

105TH CONGRESS
1ST SESSION

H. R. 950

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 5, 1997

Mr. MARTINEZ (for himself, Mr. DELLUMS, Ms. VELÁZQUEZ, Mr. SERRANO, Mr. FILNER, Mr. TORRES, Mr. NADLER, Mr. RUSH, Mr. FOGLIETTA, Mr. MANTON, Ms. WATERS, Mr. OWENS, Mr. FATTAH, Mr. RANGEL, Mr. McDERMOTT, Mr. TOWNS, Mr. FLAKE, Mr. ENGEL, Mrs. MALONEY of New York, Mr. ANDREWS, Ms. ROYBAL-ALLARD, Mr. ACKERMAN, Ms. SANCHEZ, Mr. HINCHEY, Mr. SCOTT, Mr. LANTOS, Mr. BROWN of California, Ms. DELAURO, Mr. PAYNE, Mr. DAVIS of Illinois, and Mr. DIXON) introduced the following bill; which was referred to the Committee on Education and the Workforce, 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

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Job Creation and In-
3 frastructure Restoration Act of 1997”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (a) That the investments made during the
7 1930’s, 1940’s, and 1950’s in the infrastructure of
8 the United States through the Roosevelt public
9 works programs, the National Highway Act under
10 President Eisenhower, and other major efforts, led
11 to the greatest period of economic recovery and sus-
12 tained level of economic growth in the first 150
13 years of our Nation’s existence.

14 (b) That the Nation’s infrastructure has suf-
15 fered greatly over the past three decades because of
16 the failure of the Federal Government to ensure re-
17 newal and restoration of roads, bridges, public build-
18 ings, public lands, and other public assets.

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

25 (d) There is a critical need to renew and restore
26 both the public buildings and other assets, and the

1 jobs and job skills needed to ensure that those assets
2 are available for use by future generations and for
3 any defense needs the country may face in the
4 future.

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

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

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

1 (h) Efforts to reform the welfare system are
2 based on the assumption that there will be jobs
3 available in the public and private sectors for cur-
4 rent welfare recipients, and for noncustodial parents
5 whose responsibilities include providing financial
6 support to their children.

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

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

1 **TITLE I—DEPARTMENT OF COMMERCE**
2 **GRANTS**

3 **SEC. 101. DEFINITIONS.**

4 (a) As used in this title, the following definitions
5 apply:

6 (1) SECRETARY.—The term “Secretary” means
7 the Secretary of Commerce, acting through the Eco-
8 nomic Development Administration.

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

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

21 (4) STATE.—The term “State” includes the
22 several States, the District of Columbia, the Com-
23 monwealth of Puerto Rico, the Virgin Islands of the
24 United States, Guam, American Samoa, and the
25 Commonwealth of the Northern Marianas.

1 **SEC. 102. DIRECT GRANTS.**

2 (a) CONSTRUCTION.—The Secretary is authorized to
3 make grants to any State or local government for the con-
4 struction (including demolition and other site preparation
5 activities), renovation, repair, restoration, or other im-
6 provement of local public works projects, including those
7 public works projects of State and local governments for
8 which Federal financial assistance is authorized under
9 provisions of law other than this title or this Act. To the
10 extent appropriate, the Secretary may coordinate with
11 other Federal agencies in assessing grant requests, and
12 in providing appropriate levels of support.

13 (b) FEDERAL SHARE.—The Federal share of any
14 project for which a grant is made under this title shall
15 be no more than 90 percent of the cost of the project.

16 (c) TERMINATION OF GRANTS.—No new grants shall
17 be made pursuant to this section after the expiration of
18 any 3-consecutive month period during which the national
19 unemployment rate remained below 5 percent for each
20 such month, or after September 30, 2001, whichever first
21 occurs.

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

23 (a) ALLOCATION OF FUNDS.—The Secretary shall al-
24 locate funds appropriated pursuant to section 106 of this
25 title as follows:

1 (1) INDIAN TRIBES.—Three-quarters of one
2 percent of such funds shall be set aside and shall be
3 expended only for grants for public works projects
4 under this title to Indian tribes and Alaskan Native
5 villages. None of the remainder of such funds shall
6 be expended for such grants to such tribes and vil-
7 lages.

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

1 percent in the aggregate shall be allocated for such
2 projects in all four of such territories.

3 (3) SET-ASIDE FOR SMALL TOWNS.—Not less
4 than 10 percent of each State's allocation shall be
5 set aside and shall be expended only for grants for
6 public works projects under this title for units of
7 local government with populations under 10,000
8 persons.

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

19 (b) PREFERENCES.—

20 (1) LOCAL GOVERNMENT PROJECTS.—In mak-
21 ing grants under this title, the Secretary shall give
22 priority to public works projects of local govern-
23 ments that will employ residents of such grantees
24 who are experienced, apprentice or novice workers in
25 construction activities.

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

7 (3) SCHOOL DISTRICT PROJECT.—A project re-
8 quested by a school district shall be accorded the full
9 priority and preference to public works projects of
10 local governments provided in this subsection.

11 (4) APPLIED INDUSTRIAL RESEARCH
12 PROJECTS.—A project that creates or adds to an ap-
13 plied industrial research facility at an institution of
14 higher education, and which facility is intended to
15 promote the development of new products and proc-
16 esses, or that the Secretary determines will improve
17 the competitiveness of American industry shall be
18 accorded full priority and preference. For projects
19 under this section, matching funds requirements
20 shall be waived if the company or companies and the
21 institution involved commit, in the Secretary's deter-
22 mination, to undertake all future equipment and
23 maintenance expenses for the project.

24 (c) HIGH UNEMPLOYMENT RATES.—

1 (1) PRIORITY.—In making grants under this
2 title, if for the 12 most recent consecutive months
3 the average national unemployment rate in the con-
4 struction trades is equal to or exceeds 8 percent, the
5 Secretary shall (A) expedite and give priority to ap-
6 plications submitted by States or local governments
7 having average unemployment rates for the 12 most
8 recent consecutive months in excess of the average
9 national unemployment rates for the construction
10 trades, and (B) shall give priority thereafter to ap-
11 plications submitted by States or local governments
12 having average unemployment rates for construction
13 trades for the 12 most recent consecutive months in
14 excess of 6 percent, but less than the average na-
15 tional unemployment rate for such construction
16 trades.

17 (2) INFORMATION REGARDING UNEMPLOYMENT
18 RATES.—Information regarding unemployment rates
19 may be furnished either by the Federal Government,
20 or by States or local governments, provided the Sec-
21 retary (A) determines that the unemployment rates
22 furnished by States or local governments are accu-
23 rate, and (B) shall provide assistance to State or
24 local governments in the calculation of such rates to
25 assure validity and standardization.

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

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

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

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

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

1 (1) the severity and duration of unemployment
2 in proposed project areas;

3 (2) the income levels and extent of under-
4 employment in proposed project areas;

5 (3) the extent to which proposed projects will
6 contribute to increased employment in the construc-
7 tion trades and to future economic growth; and

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

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

16 (c) CONSIDERATION OF CONSTRUCTION INDUSTRY
17 EMPLOYMENT.—For purposes of this section, in consider-
18 ing the extent of unemployment or underemployment, the
19 Secretary shall consider the amount of unemployment or
20 underemployment in the construction and construction-
21 related industries.

22 **SEC. 105. GENERAL LIMITATION.**

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

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

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

13 (d) CONTRACTING.—

14 (1) COMPETITIVE BIDDING.—

15 (A) Construction projects performed under
16 contract with funds made available under this
17 title shall be performed by contract awarded by
18 competitive bidding, unless the Secretary shall
19 affirmatively find that, under the circumstances
20 related to such project, an alternative method is
21 in the public interest. It is in the public interest
22 that tax-funded projects shall be performed effi-
23 ciently, with a high level of productivity, and
24 shall produce a product of highest quality.

1 (B) For this purpose, public authorities
2 awarding contracts under this Act shall, as a
3 first option, seek to obtain Project Agreements
4 with Building Trades Councils which have juris-
5 diction over the geographical area included in
6 the location of the project. These Project Agree-
7 ments shall include the establishment of Project
8 Committees consisting of public officials, labor
9 representatives and managerial representatives.
10 The Committee will hear and rule on com-
11 plaints pertaining to job safety and health, mi-
12 nority hiring and prevailing wage, and appren-
13 ticeship training provisions of this Act, as well
14 as craft jurisdiction and any and all disputes
15 which may arise on the job. Public Authorities
16 shall assign to each project an enforcement offi-
17 cer who shall oversee and enforce compliance
18 with labor standards, hiring practices, and ap-
19 prenticeship standards specified in this Act, as
20 well as those orders of the Project Committee
21 applicable to the project.

22 (2) LOWEST RESPONSIVE BID.—Contracts for
23 the construction of each project for which a grant is
24 made under this title shall be awarded only on the
25 basis of the lowest responsive bid submitted by a

1 bidder meeting the established criteria of responsibil-
2 ity, subject to subsection (c) of this section.

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

11 (e) ENVIRONMENTAL SAFEGUARDS.—All local public
12 works projects carried out with Federal financial assist-
13 ance under this title shall comply with all relevant Federal,
14 State or local environmental laws and regulations.

15 (f) BUY AMERICA ACT.—If a local public works
16 project carried out with Federal assistance under this title
17 would be eligible for Federal financial assistance under
18 provisions of law other than this Act and, under such
19 other provision of law, would be subject to title III of the
20 Act of March 3, 1993, popularly known as the Buy Amer-
21 ica Act, or similar requirements, such project shall be sub-
22 ject to such title of such Act of March 3, 1993, or such
23 similar requirements under this Act in the same manner
24 and to the same extent as such project would be subject

1 to such title of such Act of March 3, 1993, or such similar
2 requirements under such other provisions of law.

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

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

18 **SEC. 106. FUNDING.**

19 There is authorized to be appropriated
20 \$25,000,000,000 for fiscal years 1998, 1999, and 2000
21 to carry out this title. Moneys appropriated pursuant to
22 this authorization shall remain available until expended.
23 Any amounts made available under this title for fiscal year

1 1998 shall be deemed to be emergency spending under sec-
2 tion 251(b)(2)(D) of the Balanced Budget and Emergency
3 Deficit Control Act of 1985.

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

6 **Subtitle A—Jobs 2000**

7 **SEC. 201. SHORT TITLE.**

8 This subtitle may be cited as the “Jobs 2000 Act of
9 1997”.

10 **SEC. 202. PURPOSE.**

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

22 **SEC. 203. ELIGIBLE PARTICIPANTS.**

23 (a) GENERAL ELIGIBILITY REQUIREMENTS.—An in-
24 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. Individuals may be certified
10 for purposes of this section in accordance with pro-
11 cedures agreed to by the eligible administrative en-
12 tity and established in regulations established by the
13 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;

19 (D) those young people who are unem-
20 ployed and who reside in communities with the
21 highest levels of unemployment or underemploy-
22 ment; 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 one or more non-
10 dependent children who are recipients of assistance
11 under title IV of the Social Security Act, but only
12 if said applicants agree in writing to the withholding
13 of an appropriate portion of their wages to be ap-
14 plied to the support of said child or children under
15 any child support order.

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

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

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

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

10 (a) RESERVATION FOR WAGES AND BENEFITS.—Not
11 less than 75 percent of the funds made available to any
12 recipient under subtitles B and C from funds appropriated
13 under section 271 of this Act for any fiscal year shall be
14 used to provide for wages and related employment benefits
15 to eligible participants for work which the recipient cer-
16 tifies has been performed in one or more of the activities
17 authorized under this title.

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

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

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

6 (d) USE OF OTHER FUNDS.—

7 (1) USE OF ACQUISITION COSTS.—Nothing in
8 this Act shall be construed to preclude or limit the
9 payment of the costs of administration or the costs
10 of supplies, tools, equipment, or other materials di-
11 rectly related to the project or program being fund-
12 ed, either in whole or in part, from non-Federal
13 sources or from Federal sources other than under
14 this Act, such as section 106 of the Housing and
15 Community Development Act of 1974 (42 U.S.C.
16 5306).

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

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

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

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

22 (3) the costs associated with providing such
23 training and related support to any participant from
24 funds available under this Act do not exceed, on a
25 weekly basis, the maximum wage which may be paid

1 with funds available under this Act in accordance
2 with section 301(g)(2).

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

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

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

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

16 **PART A—COMMUNITY IMPROVEMENT PROJECTS.**

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

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

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

25 (A) street, highway or road repair;

1 (B) painting and/or repair of bridges and
2 pedestrian overpasses or underpasses;

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

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

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

10 (F) repair and rehabilitation of public
11 mass transit systems;

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

16 (H) rehabilitation of public playgrounds
17 and parks;

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

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

24 (K) weatherization and other energy con-
25 servation activities.

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

3 (A) erosion, fire, flood, drought, earth-
4 quake, and storm damage prevention, assist-
5 ance, and control;

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

9 (C) stream, lake and waterfront harbor
10 and port improvements and pollution control;

11 (D) nursery, forestry and silvicultural op-
12 erations,

13 (E) reclamation activities on public lands
14 that have been stripmined or subjected to other
15 mineral extraction activities;

16 (F) fish culture and habitat maintenance
17 and improvement and other fishery assistance;

18 (G) rehabilitation, improvement and con-
19 servation of rangelands;

20 (H) urban revitalization and historical and
21 cultural site preservation;

22 (I) road and trail maintenance and im-
23 provement;

24 (J) improvement and reuse of abandoned
25 railroad bed and right-of-way; and

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

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

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

9 (B) emergency food and shelter activities;

10 (C) child and dependent care (including
11 respite care) designed to enable parents or
12 other caregivers to become fully employed;

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

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

18 (F) disaster relief efforts to assist victims;

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

22 (H) public health services, including immu-
23 nizations of children and assistance in commu-
24 nity health centers;

25 (I) emergency medical and rescue services;

1 (J) drug and alcohol abuse programs;

2 (K) domestic violence programs, including
3 prevention of child abuse and protection of
4 abused children or elderly persons;

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,
10 including library aides programs and book mo-
11 biles;

12 (N) employment counselling, homelessness
13 prevention and other services to veterans and
14 their families;

15 (O) security guards for public schools and
16 public housing projects;

17 (P) police support such as dispatchers,
18 neighborhood watch, and traffic control to free
19 police officers for full time street duty;

20 (Q) staff support for juvenile and adult
21 correctional facilities;

22 (R) rodent and insect control activities;

23 (S) hazardous materials surveys; and

24 (T) unemployment counselling and job
25 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 the local Build-
12 ing Trades Councils (as described in section
13 204(e)(2));

14 (2) if a program designed to create or modify,
15 repair, rehabilitate or restore buildings or other tan-
16 gible property, will be completed within 24 months
17 (or such longer period as the Secretary may provide
18 in a program grant);

19 (3) is an activity authorized under this section
20 or section 231(b);

21 (4) will result in a specific product or accom-
22 plishment;

23 (5) would not otherwise be conducted with ex-
24 isting funds; and

1 (6) will meet the priorities established in section
2 214.

3 (d) PUBLIC LANDS PROJECTS LIMITATIONS.—

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

16 (2) CONSISTENCY WITH LAWS AND POLICIES.—

17 All projects carried out under this Act for conserva-
18 tion, rehabilitation, restoration or improvement of
19 any public lands or Indian lands shall be undertaken
20 in a manner consistent with the provisions of law
21 and policies relating to the management and admin-
22 istration of such lands, with all other applicable pro-
23 visions of law, and with all management, oper-
24 ational, and other plans and documents which gov-
25 ern the administration of the area.

1 **SEC. 211. ELIGIBLE ADMINISTRATIVE ENTITIES.**

2 (a) IN GENERAL.—Except as otherwise provided in
3 this section, an eligible administrative entity under section
4 103(b)(1)(B) of the Job Training Partnership Act (29
5 U.S.C. 1513(b)(1)(B)) that serves one or more eligible ju-
6 risdictions.

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

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

12 (2) a consortium of contiguous units of general
13 local government which includes—

14 (A) two or more municipal governments at
15 least one of which is an eligible jurisdiction
16 under paragraph (1);

17 (B) a combination of one or more of such
18 municipal governments and one or more county
19 governments (or equivalents); or

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

23 (3) a contiguous group of census tracts that
24 constitutes an area of substantial unemployment (as
25 defined in section 212(c)) that is not within an area

1 that is an eligible jurisdiction under paragraph (1)
2 or (2); or

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

8 (c) QUALIFICATION OF ADMINISTRATIVE ENTI-
9 TIES.—

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

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

1 smaller unit of general local government (determined
2 on the basis of population) if the latter such unit is
3 or is part of an eligible administrative entity that
4 has filed a statement under section 213 with respect
5 to the use of funds provided under this title for such
6 area.

7 **SEC. 212. ALLOTMENT OF FUNDS.**

8 (a) NATIVE AMERICAN ALLOTMENT.—

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

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

24 (b) GENERAL ALLOTMENTS.—

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

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

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

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

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

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

7 (1) The term “area of substantial unemploy-
8 ment” means any area of sufficient size and scope
9 to sustain a program under this subtitle and which
10 has an average unemployment rate of at least 6 per-
11 cent for the most recent 12 months as determined
12 by the Secretary. Determinations of areas of sub-
13 stantial unemployment shall be made once each fis-
14 cal year.

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

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

24 (a) SUBMISSION OF STATEMENT.—

1 (1) CONTENT OF STATEMENT.—Each eligible
2 administrative entity which desires to receive an al-
3 lotment under section 212 shall, within 30 days
4 after receiving notice of such allotment, submit to
5 the Secretary a statement—

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

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

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

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

17 (2) ACTIONS BY SECRETARY.—Within 30 days
18 after the final day for the submission of statements
19 required by paragraph (1), the Secretary shall, on
20 the basis of only those eligible administrative entities
21 submitting such statements, make a final allotment
22 of funds in accordance with section 212, and shall
23 notify each such eligible administrative entity of the
24 amount of its final allotment.

25 (b) PAYMENT OF ALLOTMENTS.—

1 (1) PROSPECTIVE RULE.—For fiscal years be-
2 ginning after the date of enactment of this Act, the
3 Secretary shall pay to each eligible administrative
4 entity 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 YEAR PAYMENTS.—For
10 any fiscal year which began prior to the date of en-
11 actment of this Act, the Secretary shall, not later
12 than 30 days after the final allotment of funds for
13 such fiscal year under subsection (a)(2), pay to each
14 eligible administrative entity which has filed a state-
15 ment the total amount of such allotment.

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

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

24 (A) the nature of the employment activity;

25 (B) the wage rates paid; and

1 (C) the duration of employment;

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

7 (3) contain such information as the Secretary
8 may specifically request in order to ascertain wheth-
9 er such entity has used such funds in accordance
10 with the requirements of this Act.

11 (d) WITHHOLDING SUBJECT TO PROCEDURES.—The
12 Secretary may not withhold, suspend, or terminate the
13 payment of any installment of an allotment except in ac-
14 cordance with section 303 of this Act.

15 **SEC. 214. PROJECT DESIGN.**

16 (a) PRIORITY.—In designing projects under this sub-
17 title, the administrative entity shall give priority to
18 projects on the basis of—

19 (1) the severity and duration of unemployment
20 within localities in the area of the eligible adminis-
21 trative entity;

22 (2) the degree to which project activities will
23 lead to the expansion of unsubsidized employment
24 opportunities in the private sector;

1 (3) the level of need which exists for the activi-
2 ties and services to be provided;

3 (4) the extent to which the activities will pro-
4 vide long-term benefits to the public;

5 (5) the extent to which the activities will instill
6 in the enrollee involved a work ethic and a sense of
7 public service;

8 (6) the extent to which the project will be labor
9 intensive; and

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

12 (b) COORDINATION.—To the extent feasible, employ-
13 ment opportunities established with funds made available
14 under this subtitle shall be coordinated with other Federal,
15 State and local activities, including vocational and adult
16 education, job training provided with funds available
17 under the Job Training Partnership Act (29 U.S.C. 1501,
18 et seq.), the Family Support Act of 1988, and activities
19 receiving funds available under section 106 of the Housing
20 and Community Development Act of 1974 (42 U.S.C.
21 5306), and other Federal laws.

22 (c) COMPETITIVE BIDDING.—In the case of projects
23 or activities that involve construction, reconstruction, re-
24 pair or renovation of physical structures—

1 (1) each project for which a grant is made
2 which is performed by contract shall be awarded by
3 competitive bidding, unless the Secretary shall af-
4 firmatively find that, under the circumstances relat-
5 ed to such project, an alternative method is in the
6 public interest. It is in the public interest that tax-
7 funded projects shall be performed efficiently, with
8 a high level of productivity, and shall produce a
9 product of highest quality;

10 (2) public authorities awarding contracts under
11 this Act shall, as a first option, seek to obtain
12 Project Agreements with Building Trades Councils
13 which have jurisdiction over the geographical area
14 included in the location of the project. These Project
15 Agreements shall include the establishment of
16 Project Committees consisting of public officials,
17 labor representatives and managerial representa-
18 tives. The Committees will hear and rule on com-
19 plaints pertaining to job safety and health, minority
20 hiring and prevailing wage, and apprenticeship
21 training provisions of this Act, as well as craft juris-
22 diction and any and all disputes which may arise on
23 the job. Public authorities shall assign to each
24 project an enforcement officer who shall oversee and
25 enforce compliance with labor standards, hiring

1 practices, and apprenticeship standards specified in
2 this Act, as well as those orders of the Project Com-
3 mittee applicable to the project;

4 (3) contracts for the construction of each
5 project for which a grant is made under this title
6 shall be awarded only on the basis of the lowest re-
7 sponsive bid submitted by a bidder meeting the es-
8 tablished criteria or responsibility, subject to sub-
9 section (c) of this section;

10 (4) no requirement or obligation shall be im-
11 posed as a condition precedent to the award of a
12 contract to a bidder for a project for which a grant
13 is made under this title, or to the Secretary's con-
14 currence in the award of a contract to such bidder,
15 unless such requirement or obligation is otherwise
16 lawful and is specifically set forth in the advertised
17 specification or in this title; and

18 (5) all local public works projects carried out
19 with Federal financial assistance under this title
20 shall comply with all relevant Federal, State or local
21 environmental laws and regulations.

1 **PART B—COMMUNITY IMPROVEMENT AND**
2 **RENEWAL ACTIVITIES FOR YOUTH TRAINEES.**

3 **SEC. 221. YOUTH TRAINEE ACTIVITIES.**

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

18 (b) **JOINT PROJECTS AUTHORIZED.**—In meeting the
19 requirements of subsection (a), funds required to be used
20 for such purpose may be used in activities which also re-
21 ceive funds under the Job Training Partnership Act (in-
22 cluding Job Corps), the Carl T. Perkins Vocational Edu-
23 cation Act, the Family Support Act's Job Opportunities
24 and Basic Skills Program, or other Federal, State or local
25 public or private education or training program.

1 **SEC. 222. ELIGIBLE YOUTH.**

2 (a) EXEMPTION FROM UNEMPLOYMENT DURATION
3 REQUIREMENTS.—Notwithstanding section 203(a)(2) re-
4 garding duration of employment—

5 (1) any youth aged 16 through 19; or

6 (2) any youth aged 16 through 24 who is the
7 natural parent of a dependent non-custodial child,
8 and who executes an agreement of support and an
9 authorization for the withholding of a portion of the
10 wages from such activity for use in supporting such
11 dependent child; and

12 (3) who is currently unemployed shall be eligi-
13 ble to be a participant in activities conducted under
14 this part.

15 (b) PRIORITY.—In selecting such participants, an eli-
16 gible administrative entity shall, notwithstanding section
17 203(c), give priority to individuals who are economically
18 disadvantaged. Among such individuals, eligible school
19 dropouts shall be served on an equitable basis. For pur-
20 poses of this subsection, a school dropout is an individual
21 who is not attending any school and has not received a
22 secondary school diploma or certificate of high school
23 equivalency.

PART C—STATE JOB PROGRAMS

SEC. 231. FINANCIAL ASSISTANCE FOR STATE JOB PROGRAMS.

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

(b) USE OF FUNDS.—The sums available under subsection (a) shall be used for employment of eligible participants under this subtitle—

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

(A) State parks, forests, recreation, and conservation programs (including rangeland rehabilitation and improvement and beach front erosion rehabilitation and repair);

(B) State hospitals and other institutions and facilities providing health care;

(C) State correctional institutions and programs, including juvenile facilities; and

(D) State administered social service programs (including State-sponsored pre-school and child care programs);

(2) through special assistance (in conjunction, as appropriate, with eligible administrative entities under subtitle B) for areas which have experienced

1 sudden or severe economic dislocations, including
2 large scale losses of jobs caused by the closing of fa-
3 cilities (including defense related facilities) or mass
4 layoffs;

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

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

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

23 (1) within jurisdictions defined in section 204;
24 or

1 (2) only after such priority is met by the State,
2 within areas in the State in which the rate of unem-
3 ployment is the highest.

4 In designing projects under this section, the State shall
5 evaluate projects on the basis of the severity and duration
6 of unemployment within localities in the State and the
7 level of need which exists for the activities and services
8 to be provided.

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

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

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

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

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

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 race, sex, age, handicapped status,
6 and veteran status of participants; and

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

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

13 **PART A—ELEMENTARY AND SECONDARY**

14 **SCHOOL FACILITIES IMPROVEMENT JOBS.**

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

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

1 work on the repair, renovation, restoration or rehabilita-
2 tion of the public school facilities of such local education
3 agency.

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

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

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

15 (A) the Act of August 12, 1968, commonly
16 known as the Architectural Barriers Act of
17 1968;

18 (B) section 504 of the Rehabilitation Act
19 of 1973;

20 (C) the Americans with Disabilities Act;
21 and

22 (D) environmental protection or health and
23 safety programs mandated by Federal, State or
24 local law, especially for those facilities which

1 were constructed before such requirements were
2 in effect;

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

6 (3) for conversion of presently unused or
7 underused facilities into adult training centers or
8 preschool education centers, including Head Start
9 centers;

10 (4) for remodeling or renovating structures to
11 make them more energy efficient; or

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

15 (d) TRIBAL SCHOOL PROJECTS.—

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

1 (2) REGULATIONS.—The Secretary of the Inte-
2 rior shall, not later than 120 days after the date of
3 enactment of this Act, promulgate regulations nec-
4 essary for the establishment of the program author-
5 ized under this subsection. In addition, the Secretary
6 of the Interior shall, during the 120-day period and
7 annually thereafter, establish by regulation priorities
8 for making grants under this subsection which are
9 consistent with subsection (c).

10 (3) COMPLIANCE WITH ALLOTMENT REQUIRE-
11 MENTS.—For purposes of section 242, the Depart-
12 ment of the Interior shall be considered as a State
13 educational agency.

14 (4) RULE OF CONSTRUCTION.—Nothing con-
15 tained in this subsection shall be construed so as to
16 relieve the Secretary of the Interior of the respon-
17 sibility to provide adequate and equitable funding
18 under the Snyder Act (25 U.S.C. 13) for the oper-
19 ations and maintenance of Indian tribal school facili-
20 ties.

21 **SEC. 242. ALLOTMENT OF FUNDS.**

22 (a) FUNDS RESERVED.—From the amount available
23 for purposes of this part for any fiscal year, the Secretary
24 shall reserve 2 percent for the allotment among Native
25 American eligible jurisdictions described in section

1 211(b)(4). Such reserved amount shall be allotted among
 2 Native American eligible jurisdictions on an equitable
 3 basis, taking into account the extent to which regular em-
 4 ployment opportunities have been lacking for long-term
 5 periods among individuals within the jurisdiction of such
 6 entities.

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

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

19 (a) STATEMENT REQUIRED.—

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

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

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

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

13 (b) PAYMENTS OF ALLOTMENTS.—

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

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

1 under subsection (a)(2), pay to each local edu-
2 cational agency which has filed such a statement the
3 total amount of such allotment.

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

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

12 (A) the nature of employment activity;

13 (B) the wage rates paid; and

14 (C) the duration of employment;

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

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

24 (d) WITHHOLDING PROCEDURES.—The Secretary
25 may not withhold, suspend, or terminate the payment of

1 any installment of an allotment except in accordance with
 2 section 303.

3 **PART B—HIGHER EDUCATION FACILITY**

4 **IMPROVEMENT PROJECTS**

5 **SEC. 251. ACADEMIC FACILITY REPAIR AND RENOVATION**
 6 **PROJECTS.**

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

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

20 (c) PERMITTED USE OF FUNDS.—

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

1 1965, to assist institutions of higher education in
2 carrying out eligible projects under that title for the
3 repair, restoration, renovation, and rehabilitation of
4 academic facilities and libraries if the primary pur-
5 pose of such assistance is—

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

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

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

16 (ii) section 504 of the Rehabilitation
17 Act of 1973;

18 (iii) the Americans with Disabilities
19 Act; and

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

1 (C) for the repair, renovation, restoration,
2 or rehabilitation of research and post secondary
3 technical training facilities, including electrical
4 rewiring for new technology;

5 (D) for detecting, removing or otherwise
6 containing lead or asbestos in academic or other
7 facilities used by students.

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

17 (3) SELECTION OF ELIGIBLE PROJECTS.—In
18 selecting projects to be funded under this part, the
19 higher education building agency shall give priority
20 to projects at those institutions of higher edu-
21 cation—

22 (A) with the greatest proportion of stu-
23 dents receiving Pell grants under the Higher
24 Education Act of 1965; and

1 (B) which have not been able to obtain
2 funds for the performance of the project
3 through the sale of bonds or other obligations.

4 **SEC. 252. ALLOTMENT OF FUNDS.**

5 (a) FUNDS RESERVED.—From the amount available
6 for purposes of this part for any fiscal year, the Secretary
7 shall reserve 2 percent for the allotment among Native
8 American eligible jurisdictions described in section
9 211(b)(4). Such reserved amount shall be allotted among
10 Native American eligible jurisdictions on an equitable
11 basis, taking into account the extent which regular em-
12 ployment opportunities have been lacking for long-term
13 periods among individuals within the jurisdiction of such
14 entities.

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

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

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

7 (a) STATEMENT REQUIRED.—

8 (1) CONTENTS OF STATEMENT.—Each State
 9 which desires to receive its allotment under section
 10 252 shall, within 30 days after receiving notice of
 11 such allotment, submit to the Secretary a state-
 12 ment—

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

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

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

19 (2) ACTION BY SECRETARY.—Within 30 days
 20 after the final day for the submission of statements
 21 required by paragraph (1), the Secretary shall, on
 22 the basis of only those States submitting such state-
 23 ments, make a final allotment of funds in accord-
 24 ance with section 252, and shall notify each State of
 25 the amount of its final allotment.

1 (b) PAYMENT OF ALLOTMENTS.—

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

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

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

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

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 race, sex, age, handicapped status,
6 and veteran status of participants; and

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

11 (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 303.

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

16 **SEC. 261. DEFINITIONS.**

17 Notwithstanding section 305, for purposes of this
18 subtitle—

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

22 (2) the term “local educational agency” has the
23 meaning provided under section 1471(12) of the El-
24 elementary and Secondary Education Act of 1965;

1 (3) the term “higher education building author-
 2 ity” has the meaning provided under 734(b) of the
 3 Higher Education Act of 1965;

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

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

11 **PART D—AUTHORIZATION OF APPROPRIATIONS**

12 **SEC. 271. AUTHORIZATION OF APPROPRIATIONS.**

13 (a) IN GENERAL.—In order to provide employment
 14 opportunities for unemployed individuals, under this title
 15 there is authorized to be appropriated \$45,000,000,000
 16 for each of the fiscal year 1998, 1999, 2000, 2001, and
 17 2002.

18 (b) DIVISION BETWEEN SUBTITLES.—Of the amount
 19 to be appropriated pursuant to subsection (a) for each fis-
 20 cal year—

21 (1) 80 percent shall be available for purposes of
 22 subtitle B;

23 (2) 10 percent shall be available for purposes of
 24 part A of subtitle C; and

1 (3) 10 percent shall be available for purposes of
2 part B of subtitle C.

3 **TITLE III—GENERAL PROVISIONS**

4 **SEC. 301. GENERAL REQUIREMENTS.**

5 (a) DISCRIMINATION PROHIBITED.—

6 (1) EXCLUSION PROHIBITED.—No person shall
7 be excluded from participation in, denied the bene-
8 fits of, subjected to discrimination under, or denied
9 employment in the administration of or in connec-
10 tion with any program under this Act because of
11 race, color, religion, sex, national origin, age, handi-
12 cap, or political affiliation or belief.

13 (2) SECTARIAN PURPOSES PROHIBITED.—Par-
14 ticipants under this Act shall not be employed on the
15 construction, operation, or maintenance of so much
16 of any facility as is used or to be used for sectarian
17 purposes of as a place of religious worship.

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

1 (b) USE OF FUNDS SUPPLEMENTARY ACTIVITIES.—

2 Funds provided under this Act shall only be used for ac-
3 tivities which are in addition to those which would other-
4 wise be available in the area in the absence of such funds.

5 (c) SUBSTITUTION FOR GOVERNMENT PROGRAMS

6 PROHIBITED.—Except as provided in title I, no funds
7 made available under this Act for subsidized employment
8 may be provided to a private organization, institution, or
9 contractor to conduct any activities customarily performed
10 by employees of a State, a political subdivision, or a local
11 educational agency in the area served by the program.

12 (d) SERVICE TO RESIDENTS.—Only individuals resid-
13 ing in the area of an eligible jurisdiction under title II
14 may participate in non-emergency activities funded under
15 such title, except that a recipient may permit participation
16 by homeless individuals who cannot prove residence within
17 the eligible jurisdiction.

18 (e) HIRING OF VOLUNTARILY TERMINATED WORK-

19 ERS PROHIBITED.—No individual shall be eligible to be
20 employed in a position subsidized under this Act if such
21 individual has, within the preceding six months, volun-
22 tarily terminated, without good cause, his or her last pre-
23 vious full-time employment at a wage rate equal to or ex-
24 ceeding the Federal minimum wage as prescribed under

1 section 6(a)(1) of the Fair Labor Standards Act of 1938,
2 unless such individual has moved to follow a spouse.

3 (f) POLITICAL ACTIVITIES PROHIBITED.—Financial
4 assistance under this shall not be provided for any pro-
5 gram which involves political activities.

6 (g) WAGE RATES.—

7 (1) MINIMUM OR PREVAILING HOURLY RATE
8 REQUIRED.—An individual in employment subsidized
9 under this Act shall be paid wages which shall not
10 be less than the highest of—

11 (A) the minimum wage under section
12 6(a)(1) of the Fair Labor Standard Act of
13 1938;

14 (B) the minimum wage under appropriate
15 State or local minimum wage law; or

16 (C) the prevailing rate of pay for individ-
17 uals employed in similar occupations by the
18 same employer.

19 (2) MAXIMUM AVERAGE RATE.—The average
20 weekly portion of wages which may be paid to par-
21 ticipants from funds made available under this Act
22 for any fiscal year shall not exceed the amount de-
23 termined and published annually by the Secretary
24 before the beginning of such fiscal year. Such
25 amount shall be equal to—

1 (A) the national average weekly earnings
2 of production or nonsupervisory workers in pri-
3 vate, non-farm payrolls (as determined by the
4 Bureau of Labor Statistics for the most recent
5 12 months preceding such fiscal year for which
6 such determination is available);

7 (B) multiple by 75 percent; and

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

9 (3) SUPPLEMENTATION PERMITTED.—Partici-
10 pants employed under this Act may have their wages
11 supplemented by the payment of additional wages
12 for such employment from sources other than this
13 Act.

14 (4) TIME OFF.—Participants employed under
15 this Act shall be allowed sufficient time off from
16 work activities to participate effectively in job search
17 activities.

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

24 (6) WORK RECORDS.—Programs under this Act
25 shall maintain an individual work record for each

1 participant, to be provided to each participant at the
2 end of his or her participation, which shall contain—

3 (A) a documentary history of the experi-
4 ence and skills acquired by such participant;
5 and

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

8 (h) EXPENDITURE SCHEDULE.—Any funds appro-
9 priated to carry out this Act which are allotted for any
10 fiscal year shall be available for expenditure by the recipi-
11 ent during a period of one year from the date of payment
12 to the recipient. No part of any allotment shall be revoked
13 or canceled as long as the funds so allotted are expended
14 by the recipient within such one-year period. if any such
15 funds are not so expended, the Secretary shall reallocate an
16 amount equal to such unexpended funds among other eli-
17 gible recipients in accordance with this Act.

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

1 improper commingling of funds under this Act with funds
2 received from other sources, the failure to keep and main-
3 tain sufficient, auditable, or otherwise adequate records,
4 kickbacks, political patronage, violations of applicable
5 child labor laws, the use of funds for lobbying local, State,
6 or Federal legislators, and the use of funds for activities
7 which are not directly related to the proper operation of
8 the program.

9 **SEC. 302. LABOR STANDARDS.**

10 (a) CONDITIONS AND BENEFITS.—

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

16 (2) HEALTH, SAFETY, AND DISABILITY REGU-
17 LATION.—The regulations (relating to health and
18 safety, and worker's compensation) implementing
19 paragraphs (2) and (3) of section 143(a) of the Job
20 Training Partnership Act (29 U.S.C 1553(a)(2) and
21 (3)) issued on March 15, 1993, shall apply to par-
22 ticipants under this Act.

23 (3) COMPARABLE BENEFITS AND CONDI-
24 TIONS.—All individuals while employed in subsidized
25 jobs under this Act shall be provided benefits and

1 working conditions at the same level and to the same
2 extent as other employees doing the same type of
3 work.

4 (4) RETIREMENT CONTRIBUTIONS PROHIB-
5 ITED.—No funds available under this Act may be
6 used for contributions on behalf of any participant
7 to retirement systems or plans. Nothing in this sub-
8 section shall relieve either a participant or a pro-
9 gram from the requirements of the Social Security
10 Act.

11 (b) PROTECTION OF EXISTING WORKERS.—

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

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

1 (3) FILLING OF LAID-OFF-POSITIONS PROHIB-
2 ITED.—(A) No participant whose wages are sub-
3 sidized under this Act shall be employed or job open-
4 ing filled when any other individual is on layoff from
5 the same or any substantially equivalent job with the
6 project contractor or recipient of funds under this
7 Act.

8 (B) No participant whose wages are subsidized
9 under this Act shall be employed or a job opening
10 filled when, after the enactment of this Act, the em-
11 ployer terminates the employment of any regular
12 unsubsidized employee in the same or any substan-
13 tially equivalent job or otherwise reduces the number
14 of regular unsubsidized employees in such jobs.

15 (4) PROMOTIONAL INFRINGEMENT PROHIB-
16 ITED.—No jobs shall be created in a promotional
17 line that will infringe in any way upon the pro-
18 motional opportunities of currently employed individ-
19 uals.

20 (c) COMPLIANCE REPORT.—

21 (1) SUBMISSION TO LABOR ORGANIZATIONS.—
22 Each quarterly report submitted pursuant to sec-
23 tions 212(c), 231(e), 243(c) or 253(c) shall be trans-
24 mitted by the recipient to any labor organization
25 representing government or private employees who

1 are engaged in similar work to that performed by
2 employees whose wages are subsidized under this
3 Act.

4 (2) CONTENTS OF REPORTS.—Each quarterly
5 report submitted pursuant to section 212(c), 231(e),
6 243(c) or 253(c) which is subject to the require-
7 ments of paragraph (3) shall, with respect to each
8 government department in which subsidized employ-
9 ment is provided under this Act, set forth—

10 (A) the number of all regular employees of
11 such department—

12 (i) during the quarter to which such
13 report applies; and

14 (ii) during the quarter preceding the
15 enactment of this Act; and

16 (B) the number of employees subsidized
17 under this Act in such department during each
18 quarter.

19 (3) ANALYSIS OF JOB REDUCTIONS RE-
20 QUIRED.—If, for two succeeding calendar quarters,
21 there have been an average decline of 5 percent or
22 more in the number of such unsubsidized employees
23 in any such department as compared to such num-
24 ber for the quarter described in paragraph 2(A)(ii),
25 such report shall include a statement identifying the

1 jobs which have been reduced and setting forth any
2 reasons that such reduction does not result from a
3 failure to comply with subsection (b) of this section.

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

7 (d) COMPLAINT PROCEDURE.—

8 (1) SUBMISSION OF COMPLAINTS.—Whenever
9 any employee, or labor organization representing em-
10 ployees of a government agency employing sub-
11 sidized employees under this Act submits to the Sec-
12 retary a complaint alleging that section 301 or sub-
13 section (a) or (b) of this section has been violated,
14 a copy of such complaint shall be transmitted at the
15 same time to such government agency to review such
16 complaint and to submit a reply to the Secretary
17 within 15 days after receiving a copy of such com-
18 plaint.

19 (2) INVESTIGATION OF COMPLAINT.—An offi-
20 cial, who shall be designated by the Secretary, shall
21 review any report required to include a statement
22 specified in subsection (c)(3), or any complaint sub-
23 mitted in accordance with paragraph (1), to ascer-
24 tain the accuracy of the information set forth or al-
25 leged and to determine whether there is substantial

1 evidence that the affected activities fail to comply
2 with section 301 or subsection (a) or (b) of this sec-
3 tion.

4 (3) RECOMMENDATIONS.—The official so des-
5 ignated shall, within 45 days of the submission of
6 such report or complaint, submit recommendations
7 to the Inspector General of the Department of
8 Labor as to whether the report or complaint war-
9 rants investigation by the Office of the Inspector
10 General. After reviewing such recommendations, the
11 Inspector General shall undertake any investigations
12 (including an audit, if appropriate) deemed to be so
13 warranted.

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

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

14 (e) LABOR ORGANIZATION.—

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

20 (2) CONSULTATION REQUIRED.—Where a labor
21 organization represents a substantial number of em-
22 ployees who are engaged in similar work or training
23 in the same area as that proposed to be funded
24 under this Act, an opportunity shall be provided for

1 such organization to submit comments with respect
2 to such proposal.

3 (f) DAVIS-BACON REQUIREMENTS.—

4 (1) PREVAILING WAGES REQUIRED.—All labors
5 and mechanics employed by contractors or sub-
6 contractors in any construction, alteration, or repair,
7 including painting and decorating, of projects, build-
8 ings, and works which are federally assisted under
9 this Act, shall be paid at rates not less than those
10 prevailing on similar construction in the locality as
11 determined by the Secretary in accordance with the
12 Act of March 3, 1931 (commonly know as the
13 Davis-Bacon Act), as amended (40 U.S.C. 276a–
14 276a–5). The Secretary shall have with respect to
15 such labor standards, the authority and functions
16 set forth in Reorganization Plan Numbered 14 of
17 1950 (15 FR 3176; 64 Stat. 1267) and section 2 of
18 the Act of June 1, 1934, as amended (48 Stat. 948,
19 as amended; 40 U.S.C. 276(c)).

20 (2) FUNDING REQUIRED.—Such rates are not
21 required to be paid to participants under this Act
22 unless they are employed in connection with projects
23 funded by this Act in whole or in part, exclusive of
24 wages and benefits, or projects covered by any other

1 statute requiring the payment of such Davis-Bacon
2 Act wage rates.

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

4 (1) information concerning numbers of employ-
5 ees shall be reported in a manner consistent with the
6 reporting of information including the definitions of
7 terms) requested from governments by the Bureau
8 of the Census in the Survey of Government Employ-
9 ment for the 1982 Census of Governments, as au-
10 thorized in accordance with section 161 of title 13,
11 United States Code.

12 (2) the term “government” means a State, a
13 local unit of general purpose governments, a public
14 agency, or a local educational agency; and

15 (3) the term “regular unsubsidized employee”
16 means any employee whose wages are paid in whole
17 or in part from non-Federal funds, but does not in-
18 clude any employee whose wages are paid in whole
19 or in part with funds made available under this Act.

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

21 (a) GAO REVIEW.—

22 (1) EVALUATION REQUIRED.—The Comptroller
23 General of the United States shall, on a selective
24 basis, evaluate the expenditures by the recipients
25 under this Act in order to assure that expenditures

1 are consistent with the provisions of this Act and
2 to determine the effectiveness of each recipient in
3 accomplishing the purposes of this Act. The Comp-
4 troller General shall conduct the evaluations when-
5 ever necessary and shall periodically (at least annu-
6 ally) report to the Congress on the findings of such
7 evaluations.

8 (2) IG RESPONSIBILITIES NOT AFFECTED.—
9 Nothing in this Act shall be deemed to relieve the
10 Inspector General of the Department of Labor or
11 the Inspector General of the Department of Edu-
12 cation of their responsibilities under the Inspector
13 General Act.

14 (3) ACCESS TO RECORDS.—For the purpose of
15 evaluating and reviewing programs established or
16 provided for by this Act, the Comptroller General
17 shall have access to and the right to copy any books,
18 accounts, records, correspondence, or other docu-
19 ments pertinent to such programs that are in the
20 possession, custody, or control of any recipient of
21 funds under this Act, or any contractor or sub-
22 contractor of such recipients.

23 (b) REPAYMENT REQUIRED.—Every recipient shall
24 repay to the United States amounts found not to have
25 been properly expended in accordance with this Act. The

1 Secretary may offset such amounts against any other
2 amount in which the recipient is or may be entitled under
3 this Act, unless the Secretary determines that such recipi-
4 ent should be held liable pursuant to subsection (c). No
5 such action shall be taken except after notice and oppor-
6 tunity for a hearing having been given to the recipient.

7 (c) PROCEDURE FOR REPAYMENT.—

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

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

23 (A) established and adhered to an ap-
24 propriate system for the award and monitoring
25 of contracts with subcontractors which contains

1 acceptable standards for ensuring accountabil-
2 ity;

3 (B) entered into written contracts with
4 such subcontractors which establish clear goals
5 and obligations in unambiguous terms;

6 (C) acted with due diligence to monitor the
7 implementation of the contract, including the
8 carrying out of appropriate monitoring activities
9 (including audits) at reasonable intervals; and

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

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

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

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

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

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

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

9 (h) INVESTIGATIONS.—

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

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

20 **SEC. 304. JUDICIAL REVIEW.**

21 (a) REVIEW PERMITTED.—

22 (1) APPELLATE REVIEW.—With respect to any
23 corrective action or sanction imposed under section
24 303 by the Secretary, any party to a proceeding
25 which resulted in such action or sanction may obtain

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

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

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

23 **SEC. 305. DEFINITIONS.**

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

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

3 (A) receives, or is a member of a family
4 which receives, cash welfare payments under a
5 Federal, State or local welfare program;

6 (B) has, or is a member of a family which
7 has, received a total family income during the
8 6-month period prior to certification (exclusive
9 of unemployment compensation, child support
10 payments, and welfare payments) which, in re-
11 lation to family size, was not in excess of the
12 higher of—

13 (i) the poverty level determined in ac-
14 cordance with criteria established by the
15 Director of the Office of Management and
16 Budget; or

17 (ii) 70 percent of the lower living
18 standard income level;

19 (C) receives, or is a member of a family
20 which receives, food stamps pursuant to the
21 Food Stamp Act of 1977;

22 (D) is a foster child on behalf of whom
23 State or local government payments are made;
24 or

1 (E) is a handicapped individual whose own
2 income meets the requirements of clause (A) or
3 (B), but who is a member of a family or house-
4 hold whose income does not meet such require-
5 ments;

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

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

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

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

22 (6) except as specifically provided elsewhere in
23 this Act, the term “Secretary” means the Secretary
24 of Labor, except that—

1 (A) for purposes of subtitle C of title II,
2 such term means the Secretary of Education;
3 and

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

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

15 (8) the term “unemployed individuals” means
16 individuals aged 16 or older who are without jobs
17 and who want or are available for work, as deter-
18 mined in accordance with criteria used by the Bu-
19 reau of Labor Statistics of the Department of Labor
20 in defining individuals as unemployed, but such cri-
21 teria shall not be applied differently on account of
22 an individual’s previous employment; and

23 (9) the term “unit of local government” means
24 any city, town, township, parish, or (except in Con-
25 necticut, Massachusetts, Rhode Island and Vermont)

1 county which is a general purpose political subdivi-
2 sion of a State that has the power to levy taxes and
3 expend funds, as well as general corporate and police
4 powers.

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

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

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