

111TH CONGRESS  
2D SESSION

# S. 3500

To provide funds to States, units of general local government, and community-based organizations to save and create local jobs through the retention, restoration, or expansion of services needed by local communities, and for other purposes.

---

## IN THE SENATE OF THE UNITED STATES

JUNE 16, 2010

Mr. BROWN of Ohio (for himself, Mr. FRANKEN, and Mr. BEGICH) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

---

## A BILL

To provide funds to States, units of general local government, and community-based organizations to save and create local jobs through the retention, restoration, or expansion of services needed by local communities, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Local Jobs for America  
5       Act”.

1       **TITLE I—LOCAL COMMUNITY**  
2                               **JOBS**

3   **SEC. 101. STABILIZATION FUNDING FOR LOCAL JOBS.**

4       From the amount appropriated under section 111,  
5 the Secretary, acting through the Employment and Train-  
6 ing Administration of the Department of Labor and in  
7 consultation with the Secretary of Housing and Urban De-  
8 velopment, shall provide funds to States, units of general  
9 local government, and community-based organizations to  
10 save and create local jobs through the retention, restora-  
11 tion, or expansion of services needed by local communities.

12   **SEC. 102. ALLOTMENT FORMULA.**

13       (a) RESERVATIONS BY THE SECRETARY.—Of the  
14 amount appropriated under section 111 for each fiscal  
15 year, the Secretary may reserve—

16               (1) not more than 1 percent to administer this  
17 title; and

18               (2) not more than 0.5 percent to award grants,  
19 on a competitive basis, to Indian tribes for purposes  
20 of this title.

21       (b) MAKING FUNDS AVAILABLE FOR ALLOTMENT BY  
22 THE SECRETARY.—Of the amounts appropriated under  
23 section 111 and not reserved under subsection (a), the  
24 Secretary shall make available for allotment the amounts  
25 for each fiscal year as follows:

1           (1) 70 percent to entitlement communities, of  
2       which the Secretary shall make available for allot-  
3       ment—

4           (A) 25 percent to each entitlement commu-  
5       nity in an amount which bears the same ratio  
6       to the total amount made available under this  
7       subparagraph as the population of the entitle-  
8       ment community bears to the total population  
9       of all entitlement communities;

10          (B) 25 percent to each entitlement commu-  
11       nity in an amount which bears the same ratio  
12       to the total amount made available under this  
13       subparagraph as the extent of poverty in the  
14       entitlement community bears to the extent of  
15       poverty in all entitlement communities; and

16          (C) 50 percent to each entitlement commu-  
17       nity in an amount which bears the same ratio  
18       to the total amount made available under this  
19       subparagraph as the number of unemployed in-  
20       dividuals in the entitlement community bears to  
21       the total number of unemployed individuals in  
22       all entitlement communities.

23          (2) 30 percent to States, of which the Secretary  
24       shall make available for allotment—

1 (A) 25 percent to each State in an amount  
 2 which bears the same ratio to the total amount  
 3 made available under this subparagraph as the  
 4 population of the State bears to the total popu-  
 5 lation of all States;

6 (B) 25 percent to each State in an amount  
 7 which bears the same ratio to the total amount  
 8 made available under this subparagraph as the  
 9 extent of poverty in the State bears to the ex-  
 10 tent of poverty in all States; and

11 (C) 50 percent to each State in an amount  
 12 which bears the same ratio to the total amount  
 13 made available under this subparagraph as the  
 14 number of unemployed individuals in the State  
 15 bears to the total number of unemployed indi-  
 16 viduals in all States.

17 (c) RESERVATION AND ALLOTMENTS BY STATES.—

18 (1) RESERVATION.—Of the amount of funds al-  
 19 lotted to a State under subsection (b)(2) for each  
 20 fiscal year, a State may reserve not more than 2  
 21 percent for administrative purposes.

22 (2) ALLOTMENTS BY STATES.—

23 (A) IN GENERAL.—A State shall provide  
 24 all of the funds allotted to the State under sub-

1 section (b)(2) that are not reserved under para-  
2 graph (1) as follows:

3 (i) Not more than 50 percent of the  
4 funds to units of general local government  
5 located in nonentitlement areas of the  
6 State to continue to provide employee com-  
7 pensation to employees employed by the  
8 unit, as of the date of enactment of this  
9 Act, in positions that—

10 (I) provide local public services  
11 for the unit; and

12 (II) would otherwise be termi-  
13 nated or reduced as a result of fiscal  
14 constraints of such unit.

15 (ii) Not more than 50 percent of the  
16 remainder of the funds (after allotting  
17 funds under clause (i)) to community-  
18 based organizations to employ individuals  
19 newly hired or employed under a contract  
20 entered into after the date of enactment of  
21 this Act to provide services or functions  
22 that are not customarily provided by a unit  
23 of general local government located in a  
24 nonentitlement area of the State where

1 such services or functions will be provided  
2 by the organization.

3 (iii) All of the remainder of the funds  
4 (after allotting funds under clauses (i) and  
5 (ii)) to units of general local government  
6 located in nonentitlement areas of the  
7 State to provide employee compensation to  
8 individuals newly hired to carry out the  
9 local public services described in subclauses  
10 (I) and (II) of section 103(c)(1)(B)(i) for  
11 the unit.

12 (B) ALLOTMENTS.—In allotting funds  
13 under subparagraph (A) for a fiscal year, a  
14 State shall—

15 (i) provide to units of general local  
16 government and community-based organi-  
17 zations located in a non-entitlement area of  
18 a Congressional district of the State not  
19 less than an amount of funds that bears  
20 the same ratio to the total amount made  
21 available to be allotted to the State under  
22 subsection (b)(2) for such fiscal year as  
23 the population of the nonentitlement area  
24 of the Congressional district bears to the

1 total population of all nonentitlement areas  
 2 of the State;

3 (ii) if the total amount of funds allot-  
 4 ted by the Secretary to a State under sub-  
 5 section (b)(2) on behalf of units of general  
 6 local government and community-based or-  
 7 ganizations located in the nonentitlement  
 8 area of a Congressional district of the  
 9 State is less than the amount to be pro-  
 10 vided to the units and organizations under  
 11 clause (i) for such fiscal year, provide to  
 12 the units and organizations an amount of  
 13 funds equal to the amount of funds so al-  
 14 lotted for such fiscal year; and

15 (iii) consult with local elected officials  
 16 from among units of general local govern-  
 17 ment located in nonentitlement areas of  
 18 such State in determining the method of  
 19 allotment of such funds.

20 (d) RULE FOR PROVIDING FUNDS TO COMMUNITY-  
 21 BASED ORGANIZATIONS.—In providing funds under this  
 22 Act to community-based organizations, a unit of general  
 23 local government or State shall, to the extent practicable,  
 24 give priority to community-based organizations that will

1 provide services or functions in accordance with this Act  
 2 to—

3 (1) public use microdata areas that have a pov-  
 4 erty rate of 12 percent or more; or

5 (2) units of general local government that have  
 6 an unemployment rate that is 2 percent higher than  
 7 the national unemployment rate.

8 **SEC. 103. USES OF FUNDS BY UNITS OF GENERAL LOCAL**  
 9 **GOVERNMENT AND COMMUNITY-BASED OR-**  
 10 **GANIZATIONS.**

11 (a) ENTITLEMENT COMMUNITIES.—Of the amount of  
 12 funds received under section 102(b)(1) for each fiscal  
 13 year, a unit of general local government that is an entitle-  
 14 ment community—

15 (1) may use not more than 5 percent for ad-  
 16 ministrative purposes;

17 (2) may use not more than 50 percent of the  
 18 remainder of such funds (after using the funds pur-  
 19 suant to paragraph (1)) to continue to provide em-  
 20 ployee compensation to employees employed by the  
 21 unit, as of the date of enactment of this Act, in posi-  
 22 tions that—

23 (A) provide local public services for the  
 24 unit; and

1 (B) would otherwise be terminated or re-  
2 duced as a result of fiscal constraints of such  
3 unit;

4 (3) may provide not more than 50 percent of  
5 the remainder of such funds (after using the funds  
6 pursuant to paragraphs (1) and (2)) to community-  
7 based organization to employ individuals newly hired  
8 or employed under a contract entered into after the  
9 date of enactment of this Act to provide services or  
10 functions that are not customarily provided by the  
11 unit, of which—

12 (A) not less than 93 percent shall be used  
13 to provide employee compensation to such indi-  
14 viduals;

15 (B) not more than 5 percent may be used  
16 by the organization for supportive services; and

17 (C) not more than 2 percent may be used  
18 by the organization for administrative purposes;  
19 and

20 (4) shall use all of the remainder of such funds  
21 (after using the funds pursuant to paragraphs (1)  
22 through (3)), to the extent that the unit determines  
23 that it has a need for additional employees, to pro-  
24 vide employee compensation to individuals newly  
25 hired by the unit to carry out the local public serv-

1       ices described in subclauses (I) and (II) of sub-  
2       section (c)(1)(B)(i) for the unit.

3       (b) NONENTITLEMENT AREAS.—Of the amount of  
4 funds received under section 102(b)(2) for each fiscal  
5 year—

6           (1) a unit of general local government that is  
7       located in a nonentitlement area of a State—

8           (A) may use not more than 2 percent for  
9       administrative purposes; and

10          (B) shall use all of the remainder of such  
11 funds (after using the funds pursuant to sub-  
12 paragraph (A)) to provide employee compensa-  
13 tion to individuals described in clause (i) or (iii)  
14 of section 102(c)(2)(A), as determined by the  
15 State; and

16       (2) a community-based organization—

17           (A) shall use not less than 93 percent to  
18 provide employee compensation to individuals  
19 described in section 102(c)(2)(A)(ii);

20           (B) may use not more than 5 percent for  
21 supportive services; and

22           (C) may use not more than 2 percent for  
23 administrative purposes.

24       (c) FUNDED POSITIONS; CONSULTATION BY CHIEF  
25 EXECUTIVE OFFICERS.—

1 (1) FUNDED POSITIONS.—

2 (A) FULL-TIME, FULL-YEAR EMPLOY-  
3 MENT.—

4 (i) IN GENERAL.—An individual hired  
5 under this title by a unit of general local  
6 government or community-based organiza-  
7 tion shall fill a position that offers full-  
8 time, full-year employment.

9 (ii) DEFINITIONS.—For purposes of  
10 this subparagraph—

11 (I) the term “full-time” when  
12 used in relation to employment has  
13 the meaning already established or, if  
14 the meaning has not been established,  
15 determined to be appropriate for pur-  
16 poses of this title, by the unit of gen-  
17 eral local government or community-  
18 based organization hiring an indi-  
19 vidual under this title; and

20 (II) the term “full-year” when  
21 used in relation to employment means  
22 a position that provides employment  
23 for a 12-month period, except that in  
24 the case of a position that provides a  
25 service required by a unit or organiza-

1                   tion for only the duration of a school  
2                   year, the term means a position that  
3                   provides employment for such dura-  
4                   tion.

5                   (B) SERVICES FOR UNITS.—An individual  
6                   hired under this title—

7                   (i) by a unit of general local govern-  
8                   ment, shall fill a position to assist the unit  
9                   in—

10                   (I) restoring local public services  
11                   terminated within the preceding 5  
12                   years;

13                   (II) expanding existing local pub-  
14                   lic services; or

15                   (III) retaining local public serv-  
16                   ices that would otherwise be reduced  
17                   as a result of the fiscal constraints of  
18                   such unit; or

19                   (ii) by a community-based organiza-  
20                   tion, shall fill a position to provide services  
21                   or functions that are not customarily pro-  
22                   vided by a unit of general local government  
23                   where such services or functions will be  
24                   provided by the organization.

1           (2) CONSULTATION BY CHIEF EXECUTIVE OFFI-  
 2           CERS.—A chief executive officer of a unit of general  
 3           local government shall consult with the local commu-  
 4           nity and labor organizations representing employees  
 5           of such unit in determining the positions that should  
 6           be funded under this title for such unit for each fis-  
 7           cal year.

8   **SEC. 104. STATEMENTS OF NEED; APPROVAL AND ALLOT-**  
 9                           **MENT OF FUNDS.**

10          (a) SUBMISSION OF STATEMENTS; NOTICE OF AL-  
 11         LOTMENT AND INTENT.—

12                 (1) IN GENERAL.—

13                         (A) NOTICE OF ALLOCATION.—The Sec-  
 14                         retary shall post on a publicly accessible Inter-  
 15                         net Web site of the Department of Labor, the  
 16                         total amount of funds made available for allot-  
 17                         ment under this title for a fiscal year to each  
 18                         unit of general local government that is an enti-  
 19                         tlement community and each State that is eligi-  
 20                         ble to receive funds under this title for such fis-  
 21                         cal year.

22                         (B) SUBMISSION.—In order to receive  
 23                         funds under this title for a fiscal year for which  
 24                         funds are available to carry out this title, a unit  
 25                         of general local government, community-based

1 organization, or a State shall submit a state-  
2 ment in accordance with paragraph (2) or (3),  
3 as applicable, certifying the information de-  
4 scribed in subsection (b) for such fiscal year.

5 (C) NOTICE OF INTENT.—

6 (i) IN GENERAL.—Seven days prior to  
7 the submission of a statement under sub-  
8 paragraph (B), a unit of general local gov-  
9 ernment that is an entitlement community  
10 or State shall publish public notice of the  
11 intent to submit a statement under such  
12 subparagraph, which includes a copy of the  
13 statement.

14 (ii) INTERNET WEB SITE.—In pub-  
15 lishing public notice under clause (i), a  
16 unit of general local government or State  
17 shall post the notice and information de-  
18 scribed in such clause on a publicly avail-  
19 able Internet Web site of the unit or State,  
20 as applicable.

21 (2) ENTITLEMENT COMMUNITIES.—

22 (A) STATEMENTS FROM UNITS.—In order  
23 to receive funds under this title for a fiscal year  
24 for which funds are available to carry out this  
25 title, a unit of general local government that is

1 an entitlement community shall submit to the  
 2 Secretary, at such time and in such manner as  
 3 determined by the Secretary, a statement that  
 4 certifies the information described in subsection  
 5 (b)—

6 (i) with respect to such unit for such  
 7 fiscal year; and

8 (ii) with respect to the community-  
 9 based organizations the unit plans to fund,  
 10 using funds the unit receives under this  
 11 title, for such fiscal year.

12 (B) STATEMENTS FROM COMMUNITY-  
 13 BASED ORGANIZATIONS.—In order to receive  
 14 funds for a fiscal year from a unit of general  
 15 local government that is an entitlement commu-  
 16 nity receiving funds for such fiscal year under  
 17 this title, a community-based organization shall  
 18 submit to a unit of general local government  
 19 that is an entitlement community, at such time  
 20 and in such manner as determined by the unit,  
 21 a statement certifying the information described  
 22 in subsection (b) with respect to such organiza-  
 23 tion for such fiscal year.

24 (3) NONENTITLEMENT AREAS.—

1           (A) STATEMENT FROM UNITS AND ORGA-  
2           NIZATIONS.—In order to receive funds for a fis-  
3           cal year from a State receiving funds for such  
4           fiscal year under this title, a unit of general  
5           local government that is located in a nonentitle-  
6           ment area of the State, or a community-based  
7           organization, shall submit to the State, at such  
8           time and in such manner as determined by the  
9           State, a statement certifying the information  
10          described in subsection (b)—

11                   (i) with respect to such unit for such  
12                   fiscal year; or

13                   (ii) with respect to such organization  
14                   for such fiscal year.

15          (B) STATEMENTS FROM STATES.—After  
16          reviewing the statements received under sub-  
17          paragraph (A) for a fiscal year, a State shall  
18          submit to the Secretary, at such time and in  
19          such manner as determined by the Secretary, a  
20          statement certifying the information described  
21          in subsection (b) with respect to the units of  
22          general local government and community-based  
23          organizations that the State plans to fund,  
24          using funds the State receives under this title,  
25          for such fiscal year.

1 (b) INFORMATION CERTIFIED.—A statement sub-  
2 mitted under subsection (a) shall certify, with respect to  
3 a unit of general local government or community-based or-  
4 ganization, as applicable, the following information:

5 (1) The amount of funds requested by such  
6 unit or organization.

7 (2) The number of individuals who will receive  
8 employee compensation with such funds.

9 (3) The job titles of, and the amount of em-  
10 ployee compensation and the employers (units or or-  
11 ganizations) for, the positions that will be filled by  
12 the individuals.

13 (4) Whether the positions will—

14 (A) in the case of employment with a unit,  
15 assist in retaining, restoring, or expanding an  
16 existing local public service; or

17 (B) in the case of employment with an or-  
18 ganization, provide services or functions that  
19 are not customarily provided by a unit that is  
20 an entitlement community, or a unit located in  
21 a nonentitlement area of a State, where such  
22 services or functions will be provided by the or-  
23 ganization.

24 (5) The estimated date of hiring for the posi-  
25 tions.

1           (6) A statement documenting the need for the  
2           services to be carried out by the individuals hired for  
3           the positions.

4           (7) In the case of a unit that desires to use  
5           funds received under this title to continue to provide  
6           employee compensation for existing employees of the  
7           unit in accordance with section 102(c)(2)(A)(i) or  
8           103(a)(2), a statement documenting the fiscal con-  
9           straints of the unit that would result in the termi-  
10          nation or reduction of the positions of such employ-  
11          ees.

12          (8) A description of the unit's or organization's  
13          plan to target recruitment efforts for positions fund-  
14          ed under this title in accordance with section 105(b).

15          (9) An assurance by the unit or organization  
16          that the unit or organization will comply with all  
17          provisions of this title.

18          (10) An assurance by the unit or organization  
19          that the unit or organization will comply with all ap-  
20          plicable Federal, State, and local labor laws, includ-  
21          ing laws concerning wages and hours, labor rela-  
22          tions, family and medical leave, occupational safety  
23          and health, and nondiscrimination.

24          (c) APPROVAL AND ALLOTMENT OF FUNDS.—

1           (1) ENTITLEMENT COMMUNITIES.—Within 30  
2       days after receipt of a statement submitted under  
3       subsection (a)(2)(A) by a unit of general local gov-  
4       ernment that is an entitlement community, the Sec-  
5       retary shall allot to the unit the amount of funds re-  
6       quested by the unit for a fiscal year, not to exceed  
7       the total amount of funds available to be allotted  
8       under section 102(b)(1) to the unit for such fiscal  
9       year.

10          (2) NONENTITLEMENT AREAS.—

11           (A) APPROVAL BY THE SECRETARY.—

12       Within 90 days after receipt of a statement  
13       submitted under subsection (a)(3)(B) by a  
14       State with respect to a unit of general local  
15       government located in a nonentitlement area, or  
16       a community-based organization to provide  
17       services or functions that are not customarily  
18       provided by a unit of general local government  
19       located in a nonentitlement area where such  
20       services or functions will be provided by the or-  
21       ganization, for a fiscal year, the Secretary shall  
22       allot to the State the amount of funds re-  
23       quested by the State for such unit or organiza-  
24       tion for such fiscal year, not to exceed the total  
25       amount of funds available to be allotted under

1           section 102(b)(2) to the State for such fiscal  
2           year.

3           (B) STATE ALLOTMENT OF FUNDS.—Not  
4           later than 45 days after receiving an allotment  
5           of funds from the Secretary under subpara-  
6           graph (A), the State shall allot, in accordance  
7           with section 102(c)(2), all of the funds to the  
8           unit or organization for which such funds were  
9           provided by the Secretary under subparagraph  
10          (A).

11          (3) WITHHELD FUNDS.—Notwithstanding para-  
12          graphs (1) and (2), any funds under this title with-  
13          held pursuant to a grievance filed under section  
14          110(b) shall be withheld until such grievance is re-  
15          solved.

16          (d) REALLOTMENT OF FUNDS.—

17           (1) UNITS.—The funds made available for allot-  
18           ment under this title for a fiscal year for a unit of  
19           general local government that is an entitlement com-  
20           munity that does not submit, within 6 months after  
21           the date the Secretary publishes a notice of allot-  
22           ment under subsection (a)(1)(A) for such unit, to  
23           the Secretary a statement under subsection (a) that  
24           indicates an intention to hire at least 1 individual  
25           under this title for such fiscal year, shall be made

1       available to be reallocated by the Secretary for the fis-  
2       cal year immediately following such fiscal year, in  
3       accordance with the allotment formula under section  
4       102(b)(1).

5           (2) STATES.—The funds made available for al-  
6       lotment under this title for a fiscal year for a State  
7       that does not submit, within 6 months after the date  
8       the Secretary publishes a notice of allotment under  
9       subsection (a)(1)(A) for such State, shall be allotted  
10      by the Secretary to units of general local government  
11      and community-based organizations located in the  
12      nonentitlement area of the State to carry out the  
13      purposes of this title for such fiscal year.

14 **SEC. 105. COMPLIANCE WITH LOCAL LAWS AND CON-**  
15 **TRACTS; RECRUITMENT REQUIREMENTS.**

16       (a) COMPLIANCE WITH LOCAL LAWS AND CON-  
17      TRACTS.—In hiring individuals for positions funded under  
18      this title, or using funds under this title to continue to  
19      provide employee compensation for existing employees, a  
20      unit of general local government or community-based or-  
21      ganization shall comply with all applicable Federal, State,  
22      and local laws, personnel policies and regulations, and col-  
23      lective bargaining agreements, as if such individual was  
24      hired, or such employee compensation was provided, with-  
25      out assistance under this title.

1 (b) TARGETING RECRUITMENT EFFORTS.—In re-  
2 cruiting individuals for positions funded under this title,  
3 a unit of general local government or community-based or-  
4 ganization shall target recruitment efforts with respect to  
5 individuals who—

6 (1) have been in receipt of unemployment com-  
7 pensation for not less than 25 weeks;

8 (2) have exhausted unemployment compensa-  
9 tion within the last 2 years;

10 (3) are veterans; or

11 (4) are unemployed individuals who are not eli-  
12 gible to receive unemployment compensation because  
13 they do not have sufficient wages to meet the min-  
14 imum qualifications for such compensation.

15 (c) BONUS GRANTS.—

16 (1) IN GENERAL.—From the amounts made  
17 available under paragraph (2), the Secretary may  
18 award grants to each unit of general local govern-  
19 ment and each community-based organization where  
20 not less than 15 percent of the individuals hired for  
21 a position under this Act for a fiscal year are indi-  
22 viduals described in subsection (b).

23 (2) AUTHORIZATION OF APPROPRIATIONS.—

24 There are authorized to be appropriated

1       \$100,000,000 to carry out this subsection for each  
2       fiscal year.

3   **SEC. 106. EMPLOYMENT STATUS AND COMPENSATION.**

4       (a) EMPLOYEE STATUS.—An individual hired for a  
5       position funded under this title shall—

6           (1) be considered an employee of the unit of  
7       general local government, or community-based orga-  
8       nization, by which such individual was hired; and

9           (2) receive the same employee compensation,  
10       have the same rights and responsibilities and job  
11       classifications, and be subject to the same job stand-  
12       ards, employer policies, and collective bargaining  
13       agreements as if such individual was hired without  
14       assistance under this title.

15       (b) LIMIT ON NUMBER OF EXECUTIVE, ADMINISTRA-  
16       TIVE, OR PROFESSIONAL POSITIONS.—

17           (1) UNITS.—Of the total number of positions  
18       funded under this title for a fiscal year for each unit  
19       of general local government and each community-  
20       based organization—

21           (A) not more than 20 percent shall be in  
22       a bona fide executive, administrative, or profes-  
23       sional capacity; and

1 (B) not less than 80 percent may not be  
2 in a bona fide executive, administrative, or pro-  
3 fessional capacity.

4 (2) DEFINITIONS.—In this subsection, the term  
5 “bona fide executive, administrative, or professional  
6 capacity” means that capacity within the meaning  
7 given the term under section 13(a)(1) of the Fair  
8 Labor Standards Act of 1938 (29 U.S.C.  
9 213(a)(1)).

10 (c) TOTAL AMOUNT OF COMPENSATION.—For each  
11 fiscal year for which funds are available to carry out this  
12 title, each unit of general local government and each com-  
13 munity-based organization that receives funds under this  
14 title for such fiscal year shall use such funds to provide  
15 an amount equal to the total amount of employee com-  
16 pensation for individuals hired under this title.

17 (d) LIMIT ON PERIOD OF EMPLOYMENT.—Notwith-  
18 standing any agreement or other provision of law (other  
19 than those provisions of law pertaining to civil rights in  
20 employment), a unit of general local government or com-  
21 munity-based organization shall not be obligated to employ  
22 the individuals hired under this title or retain the positions  
23 filled by such individuals beyond the period for which the  
24 unit or organization receives funding under this title.

1 **SEC. 107. NONDISPLACEMENT.**

2 (a) NONDISPLACEMENT OF EXISTING EMPLOYEES.—

3 (1) IN GENERAL.—Except as provided under  
 4 sections 102(c)(2)(A)(i) and 103(a)(2), a unit of  
 5 general local government or community-based orga-  
 6 nization may not employ an individual for a position  
 7 funded under this title, if—

8 (A) employing such individual will result in  
 9 the layoff or partial displacement (such as a re-  
 10 duction in hours, wages, or employee benefits)  
 11 of an existing employee of the unit or organiza-  
 12 tion; or

13 (B) such individual will perform the same  
 14 or substantially similar work that had pre-  
 15 viously been performed by an employee of the  
 16 unit or organization who—

17 (i) has been laid off or partially dis-  
 18 placed (as such term is described in sub-  
 19 paragraph (A)); and

20 (ii) has not been offered by the unit  
 21 or organization, to be restored to the posi-  
 22 tion the employee had immediately prior to  
 23 being laid off or partially displaced.

24 (2) ELIMINATION OF POSITION.—For the pur-  
 25 poses of this subsection, a position shall be consid-  
 26 ered to have been eliminated by a unit of general

1 local government or community-based organization if  
 2 the position has remained unfilled and the unit or  
 3 organization has not sought to fill such position for  
 4 at least a period of 1 month.

5 (3) PROMOTIONAL OPPORTUNITIES.—An indi-  
 6 vidual may not be hired for a position funded under  
 7 this title in a manner that infringes upon the pro-  
 8 motional opportunities of an existing employee (as of  
 9 the date of such hiring) of a unit or organization re-  
 10 ceiving funding under this title.

11 (b) NONDISPLACEMENT OF LOCAL GOVERNMENT  
 12 SERVICES.—A community-based organization receiving  
 13 funds under this title may not use such funds to provide  
 14 services or functions that are customarily provided by a  
 15 unit of general local government where such services or  
 16 functions are provided by the organization.

17 **SEC. 108. REPORTING REQUIREMENTS.**

18 (a) IN GENERAL.—A unit of general local govern-  
 19 ment that is an entitlement community that receives funds  
 20 under this title, and a State that receives funds under this  
 21 title for a unit of general local government located in a  
 22 nonentitlement area, or for a community-based organiza-  
 23 tion that is providing services in such an area, shall submit  
 24 to the Secretary a report that includes such information  
 25 as the Secretary may require. That information may in-

1 clude information concerning characteristics of individuals  
 2 employed under this title, services received by the individ-  
 3 uals, outcomes achieved, and other performance and fiscal  
 4 matters.

5 (b) POSTING OF REPORTS.—Upon receiving the re-  
 6 ports submitted under subsection (a), the Secretary shall  
 7 post such reports on a publicly accessible Web site of the  
 8 Department of Labor.

9 **SEC. 109. AUDITS AND EVALUATIONS BY THE SECRETARY.**

10 (a) AUDITS.—The Secretary shall perform random,  
 11 periodic audits to determine compliance with this title.

12 (b) EVALUATIONS.—

13 (1) SECRETARY.—The Secretary shall conduct  
 14 an evaluation of the program carried out under this  
 15 title. The Secretary shall prepare and submit to  
 16 Congress a report containing the results of the eval-  
 17 uation.

18 (2) RECIPIENTS.—Each unit of general local  
 19 government, and each State, that is required to sub-  
 20 mit a report under section 108(a) shall submit to  
 21 the Secretary such information as the Secretary may  
 22 determine to be necessary to conduct such an eval-  
 23 uation.

1 **SEC. 110. DISPUTE RESOLUTIONS, WHISTLEBLOWER HOT-**  
 2 **LINE, AND ENFORCEMENT BY THE SEC-**  
 3 **RETARY.**

4 (a) ESTABLISHMENT OF ARBITRATION PROCE-  
 5 DURE.—

6 (1) IN GENERAL.—Each unit of general local  
 7 government that is an entitlement community and  
 8 each State that receives funding under this title  
 9 shall agree to the arbitration procedure described in  
 10 this subsection to resolve disputes described in sub-  
 11 sections (b) and (c).

12 (2) WRITTEN GRIEVANCES.—

13 (A) IN GENERAL.—If an employee (or an  
 14 employee representative) wishes to use the arbi-  
 15 tration procedure described in this subsection,  
 16 such party shall file a written grievance within  
 17 the time period required under subsection (b) or  
 18 (c), as applicable, simultaneously with the chief  
 19 executive officer of a unit or State involved in  
 20 the dispute and the Secretary.

21 (B) IN-PERSON MEETING.—Not later than  
 22 10 days after the date of the filing of the griev-  
 23 ance, the chief executive officer (or the designee  
 24 of the chief executive officer) shall have an in-  
 25 person meeting with the party to resolve the  
 26 grievance.

1           (3) ARBITRATION.—

2           (A) SUBMISSION.—If the grievance is not  
3 resolved within the time period described in  
4 paragraph (2)(B), a party, by written notice to  
5 the other party involved, may submit such  
6 grievance to binding arbitration before a quali-  
7 fied arbitrator who is jointly selected and inde-  
8 pendent of the parties.

9           (B) APPOINTMENT BY SECRETARY.—If the  
10 parties cannot agree on an arbitrator within 5  
11 days of submitting the grievance to binding ar-  
12 bitration under subparagraph (A), 1 of the par-  
13 ties may submit a request to the Secretary to  
14 appoint a qualified and independent arbitrator.  
15 The Secretary shall appoint a qualified and  
16 independent arbitrator within 15 days after re-  
17 ceiving the request.

18           (C) HEARING.—Unless the parties mutu-  
19 ally agree otherwise, the arbitrator shall con-  
20 duct a hearing on the grievance and issue a de-  
21 cision not later than 30 days after the date  
22 such arbitrator is selected or appointed.

23           (D) COSTS.—

24           (i) IN GENERAL.—Except as provided  
25 in clause (ii), the cost of an arbitration

1 proceeding shall be divided evenly between  
2 the parties to the arbitration.

3 (ii) EXCEPTION.—If a grievant pre-  
4 vails under an arbitration proceeding, the  
5 unit of general local government or State  
6 involved in the dispute shall pay the cost  
7 of such proceeding, including attorneys'  
8 fees.

9 (b) DISPUTES CONCERNING THE ALLOTMENT OF  
10 FUNDS.—In the case where a dispute arises as to whether  
11 a unit of general local government that is an entitlement  
12 community or State has improperly requested funds for  
13 services or functions to be provided by a community-based  
14 organization that are customarily provided by the unit or,  
15 in the case of a State, by a unit located in the nonentitle-  
16 ment area of the State where services or functions will  
17 be provided by the organization, an employee or employee  
18 representative of the unit or State may file a grievance  
19 under subsection (a) not later than 15 days after public  
20 notice of an intent to submit a statement under section  
21 104(a) is published in accordance with paragraph (1)(C)  
22 of such section 104(a). Upon receiving a copy of the griev-  
23 ance, the Secretary shall withhold the funds subject to  
24 such grievance, unless and until the grievance is resolved

1 under subsection (a), by the parties or an arbitrator in  
2 favor of providing such funding.

3 (c) ALL OTHER DISPUTES.—

4 (1) IN GENERAL.—In the case of a dispute not  
5 covered under subsection (b) concerning compliance  
6 with the requirements of this title by a unit of gen-  
7 eral local government that is an entitlement commu-  
8 nity, State, or community-based organization receiv-  
9 ing funds under this title, an employee or employee  
10 representative of the unit or State may file a griev-  
11 ance under subsection (a) not later than 90 days  
12 after the dispute arises. In such cases, an arbitrator  
13 may award such remedies as are necessary to make  
14 the grievant whole, including the reinstatement of a  
15 displaced employee or the payment of back wages,  
16 and may submit recommendations to the Secretary  
17 to ensure further compliance with the requirements  
18 of this title, including recommendations to suspend  
19 or terminate funding, or to require the repayment of  
20 funds received under this title during any period of  
21 noncompliance.

22 (2) EXISTING GRIEVANCE PROCEDURES.—A  
23 party to a dispute described in paragraph (1) may  
24 use the existing grievance procedure of a unit or  
25 State involved in such dispute, or the arbitration

1 procedure described in this subsection, to resolve  
2 such dispute.

3 (d) PARTY DEFINED.—For purposes of subsections  
4 (a), (b), and (c), the term “party” means an employee,  
5 employee representative, unit of general local government,  
6 or State, involved in a dispute described in subsection (b)  
7 or (c).

8 (e) WHISTLEBLOWER HOTLINE; ENFORCEMENT BY  
9 THE SECRETARY.—

10 (1) WHISTLEBLOWER HOTLINE.—The Sec-  
11 retary shall post on a publicly accessible Internet  
12 Web site of the Department of Labor the contact in-  
13 formation for reporting noncompliance with this title  
14 by a State, unit of general local government, com-  
15 munity-based organization, or individual receiving  
16 funding under this title.

17 (2) ENFORCEMENT BY THE SECRETARY.—

18 (A) IN GENERAL.—If the Secretary re-  
19 ceives a complaint alleging noncompliance with  
20 this title, the Secretary may conduct an inves-  
21 tigation and after notice and an opportunity for  
22 a hearing, may order such remedies as the Sec-  
23 retary determines appropriate, including—

24 (i) withholding further funds under  
25 this title to a noncompliant entity;

1 (ii) requiring the entity to make an  
2 injured party whole; or

3 (iii) requiring the entity to repay to  
4 the Secretary any funds received under  
5 this title during any period of noncompli-  
6 ance.

7 (B) DEFINITION.—For purposes of this  
8 paragraph, the term “entity” means State, unit  
9 of general local government, community-based  
10 organization, or individual.

11 (C) RECOMMENDATION BY AN ARBI-  
12 TRATOR.—A remedy described in subparagraph  
13 (A) may also be ordered by the Secretary upon  
14 recommendation by an arbitrator appointed or  
15 selected under this section.

16 **SEC. 111. AUTHORIZATION OF APPROPRIATIONS.**

17 There are authorized to be appropriated and there  
18 are appropriated, out of any money in the Treasury not  
19 otherwise appropriated, such amounts as may be nec-  
20 essary to carry out this title for each fiscal year.

21 **SEC. 112. DEFINITIONS.**

22 In this title:

23 (1) IN GENERAL.—The terms “city”, “extent of  
24 poverty”, “metropolitan city”, “urban county”,  
25 “nonentitlement area”, “population”, and “State”

1 have the meanings given the terms in section 102 of  
2 the Housing and Community Development Act of  
3 1974 (42 U.S.C. 5302).

4 (2) BENEFITS.—The term “benefits” has the  
5 meaning given the term “employment benefits” in  
6 section 101 of the Family and Medical Leave Act of  
7 1993 (29 U.S.C. 2611).

8 (3) COMMUNITY-BASED ORGANIZATION.—The  
9 term “community-based organization” means a pri-  
10 vate nonprofit organization that—

11 (A) is representative of a community with-  
12 in a unit of general local government or a sig-  
13 nificant segment of the community; and

14 (B) has demonstrated expertise and effec-  
15 tiveness in providing services or functions to the  
16 community not customarily provided by the  
17 unit.

18 (4) EMPLOYEE COMPENSATION.—The term  
19 “employee compensation” includes wages and bene-  
20 fits.

21 (5) ENTITLEMENT COMMUNITIES.—The term  
22 “entitlement communities” includes metropolitan cit-  
23 ies and urban counties.

24 (6) INDIAN TRIBE.—The term “Indian tribe”  
25 has the meaning given the term in section 4(e) of

1 the Indian Self-Determination and Education Assist-  
2 ance Act (25 U.S.C. 450b(e)).

3 (7) SECRETARY.—The term “Secretary” means  
4 the Secretary of Labor.

5 (8) SUPPORTIVE SERVICES.—The term “sup-  
6 portive services” means services such as transpor-  
7 tation and child care that are necessary to enable an  
8 individual to be employed in a position funded under  
9 this title.

10 (9) UNEMPLOYED INDIVIDUAL.—The term “un-  
11 employed individual” has the meaning given such  
12 term in section 101 of the Workforce Investment  
13 Act of 1998 (29 U.S.C. 2801).

14 (10) UNIT OF GENERAL LOCAL GOVERN-  
15 MENT.—The term “unit of general local govern-  
16 ment” means—

17 (A) any city, county, town, township, par-  
18 ish, village, or other general purpose political  
19 subdivision of a State;

20 (B) Guam, the Northern Mariana Islands,  
21 the United States Virgin Islands, and American  
22 Samoa, or a general purpose political subdivi-  
23 sion thereof;

(C) a combination of the political subdivisions described in subparagraph (A) or (B) that is recognized by the Secretary; and

(D) the District of Columbia.

(11) VETERAN.—The term “veteran” has the meaning given such term in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801).

(12) WAGE.—The term “wage” has the meaning given such term in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).

## **TITLE II—EDUCATION JOBS**

### **SEC. 201. AUTHORIZATION AND APPROPRIATIONS FOR EDUCATION JOBS FUND.**

There is authorized to be appropriated, and there is appropriated, from any amounts in the treasury not otherwise appropriated, \$23,000,000,000 for the necessary expenses of an Education Jobs Fund for fiscal year 2011. Such appropriated amount shall remain available for obligation through September 30, 2012. The Education Jobs Fund shall be administered by the Secretary of Education under the terms and conditions of sections 14001 through 14013 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), except as follows:

1           (1) ALLOCATION TO BUREAU OF INDIAN AF-  
2 FAIRS.—From the amount appropriated to carry out  
3 this title, the Secretary of Education shall first allo-  
4 cate not more than 0.5 percent to the Secretary of  
5 the Interior for schools operated or funded by the  
6 Bureau of Indian Affairs on the basis of their re-  
7 spective needs for activities consistent with this title  
8 under such terms and conditions as the Secretary of  
9 Education may determine.

10          (2) ALLOCATIONS TO STATES AND OUTLYING  
11 AREAS.—From the amount appropriated to carry  
12 out this title and not allocated under paragraph (1),  
13 the Secretary of Education shall make allocations to  
14 States and outlying areas under subsections (a) and  
15 (d) of section 14001 of division A of the American  
16 Recovery and Reinvestment Act of 2009 (Public  
17 Law 111–5).

18          (3) RESERVATION.—With respect to funds ap-  
19 propriated to carry out this title, a State that re-  
20 ceives an allocation may reserve not more than 5  
21 percent for—

22               (A) the administrative costs of carrying  
23 out its responsibilities with respect to those  
24 funds, provided the State reserves not more

1           than 1 percent of its total allocation for those  
2           costs; and

3                   (B) retaining or creating positions in the  
4           State educational agency or the State agency  
5           for higher education, and other State agency  
6           positions related to the administration or sup-  
7           port of early childhood, elementary, secondary,  
8           or postsecondary education.

9           (4) AWARDS TO LOCAL EDUCATIONAL AGEN-  
10          CIES AND PUBLIC INSTITUTIONS OF HIGHER EDU-  
11          CATION.—

12                   (A) IN GENERAL.—Except as provided in  
13          paragraph (3), an allocation of funds provided  
14          under this title to a State under section  
15          14001(d) of division A of the American Recov-  
16          ery and Reinvestment Act of 2009 (Public Law  
17          111–5), shall be used only for awards to local  
18          educational agencies and public institutions of  
19          higher education for the support of elementary,  
20          secondary, and postsecondary education. The  
21          Governor shall determine how the funds appro-  
22          priated under this title are allocated for elemen-  
23          tary and secondary education and for public in-  
24          stitutions of higher education. In making the  
25          determination in the preceding sentence, the

1 Governor shall allocate funds among the cat-  
 2 egories of elementary and secondary education  
 3 and public institutions of higher education gen-  
 4 erally in proportion to any reductions in State  
 5 funds for such categories.

6 (B) DISTRIBUTION.—Funds provided  
 7 under this title used to support elementary and  
 8 secondary education as described in subpara-  
 9 graph (A) shall be distributed through the  
 10 State’s primary elementary and secondary fund-  
 11 ing formula.

12 (C) NONAPPLICABILITY.—Subsections (a)  
 13 and (b) of section 14002 of division A of the  
 14 American Recovery and Reinvestment Act of  
 15 2009 (Public Law 111–5) shall not apply to  
 16 this paragraph.

17 (5) REQUIREMENT TO USE FUNDS TO RETAIN  
 18 OR CREATE EDUCATION JOBS.—Notwithstanding  
 19 sections 14003(a) and 14004(a) of division A of the  
 20 American Recovery and Reinvestment Act of 2009  
 21 (Public Law 111–5), funds provided under this title  
 22 may be used only for compensation and benefits and  
 23 other expenses, such as support services, necessary  
 24 to retain existing employees, for activities defined in  
 25 section 101(31) of the Workforce Investment Act of

1 1998 (29 U.S.C. 2801(31)), and to hire new employ-  
 2 ees in order to provide early childhood, elementary,  
 3 secondary, or postsecondary educational and related  
 4 services or for modernization, renovation, and repair  
 5 of public school facilities and facilities of institutions  
 6 of higher education.

7 (6) PROHIBITION ON USE OF FUNDS FOR  
 8 RAINY-DAY FUNDS OR DEBT RETIREMENT.—

9 (A) IN GENERAL.—Except as provided in  
 10 subparagraph (B), a State that receives an allo-  
 11 cation under this title may not use such funds,  
 12 directly or indirectly, to—

13 (i) establish, restore, or supplement a  
 14 rainy-day fund;

15 (ii) supplant State funds in a manner  
 16 that has the effect of establishing, restor-  
 17 ing, or supplementing a rainy-day fund;

18 (iii) reduce or retire debt obligations  
 19 incurred by the State; or

20 (iv) supplant State funds in a manner  
 21 that has the effect of reducing or retiring  
 22 debt obligations incurred by the State.

23 (B) BALANCED BUDGET.—A State may  
 24 use funds provided under this title to fund bal-  
 25 ances that are necessary to comply with any

1 State requirement to maintain a balanced budg-  
2 et.

3 (7) APPLICATION CONSIDERATIONS.—If, by a  
4 date set by the Secretary of Education, a Governor  
5 has not submitted an approvable application under  
6 section 14005(a) of division A of the American Re-  
7 covery and Reinvestment Act of 2009 (Public Law  
8 111–5), the Secretary of Education may provide for  
9 the distribution of funds allocated under section  
10 14001(d) of division A of the American Recovery  
11 and Reinvestment Act of 2009 (Public Law 111–5),  
12 to another entity or other entities in the State,  
13 under such terms and conditions as the Secretary of  
14 Education may establish, provided that all terms  
15 and conditions that apply to the appropriation under  
16 this title shall apply to such funds distributed to  
17 such entity or entities.

18 (8) LOCAL EDUCATIONAL AGENCY APPLICA-  
19 TION.—Section 442 of the General Education Provi-  
20 sions Act (20 U.S.C. 1232e) shall not apply to a  
21 local educational agency that has previously sub-  
22 mitted an application to the State under title XIV  
23 of division A of the American Recovery and Rein-  
24 vestment Act of 2009 (Public Law 111–5). The as-

1       surances provided under that application shall con-  
2       tinue to apply to funds awarded under this title.

3               (9) MAINTENANCE OF EFFORT.—The Secretary  
4       of Education shall not allocate funds to a State  
5       under paragraph (1) unless the Governor of the  
6       State provides an assurance to the Secretary of  
7       Education that the State will comply with the fol-  
8       lowing:

9               (A) For fiscal year 2011, the State shall  
10       comply with 1 of the following:

11              (i) The State shall maintain State  
12       support for elementary, secondary, and  
13       public higher education (not including sup-  
14       port for capital projects or research and  
15       development or tuition and fees paid by  
16       students), in the aggregate, at the level of  
17       such support for fiscal year 2010.

18              (ii) The State shall maintain State  
19       support for elementary, secondary, and  
20       public higher education (not including sup-  
21       port for capital projects or research and  
22       development or tuition and fees paid by  
23       students), in the aggregate, at a level that  
24       is not less than such support for fiscal year  
25       2006. In the case of a State that enacted

1 a reduction to such aggregate level of fiscal  
2 year 2011 State support for elementary,  
3 secondary, and higher education after De-  
4 cember 31, 2010, the State shall also  
5 maintain State support for elementary,  
6 secondary, and public higher education for  
7 fiscal year 2011 at a percentage of the  
8 total revenues available to the State that is  
9 equal to or greater than the percentage  
10 provided for such purpose for fiscal year  
11 2011 prior to December 31, 2010.

12 (B) For fiscal year 2012, the State shall  
13 comply with 1 of the following:

14 (i) The State shall maintain State  
15 support for elementary, secondary, and  
16 public higher education (not including sup-  
17 port for capital projects or research and  
18 development or tuition and fees paid by  
19 students), in the aggregate, at the level of  
20 such support for fiscal year 2010.

21 (ii) The State shall maintain State  
22 support for elementary, secondary, and  
23 public higher education (not including sup-  
24 port for capital projects or research and  
25 development or tuition and fees paid by

1 students), in the aggregate, at a percent-  
 2 age of the total revenues available to the  
 3 State that is equal to or greater than the  
 4 percentage provided for such purpose for  
 5 fiscal year 2011.

6 **TITLE III—LAW ENFORCEMENT**  
 7 **AND FIREFIGHTER JOBS**

8 **SEC. 301. COMMUNITY ORIENTED POLICING SERVICES.**

9 (a) APPROPRIATION.—There is appropriated, out of  
 10 any money in the Treasury not otherwise appropriated,  
 11 for the fiscal year ending September 30, 2011 for the ap-  
 12 propriations account appropriated under the heading  
 13 “COMMUNITY ORIENTED POLICING SERVICES” under the  
 14 heading “OFFICE OF JUSTICE PROGRAMS” under the  
 15 heading “DEPARTMENT OF JUSTICE”  
 16 \$1,179,000,000 for grants under section 1701 of title I  
 17 of the Omnibus Crime Control and Safe Streets Act of  
 18 1968 (42 U.S.C. 3796dd) for hiring and rehiring of addi-  
 19 tional career law enforcement officers under part Q of  
 20 such title, notwithstanding subsection (i) of such section.

21 (b) TRANSFER.—Of the amount appropriated under  
 22 subsection (a), \$2,950,000 shall be transferred to the ap-  
 23 propriations account appropriated under the heading  
 24 “SALARIES AND EXPENSES” under the heading “STATE  
 25 AND LOCAL LAW ENFORCEMENT ACTIVITIES” under the

1 heading “DEPARTMENT OF JUSTICE” for manage-  
2 ment, administration, and oversight of the grants made  
3 using the amount appropriated under subsection (a).

4 **SEC. 302. FIREFIGHTER ASSISTANCE GRANTS.**

5 (a) APPROPRIATION.—There is appropriated, out of  
6 any amounts in the Treasury not otherwise appropriated,  
7 for the fiscal year ending September 30, 2011, for the ap-  
8 propriations account appropriated under the heading  
9 “FIREFIGHTER ASSISTANCE GRANTS” under the heading  
10 “FEDERAL EMERGENCY MANAGEMENT AGENCY” under  
11 the heading “DEPARTMENT OF HOMELAND SECU-  
12 RITY”, \$500,000,000 for necessary expenses for pro-  
13 grams authorized under section 34 of the Federal Fire  
14 Prevention and Control Act of 1974 (15 U.S.C. 2229a).

15 (b) WAIVER FOR FISCAL YEAR 2011 OF REQUIRE-  
16 MENT THAT GRANT AMOUNTS BE USED TO INCREASE  
17 NUMBER OF FIREFIGHTERS.—The requirement of section  
18 34(a)(1)(A) of such Act that grants shall be used to in-  
19 crease the number of firefighters in fire departments shall  
20 not apply to grants under section 34 of such Act for fiscal  
21 year 2011 and the Secretary of Homeland Security shall  
22 grant waivers from the requirements of subsections  
23 (a)(1)(B), (c)(1), (c)(2), and (c)(4)(A) of such section for  
24 such fiscal year.

1       (c) INAPPLICABILITY FOR FISCAL YEAR 2011 OF  
2 LIMITATIONS ON PORTIONS OF COSTS OF HIRING FIRE-  
3 FIGHTERS COVERED BY GRANTS.—Section 34(a)(1)(E) of  
4 such Act shall not apply with respect to funds appro-  
5 priated in this or any other Act making appropriations  
6 for fiscal year 2011 for grants under section 34 of the  
7 Federal Fire Prevention and Control Act of 1974 (15  
8 U.S.C. 2229a).

9       (d) AWARDING OF GRANTS WITHIN 120 DAYS FOR  
10 RETENTION OF FIREFIGHTERS.—The Secretary shall en-  
11 sure that funds appropriated under this Act and any other  
12 Act making appropriations for fiscal year 2011 for grants  
13 under such section 34 are—

14               (1) used to award grants not later than 120  
15       days after the date of the enactment of this Act; and

16               (2) are used by fire departments for the reten-  
17       tion of firefighters.

18       (e) TRANSFER OF UNUSED AMOUNTS.—The Sec-  
19 retary may transfer any unused amounts in the appropria-  
20 tions account appropriated under the heading “FIRE-  
21 FIGHTER ASSISTANCE GRANTS” under the heading “FED-  
22 ERAL EMERGENCY MANAGEMENT AGENCY” under the  
23 heading “DEPARTMENT OF HOMELAND SECU-  
24 RITY” to make grants for programs authorized by section  
25 33 of such Act (15 U.S.C. 2229) after notification to the

1 Committee on Appropriations of the Senate and the Com-  
2 mittee on Appropriations of the House of Representatives.

3 **TITLE IV—ON-THE-JOB**  
4 **TRAINING**

5 **SEC. 401. DEPARTMENT OF LABOR; EMPLOYMENT AND**  
6 **TRAINING ADMINISTRATION; TRAINING AND**  
7 **EMPLOYMENT SERVICES.**

8 (a) **ADDITIONAL AMOUNT.**—There is appropriated  
9 for fiscal year 2011, for an additional amount for “Train-  
10 ing and Employment Services” for activities under the  
11 Workforce Investment Act of 1998 (referred to in this sec-  
12 tion as the “WIA”), \$500,000,000. That amount is appro-  
13 priated out of any money in the Treasury not otherwise  
14 appropriated. The amount shall be available for obligation  
15 on the date of enactment of this Act.

16 (b) **ON-THE-JOB TRAINING.**—The amount shall be  
17 used solely for on-the-job training (as such term is defined  
18 in section 101(31) of the WIA (29 U.S.C. 2801(31)) and,  
19 in particular, \$250,000,000 of such amount shall be used  
20 for such on-the-job training for individuals who reside in  
21 a local area that—

22 (1) has a poverty rate of 12 percent or more for  
23 each Public Use Microdata Area, as such terms are  
24 defined by the Bureau of the Census, in such local  
25 area; or

- 1                   (2) has an unemployment rate that is 2 percent
- 2                   higher than the national unemployment rate.

