112TH CONGRESS
2D SESSION

S. 3273

To establish a youth summer employment program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 7, 2012

Mr. BROWN of Massachusetts introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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A BILL

To establish a youth summer employment program, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Youth Summer Jobs Act of 2012''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Waste, fraud, and abuse must be confronted in every corner of the Federal Government. Elimination of waste, fraud, and abuse can return signifi-

cant funding to the Treasury, which can be spent on the Nation's many priorities.

(2) To describe just a few examples of waste, fraud, and abuse—

(A) at the end of fiscal year 2011, the Government Accountability Office identified more than $794,000,000 in funding remaining in expired grant accounts;

(B)(i) the amount of uncollected Federal taxes, sometimes referred to as the "tax gap", for a year may approach an estimated $500,000,000,000;

(ii) contract and grant recipients under the American Recovery and Reinvestment Act of 2009 owed more than $750,000,000 in unpaid Federal taxes;

(iii) according to an annual Federal Employee Retiree Delinquency Initiative report released by the Internal Revenue Service—

(I) 98,000 Federal civilian employees owed approximately $1,034,000,000 in seriously delinquent tax debt in 2010; and

(II) when retirees and military personnel are included, nearly 280,000 people owed $3,400,000,000 in such debt;

(iv)(I) the Federal Government made approximately $104,000,000,000 in overpayments in fiscal year 2011; and

(II) the Office of Personnel Management Inspector General reports that the Federal Government made, in that year, $601,000,000 in improper payments to Federal retirees found to have already died;

(v) waste, fraud and abuse in Federal health care programs may approach $100,000,000,000 a year; and

(vi) last year the Federal Government's health care fraud prevention and enforcement efforts recovered nearly $4,100,000,000 in taxpayer dollars.

(3) The Summer Jobs+ youth summer jobs initiative implemented by President Obama in the absence of the passage of the American Jobs Act is an innovative program that should be expanded and continued, thereby ensuring maximum employment opportunities for youth in the United States.

SEC. 3. ESTABLISHMENT OF YOUTH SUMMER EMPLOYMENT SUCCESS FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States an account, which shall be known as the Youth Summer Employment Success Fund (referred to in this Act as ''the Fund''.)

(b) TRANSFER INTO THE FUND.—

(1) IN GENERAL.—The Secretary of the Treasury shall transfer to the Fund out of any amounts in the general fund of the Treasury not otherwise appropriated—

(A) effective on the date of the rescission described in subsection (c)(1), $1,000,000,000; and

(B) effective on the date of the rescission described in subsection (c)(2), $1,000,000,000.

(2) AVAILABILITY.—The amount in the Fund shall be available to the Secretary of Labor, as provided in appropriations Acts, for making expenditures to carry out this Act.

(c) UNSPENT FEDERAL FUNDS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, of all available unobligated funds—

(A) $15,000,000,000 in discretionary funds appropriated for fiscal year 2012 is hereby permanently rescinded; and

(B) effective June 1, 2013, $15,000,000,000 in discretionary funds appropriated for fiscal year 2013 is permanently rescinded.

(2) IMPLEMENTATION.—

(A) APPROPRIATION ACCOUNTS.—The Director of the Office of Management and Budget shall determine and identify from which appropriation accounts each rescission under paragraph (1) shall apply and the amount of such rescission that shall apply to each such account.

(B) REPORT.—The Director of the Office of Management and Budget shall submit a report to the Secretary of the Treasury and Congress of the accounts and amounts determined and identified for rescission under subparagraph (A)—

(i) not later than 60 days after the date of enactment of this Act, with respect to a rescission described in paragraph (1)(A); and

(ii) not later than April 1, 2013, with respect to a rescission described in paragraph (1)(B).

(3) EXCEPTION.—This subsection shall not apply to the unobligated funds of the Department of Veterans Affairs.

SEC. 4. AVAILABILITY OF FUNDS.

(a) IN GENERAL.—Subject to subsection (b), the amount in the Fund shall be available to the Secretary of Labor for making allotments and providing assistance in accordance with section 5 to provide summer employment opportunities to youth.

(b) RESERVATION.—The Secretary of Labor may reserve not more than 1 percent of the amount transferred to the Fund under section 3(b) for the costs of technical assistance, evaluations, and Federal administration of this Act.

(c) PERIOD OF AVAILABILITY.—The amount in the Fund shall remain available for obligation by the Secretary of Labor through June 30, 2013, and shall be available for expenditure by States and local workforce investment areas that receive funds under this Act through December 31, 2013.

SEC. 5. ESTABLISHMENT AND OPERATION OF YOUTH SUMMER EMPLOYMENT PROGRAM.

(a) IN GENERAL.—From the amount in the Fund that is not reserved under section 4(b) or subsection (c)(1), the Secretary of Labor shall make an allotment under subsection (c)(2) to each State that has a State plan modification approved under subsection (d), to each outlying area, and to each recipient under section 166(c) of the Workforce Investment Act of 1998 (29 U.S.C.

2911(c)), that meets the requirements of this Act, for the purpose of providing summer employment opportunities to youth.

(b) GUIDANCE AND APPLICATION OF REQUIREMENTS.—

(1) GUIDANCE.—Not later than 7 days after the date of enactment of this Act, the Secretary of Labor shall issue guidance regarding the implementation of this Act. Such guidance shall, consistent with this section, include procedures for the submission and approval of State plan modifications (including State requests for funds in forms that are specified in such guidance), local plan modifications (including local workforce investment area requests for funds in forms that are specified in such guidance), and the allotment and allocation of funds, including reallotment and reallocation of such funds, that promote the expeditious and effective implementation of the activities authorized under this section.

(2) REQUIREMENTS.—Except as otherwise provided in the guidance described in paragraph (1) and in this Act, the funds provided for activities under this section shall be administered in accordance with subtitles B and E of title I of the Work-

force Investment Act of 1998 (29 U.S.C. 2811 et seq., 2931 et seq.) relating to youth activities.

(c) STATE ALLOTMENTS.—

(1) RESERVATIONS FOR OUTLYING AREAS AND TRIBES.—Of the amount in the Fund that is not reserved under section 4(b), the Secretary of Labor shall reserve—

(A) not more than ¼ of 1 percent to provide assistance to outlying areas to provide summer employment opportunities to youth; and

(B) 1.5 percent to provide assistance to recipients under section 166(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2911(c)) to provide summer employment opportunities to youth.

(2) STATES.—After determining the amounts to be reserved under section 4(b) and paragraph (1), the Secretary of Labor shall allot the remainder of the amount in the Fund among the eligible States under such a formula as the Secretary determines to be appropriate.

(3) REALLOTMENT.—If the Governor of a State does not submit a State plan modification by the 30th day specified in subsection (d)(2)(A), or a

State does not receive approval of such State plan modification, the amount the State would have been eligible to receive pursuant to the formula under paragraph (2) shall be reallocated in accordance with that formula to States that receive such approval.

(d) STATE PLAN MODIFICATION.—

(1) IN GENERAL.—For a State to be eligible to receive an allotment of funds under subsection (c), the Governor of the State shall submit to the Secretary of Labor under paragraph (2) a State plan modification in such form and containing such information as the Secretary may require. At a minimum, such plan modification shall include—

(A) a description of the strategies and activities to be carried out to provide summer employment opportunities for youth, including linkages described in subsection (g)(1);

(B) a description of the requirements the State will apply relating to the eligibility of youth for summer employment opportunities, which requirements—

(i) shall include a requirement that in order to participate, a youth shall be a national of the United States or an alien lawfully admitted for permanent residence (as those terms are defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)), or a nonimmigrant alien lawfully present in the United States; and

(ii) may include criteria to target assistance to particular categories of youth, such as youth with disabilities, consistent with subsection (f);

(C) a description of the performance outcomes to be achieved by the State through the activities carried out under this section and the processes the State will use to track performance, consistent with guidance provided by the Secretary of Labor regarding such outcomes and processes and with section 6(b);

(D) a description of the timelines for implementation of the activities described in subparagraph (A), and the number of youth expected to be placed in summer employment opportunities;

(E) a description of the formula that will be used under subsection (e)(1)(B) to make allocations to local workforce investment areas;

(F) assurances that the State will report such information as the Secretary of Labor may require, relating to fiscal, performance, and other matters, that the Secretary determines is necessary to effectively monitor the activities carried out under this section; and

(G) assurances that the State will ensure compliance with the requirements, restrictions, labor standards, and other protections described in section 6(a).

(2) SUBMISSION AND APPROVAL OF STATE PLAN MODIFICATION.—

(A) SUBMISSION.—The Governor shall submit the State plan modification to the Secretary of Labor not later than 30 days after the date of the issuance of the guidance described in subsection (b). If the plan modification is disapproved, the Secretary of Labor may provide a reasonable period of time in which the plan modification may be amended and resubmitted for approval.

(B) APPROVAL.—The Secretary of Labor shall approve a State plan modification submitted under subparagraph (A) within 7 days after the date of the submission, unless the Secretary determines that the plan modification is inconsistent with the requirements of this Act. If the Secretary of Labor has not made such a determination within 7 days after that date of submission, the plan modification shall be considered to be approved. If the plan modification is approved, the Secretary of Labor shall allot funds to the State within 7 days after such approval.

(3) MODIFICATIONS TO STATE PLAN MODIFICATION.—The Governor may submit a further modification to a State plan modification under this subsection, consistent with the requirements of this Act.

(e) WITHIN-STATE ALLOCATION AND ADMINISTRATION.—

(1) IN GENERAL.—Of the funds allotted to the State under subsection (c), the Governor—

(A) may reserve not more than 5 percent for the costs of technical assistance and State administration of this Act; and

(B) shall allocate the remainder among the eligible local workforce investment areas within the State in accordance with the formula stated in the State plan modification, except that not more than 10 percent of the funds so allocated to a local workforce investment area may be used for the costs of local administration of this Act.

(2) REALLOCATION.—If a local workforce investment board for a local workforce investment area does not submit a local plan modification by the 30th day specified in subsection (f)(2)(A), or a local workforce investment area does not receive approval of such local plan modification, the amount the local workforce investment area would have been eligible to receive pursuant to the formula under paragraph (1)(B) shall be reallocated in accordance with that formula to local workforce investment areas that receive such approval.

(f) LOCAL PLAN MODIFICATION.—

(1) IN GENERAL.—For a local workforce investment area to be eligible to receive an allocation of funds under subsection (e)(1)(B), the local workforce investment board for the area, in partnership with the chief elected official of the area, shall submit to the Governor under paragraph (2) a local plan modification. The local plan modification shall describe the strategies and activities to be carried out under this section.

(2) SUBMISSION AND APPROVAL OF LOCAL PLAN MODIFICATION.—

(A) SUBMISSION.—The local workforce investment board and chief elected official shall submit the local plan modification not later than 14 days after the date of the State submission of the State plan modification. If the plan modification is disapproved, the Governor may provide a reasonable period of time in which the plan modification may be amended and resubmitted for approval.

(B) APPROVAL.—The Governor shall approve a local plan modification submitted under subparagraph (A) within 30 days after the date of the submission, unless the Governor determines that the plan modification is inconsistent with the requirements of this Act. If the Governor has not made such a determination within 30 days after that date of submission, the plan modification shall be considered to be approved. If the plan modification is approved, the Governor shall allocate funds to the local workforce investment area within 14 days after such approval.

(3) MODIFICATIONS TO LOCAL PLAN MODIFICATION.—The local workforce investment area may submit a further modification to a local plan modification, consistent with the requirements of this Act.

(g) USE OF FUNDS.—The funds made available under this section—

(1) shall be used to provide summer employment opportunities, for youth ages 16 through 24, with direct linkages to academic and occupational learning; and

(2) may be used to provide supportive services, such as transportation or child care, necessary to enable such a youth to participate in such an opportunity.

SEC. 6. GENERAL REQUIREMENTS.

(a) LABOR STANDARDS AND PROTECTIONS.—Activities provided with funds made available under this Act shall be subject to the requirements and restrictions, including the labor standards, described in section 181 of the Workforce Investment Act of 1998 (29 U.S.C. 2931) and the nondiscrimination provisions of section 188 of such Act (29 U.S.C. 2938), in addition to other applicable Federal laws.

(b) Reporting.—The Secretary of Labor may require the reporting of information relating to fiscal, performance, and other matters that the Secretary determines is necessary to effectively monitor the activities carried out with funds provided under this Act. At a minimum, States and local workforce investment areas that receive funds under this Act shall provide information relating to—

(1) the number of individuals participating in activities with funds provided under this Act and the number of such individuals who have completed such participation;

(2) the expenditures of funds provided under this Act;

(3) the number of jobs created pursuant to the activities carried out under this Act;

(4) the demographic characteristics of individuals participating in activities under this Act; and

(5) the performance outcomes of individuals participating in activities under this Act.

(c) Activities Required To Be Additional.—Funds provided under this Act shall only be used for activities that are in addition to activities that would otherwise be available in the State, local workforce investment area, or other appropriate jurisdiction in the absence of such funds.

(d) ADDITIONAL REQUIREMENTS.—The Secretary of Labor may establish such additional requirements as the Secretary determines may be necessary to ensure fiscal integrity, effective monitoring, and the appropriate and prompt implementation of the activities under this Act.

(e) REPORT OF INFORMATION AND EVALUATIONS TO CONGRESS AND THE PUBLIC.—The Secretary of Labor shall provide to the appropriate committees of the Congress and make available to the public the information reported pursuant to subsection (b) and the evaluations of activities carried out with the funds reserved under section 4(b).

SEC. 7. DEFINITIONS.

In this Act:

(1) CHIEF ELECTED OFFICIAL.—The term ‘‘chief elected official’’ has the meaning given the term in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801).

(2) LOCAL PLAN MODIFICATION.—The term ‘‘local plan modification’’ means—

(A) a modification of a local plan submitted under section 118 of the Workforce Investment Act of 1998 (29 U.S.C. 2833); or

(B) a request by a local workforce investment area for funds, in a form that is specified in guidance under section 5(b).

(3) LOCAL WORKFORCE INVESTMENT AREA.—The term "local workforce investment area" means such area designated under section 116 of the Workforce Investment Act of 1998 (29 U.S.C. 2831).

(4) LOCAL WORKFORCE INVESTMENT BOARD.—The term "local workforce investment board" means such board established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832).

(5) OUTLYING AREA.—The term "outlying area" means the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau.

(6) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

(7) STATE PLAN MODIFICATION.—The term "State plan modification" means—

(A) a modification of a State plan submitted under section 112 of the Workforce Investment Act of 1998 (29 U.S.C. 2822); or

(B) a State request for funds, in a form that is specified in guidance under section 5(b).

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