 30 days  
17 after the final day for the submission of statements  
18 required by paragraph (1), the Secretary shall, on  
19 the basis of only those local educational agencies  
20 submitting such statements, make a final allotment  
21 of funds in accordance with section 242, and shall  
22 notify each such agency of the amount of its final  
23 allotment.

24 (b) PAYMENT OF ALLOTMENTS.—

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

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

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

23           (1) describe in detail the jobs created with such  
24 funds including—

25           (A) the nature of the employment activity,

1 (B) the wage rates paid, and

2 (C) the duration of employment;

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

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

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

15 **PART B—HIGHER EDUCATION FACILITY**

16 **IMPROVEMENT PROJECTS**

17 **SEC. 251. ACADEMIC FACILITY REPAIR AND RENOVATION**  
18 **PROJECTS.**

19 (a) USE OF FUNDS AUTHORIZED.—The funds made  
20 available to any institution of higher education under this  
21 part for any fiscal year shall be used to carry out projects  
22 and activities (in accordance with the limitation on use  
23 of funds set forth in section 204) providing employment  
24 to eligible participants (qualifying under section 203) in

1 work on the repair, restoration, renovation, or rehabilita-  
2 tion of the academic facilities of such institution.

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

8 (c) PERMITTED USE OF FUNDS.—

9 (1) ELIGIBLE PROJECTS.—Funds allotted to  
10 each State under section 252 shall be made available  
11 through the higher education building agency of  
12 such State, in accordance with its State plan under  
13 part A of title VII of the Higher Education Act of  
14 1965, to assist institutions of higher education in  
15 carrying out eligible projects under that title for the  
16 repair, restoration, renovation, and rehabilitation of  
17 academic facilities and libraries if the primary pur-  
18 pose of such assistance is—

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

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

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

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

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

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

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

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

20 (2) USE AT INSTITUTIONS LOCATED IN ELIGI-  
21 BLE JURISDICTIONS.—Funds allotted under section  
22 252 shall be made available only to institutions of  
23 higher education that are located within eligible ju-  
24 risdictions under section 211(b), except that the Sec-  
25 retary may waive the requirements of this paragraph

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

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

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

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

15 **SEC. 252. ALLOTMENT OF FUNDS.**

16 (a) ALLOTMENT FORMULA.—

17 (1) FUNDS RESERVED.—From the amount  
18 available for purposes of this part for any fiscal  
19 year, the Secretary shall reserve 2 percent for allot-  
20 ment among Native American eligible jurisdictions  
21 described in section 211(b)(4). Such reserved  
22 amount shall be allotted among Native American eli-  
23 gible jurisdictions on an equitable basis, taking into  
24 account the extent to which regular employment op-  
25 portunities have been lacking for long-term periods

1 among individuals within the jurisdiction of such en-  
2 tities.

3 (2) STATE ALLOTMENTS.—The remainder of  
4 the amount available for purposes of this part shall  
5 be allotted by the Secretary among the States by allo-  
6 cating to each State an amount that bears the same  
7 ratio to such remainder as the sum of the allotments  
8 (under section 212(b)(2)) of the eligible jurisdictions  
9 within such State bears to the sum of the allotments  
10 to all eligible jurisdictions under such section.

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

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

17 (a) STATEMENT REQUIRED.—

18 (1) CONTENT OF STATEMENT.—Each State  
19 which desires to receive its allotment under section  
20 252 shall, within 30 days after receiving notice of  
21 such allotment, submit to the Secretary a state-  
22 ment—

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

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

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

5 (2) ACTION BY SECRETARY.—Within 30 days  
6 after the final statements required by paragraph (1),  
7 the Secretary shall, on the basis of only those States  
8 submitting such statements, make a final allotment  
9 of funds in accordance with section 252, and shall  
10 notify each State of the amount of its final allot-  
11 ment.

12 (b) PAYMENT OF ALLOTMENTS.—

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

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

1 filed such a statement the total amount of such al-  
2 lotment.

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

9 (1) describe in detail the jobs created with such  
10 funds including—

11 (A) the nature of the employment activity,

12 (B) the wage rates paid, and

13 (C) the duration of employment;

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

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

22 (d) WITHHOLDING PROCEDURES.—The Secretary  
23 may not withhold, suspend, or terminate the payment of  
24 any installment of an allotment except in accordance with  
25 section 303.

1 **PART C—SPECIAL DEFINITIONS FOR SUBTITLE C**

2 **SEC. 261. DEFINITIONS.**

3 Notwithstanding section 305, for purposes of this  
4 subtitle—

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

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

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

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

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

21 **PART D—AUTHORIZATION OF APPROPRIATIONS**

22 **SEC. 271. AUTHORIZATION OF APPROPRIATIONS.**

23 (a) IN GENERAL.—In order to provide employment  
24 opportunities for unemployed individuals under this title  
25 there are authorized to be appropriated \$45,000,000,000

1 for each of the fiscal years 1996, 1997, 1998, 1999, and  
2 2000.

3 (b) DIVISION BETWEEN SUBTITLES.—Of the amount  
4 appropriated pursuant to subsection (a) for any fiscal  
5 year—

6 (1) 80 percent shall be available for purposes of  
7 subtitle B,

8 (2) 10 percent shall be available for purposes of  
9 part A of subtitle C, and

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

## 12 **TITLE III—GENERAL PROVISIONS**

### 13 **SEC. 301. GENERAL REQUIREMENTS.**

14 (a) DISCRIMINATION PROHIBITED.—

15 (1) EXCLUSION PROHIBITED.—No person shall  
16 be excluded from participation in, denied the bene-  
17 fits of, subjected to discrimination under, or denied  
18 employment in the administration of or in connec-  
19 tion with any program under this Act because of  
20 race, color, religion, sex, national origin, age, handi-  
21 cap, or political affiliation or belief.

22 (2) SECTARIAN PURPOSES PROHIBITED.—Par-  
23 ticipants under this Act shall not be employed on the  
24 construction, operation, or maintenance of so much

1 of any facility as is used or to be used for sectarian  
2 instruction or as a place for religious worship.

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

9 (b) USE OF FUNDS FOR SUPPLEMENTARY ACTIVI-  
10 TIES.—Funds provided under this Act shall only be used  
11 for activities which are in addition to those which would  
12 otherwise be available in the area in the absence of such  
13 funds.

14 (c) SUBSTITUTION FOR GOVERNMENT PROGRAMS  
15 PROHIBITED.—No funds made available under this Act  
16 for subsidized employment may be provided to a private  
17 organization, institution, or contractor to conduct any ac-  
18 tivities customarily performed by employees of a State, a  
19 political subdivision, or a local educational agency in the  
20 area served by the program.

21 (d) SERVICES TO RESIDENTS.—Only individuals re-  
22 siding in the area of an eligible jurisdiction under title II  
23 may participate in activities funded under such titles, ex-  
24 cept that a recipient may permit participation by homeless

1 individuals who cannot prove residence within the eligible  
2 jurisdiction.

3 (e) HIRING OF VOLUNTARILY TERMINATED WORK-  
4 ERS PROHIBITED.—No individual shall be eligible to be  
5 employed in a position subsidized under this Act if such  
6 individual has, within the preceding 6 months, voluntarily  
7 terminated, without good cause, his or her last previous  
8 full-time employment at a wage rate equal to or exceeding  
9 the Federal minimum wage as prescribed under section  
10 6(a)(1) of the Fair Labor Standards Act of 1938, unless  
11 such individual has moved to follow a spouse.

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

15 (g) WAGE RATES.—

16 (1) MINIMUM OR PREVAILING HOURLY RATE  
17 REQUIRED.—An individual in employment subsidized  
18 under this Act shall be paid wages which shall not  
19 be less than the highest of—

20 (A) the minimum wage under section  
21 6(a)(1) of the Fair Labor Standards Act of  
22 1938,

23 (B) the minimum wage under the appro-  
24 priate State or local minimum wage law, or

1           (C) the prevailing rates of pay for individ-  
2           uals employed in similar occupations by the  
3           same employer.

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

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

17           (B) multiplied by 75 percent, and

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

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

24           (4) TIME OFF.—Participants employed under  
25           this Act shall be allowed sufficient time off from

1 work activities to participate effectively in job search  
2 activities.

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

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

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

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

18 (h) EXPENDITURE SCHEDULE.—Any funds appro-  
19 priated to carry out this Act which are allotted for any  
20 fiscal year shall be available for expenditure by the recipi-  
21 ent during a period of 1 year from the date of payment  
22 to the recipient. No part of any allotment shall be revoked  
23 or cancelled as long as the funds so allotted are expended  
24 by the recipient within such 1-year period. If any such  
25 funds are not so expended, the Secretary shall reallocate an

1 amount equal to such unexpended funds among other eli-  
2 gible recipients in accordance with this Act.

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

19 **SEC. 302. LABOR STANDARDS.**

20 (a) CONDITIONS AND BENEFITS.—

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

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

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

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

20          (b) PROTECTION OF EXISTING WORKERS.—

21               (1) DISPLACEMENT PROHIBITED.—No cur-  
22               rently employed worker shall be displaced by any  
23               participant (including partial displacement such as a  
24               reduction in the hours of nonovertime work, wages,  
25               or employment benefits).

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

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

14          (B) No participant whose wages are subsidized  
15          under this Act shall be employed or job opening  
16          filled when, after the enactment of this Act, the em-  
17          ployer terminates the employment of any regular  
18          unsubsidized employee in the same or any substan-  
19          tially equivalent job or otherwise reduces the num-  
20          ber of regular unsubsidized employees in such jobs.

21          (4) PROMOTIONAL INFRINGEMENT PROHIB-  
22          ITED.—No jobs shall be created in a promotional  
23          line that will infringe in any way upon the pro-  
24          motional opportunities of currently employed individ-  
25          uals.

1 (c) COMPLIANCE REPORTS.—

2 (1) SUBMISSION TO LABOR ORGANIZATIONS.—

3 Each quarterly report submitted pursuant to section  
4 212(c), 231(e), 243(c) or 253(c) shall be transmit-  
5 ted by the recipient to any labor organization rep-  
6 resenting government or private employees who are  
7 engaged in similar work to that performed by em-  
8 ployees whose wages are subsidized under this Act.

9 (2) CONTENTS OF REPORTS.—Each quarterly  
10 report submitted pursuant to section 212(c), 231(e),  
11 243(c), or 253(c) which is subject to the require-  
12 ments of paragraph (3) shall, with respect to each  
13 government department in which subsidized employ-  
14 ment is provided under this Act, set forth—

15 (A) the number of all regular employees of  
16 such department—

17 (i) during the quarter to which such  
18 report applies and

19 (ii) during the quarter preceding the  
20 enactment of this Act; and

21 (B) the number of employees subsidized  
22 under this Act in such department during each  
23 such quarter.

24 (3) ANALYSIS OF JOB REDUCTION REQUIRED.—

25 If, for two succeeding calendar quarters, there has

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

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

12       (d) COMPLAINT PROCEDURE.—

13               (1) SUBMISSION OF COMPLAINTS.—Whenever  
14       any employee, or labor organization representing em-  
15       ployees, of a government employing subsidized em-  
16       ployees under this Act submits to the Secretary a  
17       complaint alleging that section 301 or subsection (a)  
18       or (b) of this section has been violated, a copy of  
19       such complaint shall be transmitted at the same  
20       time to such government to review such complaint  
21       and to submit a reply to the Secretary within 15  
22       days after receiving a copy of such complaint.

23               (2) INVESTIGATION OF COMPLAINTS.—An offi-  
24       cial who shall be designated by the Secretary shall  
25       review any report required to include a statement

1 specified in subsection (c)(3), or any complaint sub-  
2 mitted in accordance with paragraph (1), to ascer-  
3 tain the accuracy of the information set forth or al-  
4 leged and to determine whether there is substantial  
5 evidence that the affected activities fail to comply  
6 with section 301 or subsection (a) or (b) of this sec-  
7 tion.

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

17 (4) DETERMINATIONS.—A determination of  
18 whether a violation of subsection (b) of this section  
19 has occurred shall be made after considering legiti-  
20 mate bases for layoffs or terminations of employees  
21 not subsidized under this Act within the same de-  
22 partment or budget function, such as a shortfall of  
23 revenues compared with expenditures despite main-  
24 tenance of local tax effort, or the requirements of  
25 governmental reorganizations or productivity im-

1        improvements affecting work not performed by such  
2        subsidized employees.

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

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

21            (e) LABOR ORGANIZATION.—

22            (1) USE FOR ORGANIZING OR DETERRING  
23        UNIONS PROHIBITED.—Each recipient of funds  
24        under this Act shall provide to the Secretary assur-

1       ances that none of such funds will be used to assist,  
2       promote, or deter union organizing.

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

10       (f) DAVIS-BACON REQUIREMENTS.—

11               (1) PREVAILING WAGES REQUIRED.—All labor-  
12       ers and mechanics employed by contractors or sub-  
13       contractors in any construction, alteration, or repair,  
14       including painting and decorating, of projects, build-  
15       ings, and works which are federally assisted under  
16       this Act, shall be paid wages at rates not less than  
17       those prevailing on similar construction in the local-  
18       ity as determined by the Secretary in accordance  
19       with the Act of March 3, 1931 (commonly known as  
20       the Davis-Bacon Act), as amended (40 U.S.C. 276a-  
21       276a-5). The Secretary shall have with respect to  
22       such labor standards, the authority and functions  
23       set forth in Reorganization Plan Numbered 14 of  
24       1950 (15 FR 3176; 64 Stat. 1267) and section 2 of

1 the Act of June 1, 1934, as amended (48 Stat. 948,  
2 as amended; 40 U.S.C. 276(c)).

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

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

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

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

22 (3) the term “regular unsubsidized employee”  
23 means any employee whose wages are paid in whole  
24 or in part from non-Federal funds, but does not in-

1       clude any employee whose wages are paid in whole  
2       or in part with funds made available under this Act.

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

4       (a) GAO REVIEW.—

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

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

22          (3) ACCESS TO RECORDS.—For the purpose of  
23      evaluating and reviewing programs established or  
24      provided for by this Act, the Comptroller General  
25      shall have access to and the right to copy any books,

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

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

15 (c) PROCEDURE FOR REPAYMENT.—

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

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 30 days, take such action or order such corrective meas-  
8 ures, as necessary, with respect to the recipient or the ag-  
9 grieved 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—

19 (i) the poverty level determined in ac-  
20 cordance with criteria established by the  
21 Director of the Office of Management and  
22 Budget, or

23 (ii) 70 percent of the lower living  
24 standard income level;

1 (C) receives, or is a member of a family  
2 which receives, food stamps pursuant to the  
3 Food Stamp Act of 1977;

4 (D) is a foster child on behalf of whom  
5 State or local government payments are made;  
6 or

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

11 (2) the term “institution of higher education”  
12 has the meaning provided under section 1201(a) of  
13 the Higher Education Act of 1965;

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

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

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

1 ing funds under an allotment for part B of such  
2 title;

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

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

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

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

20 (8) the term “unemployed individuals” means  
21 individuals aged sixteen or older who are without  
22 jobs and who want or are available for work, as de-  
23 termined in accordance with criteria used by the Bu-  
24 reau of Labor Statistics of the Department of Labor  
25 in defining individuals as unemployed, but such cri-

1       teria shall not be applied differently on account of  
2       an individual's previous employment; and

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

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

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

○

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