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**29 Job Training Ch
19**

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THE CODE OF THE LAWS OF THE UNITED STATES OF AMERICA

TITLE 29

LABOR

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Cross References

ACTION agency, Director to coordinate program of providing job advancement plans for low-income community volunteers with appropriate private industry councils under this chapter, see section 4953 of Title 42, The Public Health and Welfare.

Applications for veterans' cost-of-instruction payments to institutions of higher education, see section 1073e-1 of Title 20, Education.

Availability of labor regarding energy conservation, see section 6872 of Title 42, The Public Health and Welfare.

"Chief elected official or officials", "private industry council", and "service delivery area" as defined in this chapter applicable to federal employment service, see section 49a of this title.

Comprehensive nationwide planning regarding educational outreach program for higher education, see section 1013 of Title 20, Education.

Coordination of Older American Community Service Employment Program with this chapter, see section 3056a of Title 42, The Public Health and Welfare.

Coordination of pilot program relating to community service program for handicapped with this chapter, see section 795a of this title.

Descriptions and assurances regarding State plans for vocational education, see section 2323 of Title 20, Education.

Employment practices and labor-management joint apprenticeship training program exemption regarding age discrimination, see section 6103 of Title 42, The Public Health and Welfare.

Establishment of community service programs, see section 9806 of Title 42.

Establishment of work incentive program, see section 632 of Title 42.

Federal agency cooperation regarding programs for older Americans, see section 3013 of Title 42.

Financial assistance regarding energy conservation under this chapter, see section 6864 of Title 42.

Grant authority for training for higher education personnel, see section 1119a-1 of Title 20, Education.

Grant authority regarding adult education programs for immigrants, see section 1211c of Title 20.

Grant authority regarding secondary education and transitional services for handicapped youth, see section 1425 of Title 20.

Information services regarding educational outreach for higher education, see section 1014 of Title 20.

Limitation on expenditures regarding energy conservation, see section 6865 of Title 42, The Public Health and Welfare.

Operation of work incentive program, see section 633 of Title 42.

Percentage disposition of funds by United States Employment Service, see section 49f of this title.

Preparation of State plan by State employment service under this chapter, see section 49g of this title.

State plans for aid and services to needy families with children under this chapter, see section 602 of Title 42, The Public Health and Welfare.

Theft or embezzlement from employment and training funds under this chapter, see section 665 of Title 18, Crimes and Criminal Procedure.

Weatherization program for repairs or improvement of rural dwellings, see section 1474 of Title 42, The Public Health and Welfare.

Library References

United States § 82(2).
C.J.S. United States § 122.

§ 1501. Congressional declaration of purpose

It is the purpose of this chapter to establish programs to prepare youth and unskilled adults for entry into the labor force and to afford job training to those economically disadvantaged individuals and other individuals facing serious barriers to employment, who are in special need of such training to obtain productive employment.

(Pub.L. 97-300, § 2, Oct. 13, 1982, 96 Stat. 1324.)

Historical Note

References in Text. This chapter, referred to in text, was in the original "this Act", meaning Pub.L. 97-300, Oct. 13, 1982, 96 Stat. 1322, as amended, known as the Job

Training Partnership Act, which is classified principally to this chapter (section 1501 et seq.). For complete classification of this Act

to the Code, see Short Title note below and Tables volume.

Short Title. Section 1 of Pub.L. 97-300 provided that: "This Act [enacting this chapter and sections 49e, 49f, 49i, and 49j-1 of this title, amending sections 49, 49a, 49b, 49d, 49g, 49h, 49i, and 49j of this title, section 665 of Title 18, Crimes and Criminal Procedure, and sections 602, 632, and 633 of Title 42,

The Public Health and Welfare, repealing chapter 17 (section 801 et seq.) of this title, and enacting provisions set out as notes under sections 49 and 801 of this title] may be cited as the 'Job Training Partnership Act'."

Legislative History. For legislative history and purpose of Pub. L. 97-300, see 1982 U. S. Code Cong. and Adm. News, p. 2636.

Code of Federal Regulations

Applicability and general provisions, see 20 CFR 626.1 et seq.
Complaints, investigations, and hearings, see 20 CFR 636.1 et seq.
State responsibilities, see 20 CFR 627.1 et seq.

§ 1502. Authorization of appropriations

(a)(1) There are authorized to be appropriated to carry out part A of subchapter II of this chapter and subchapter IV of this chapter (other than part B of such subchapter) such sums as may be necessary for fiscal year 1983 and for each succeeding fiscal year.

(2) From the amount appropriated pursuant to paragraph (1) for any fiscal year, an amount equal to not more than 7 percent of the total amount appropriated pursuant to this section shall be available to carry out parts A, C, D, E, F, and G of subchapter IV of this chapter.

(3) Of the amount so reserved under paragraph (2)—

(A) 5 percent shall be available for part C of subchapter IV of this chapter, and

(B) \$2,000,000 shall be available for part F of subchapter IV of this chapter.

(b) There are authorized to be appropriated to carry out part B of subchapter II of this chapter such sums as may be necessary for fiscal year 1983 and for each succeeding fiscal year.

(c) There are authorized to be appropriated to carry out subchapter III of this chapter such sums as may be necessary for fiscal year 1983 and for each succeeding fiscal year.

(d) There are authorized to be appropriated \$618,000,000 for fiscal year 1983, and such sums as may be necessary for each succeeding fiscal year, to carry out part B of subchapter IV of this chapter.

(e) The authorizations of appropriations contained in this section are subject to the program year provisions of section 1571 of this title.

(Pub.L. 97-300, § 3, Oct. 13, 1982, 96 Stat. 1324.)

Historical Note

Legislative History. For legislative history and purpose of Pub. L. 97-300, see 1982 U. S. Code Cong. and Adm. News, p. 2636.

Cross References

Summer youth employment and training programs, allocation to insular possessions, Native American programs, and States, see section 1631 of this title.

Training services for disadvantaged, allotment limitation for insular possessions, see section 1601 of this title.

Notes of Decisions

1. Apportionment of funds

Conference report language, which did not appear in reports of either full house of Congress, purporting to direct Secretary to maintain recipient's funding under this chapter at an annualized rate equal to that received by it under Comprehensive Employment and

Training Act, former sections 801 et seq. of this title, did not override Secretary's otherwise plenary, executive authority to determine how to apportion funds in the Department's budgetary process. *Human Resources Development Institute, Inc. v. Donovan*, D.C.D.C. 1983, 587 F.Supp. 617.

§ 1503. Definitions

For the purposes of this chapter, the following definitions apply:

(1) The term "academic credit" means credit for education, training, or work experience applicable toward a secondary school diploma, a postsecondary degree, or an accredited certificate of completion, consistent with applicable State law and regulation and the requirements of an accredited educational agency or institution in a State.

(2) The term "administrative entity" means the entity designated to administer a job training plan under section 1513(b)(1)(B) of this title.

(3) The term "area of substantial unemployment" means any area of sufficient size and scope to sustain a program under part A of subchapter II of this chapter and which has an average rate of unemployment of at least 6.5 percent for the most recent twelve months as determined by the Secretary. Determinations of areas of substantial unemployment shall be made once each fiscal year.

(4) The term "chief elected official" includes—

(A) in the case of a State, the Governor;

(B) in the District of Columbia, the mayor; and

(C) in the case of a service delivery area designated under section 1511(a)(4)(A)(iii) of this title, the governing body.

(5) The term "community-based organizations" means private non-profit organizations which are representative of communities or significant segments of communities and which provide job training services (for example, Opportunities Industrialization Centers, the National Urban League, SER-Jobs for Progress, United Way of America, Mainstream, the National Puerto Rican Forum, National Council of La Raza, 70,001, Jobs for Youth, organizations operating career intern programs, neighborhood groups and organizations, community action agencies, community development corporations, vocational rehabilitation organizations, rehabilitation facilities (as defined in section 7(10) of the Rehabilitation Act of 1973 [29 U.S.C.A. § 706(10)]), agencies serving youth, agencies serving the handicapped, agencies serving displaced homemakers, union-related organizations, and employer-related nonprofit organizations), and organizations serving nonreservation In-

dians (including the National Urban Indian Council), as well as tribal governments and Native Alaskan groups.

(6) Except as otherwise provided therein, the term "council" means the private industry council established under section 1512 of this title.

(7) The term "economic development agencies" includes local planning and zoning commissions or boards, community development agencies, and other local agencies and institutions responsible for regulating, promoting, or assisting in local economic development.

(8) The term "economically disadvantaged" means an individual who (A) receives, or is a member of a family which receives, cash welfare payments under a Federal, State, or local welfare program; (B) has, or is a member of a family which has, received a total family income for the six-month period prior to application for the program involved (exclusive of unemployment compensation, child support payments, and welfare payments) which, in relation to family size, was not in excess of the higher of (i) the poverty level determined in accordance with criteria established by the Director of the Office of Management and Budget, or (ii) 70 percent of the lower living standard income level; (C) is receiving food stamps pursuant to the Food Stamp Act of 1977 [7 U.S.C.A. § 2011 et seq.]; (D) is a foster child on behalf of whom State or local government payments are made; or (E) in cases permitted by regulations of the Secretary, is an adult handicapped individual whose own income meets the requirements of clause (A) or (B), but who is a member of a family whose income does not meet such requirements.

(9) The term "Governor" means the chief executive of any State.

(10) The term "handicapped individual" means any individual who has a physical or mental disability which for such individual constitutes or results in a substantial handicap to employment.

(11) The term "Hawaiian native" means any individual any of whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii.

(12) The term "institution of higher education" means any institution of higher education as that term is defined in section 1201(a) of the Higher Education Act of 1965 [20 U.S.C.A. § 1141(a)].

(13) The term "labor market area" means an economically integrated geographic area within which individuals can reside and find employment within a reasonable distance or can readily change employment without changing their place of residence. Such areas shall be identified in accordance with criteria used by the Bureau of Labor Statistics of the Department of Labor in defining such areas or similar criteria established by a Governor.

(14) The term "local educational agency" means such an agency as defined in section 4(15) of the Carl D. Perkins Vocational Education Act [20 U.S.C.A. § 2471(19)].

(15) The term "low-income level" means \$7,000 with respect to income in 1969, and for any later year means that amount which bears the same relationship to \$7,000 as the Consumer Price Index for that

year bears to the Consumer Price Index for 1969, rounded to the nearest \$1,000.

(16) The term "lower living standard income level" means that income level (adjusted for regional, metropolitan, urban, and rural differences and family size) determined annually by the Secretary based on the most recent "lower living family budget" issued by the Secretary.

(17) The term "offender" means any adult or juvenile who is or has been subject to any stage of the criminal justice process for whom services under this chapter may be beneficial or who requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction.

(18) The term "postsecondary institution" means an institution of higher education as that term is defined in section 481(a)(1) of the Higher Education Act of 1965 [20 U.S.C.A. § 1088(a)(1)].

(19) The term "private sector" means, for purposes of the State job training councils and private industry councils, persons who are owners, chief executives or chief operating officers of private for-profit employers and major nongovernmental employers, such as health and educational institutions or other executives of such employers who have substantial management or policy responsibility.

(20) The term "public assistance" means Federal, State, or local government cash payments for which eligibility is determined by a needs or income test.

(21) The term "Secretary" means the Secretary of Labor.

(22) The term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, American Samoa, and the Trust Territory of the Pacific Islands.

(23) The term "State educational agency" means such an agency as defined in section 1201(h) of the Higher Education Act of 1965 [20 U.S.C.A. § 1141(h)].

(24) The term "supportive services" means services which are necessary to enable an individual eligible for training under this chapter, but who cannot afford to pay for such services, to participate in a training program funded under this chapter. Such supportive services may include transportation, health care, special services and materials for the handicapped, child care, meals, temporary shelter, financial counseling, and other reasonable expenses required for participation in the training program and may be provided in-kind or through cash assistance.

(25) The term "unemployed individuals" means individuals who are without jobs and who want and are available for work. The determination of whether individuals are without jobs shall be made in accordance with the criteria used by the Bureau of Labor Statistics of the Department of Labor in defining individuals as unemployed.

(26) The term "unit of general local government" means any general purpose political subdivision of a State which has the power to levy taxes and spend funds, as well as general corporate and police powers.

(27)(A) The term "veteran" means an individual who served in the active military, naval, or air service, and who was discharged or released therefrom under conditions other than dishonorable.

(B) The term "disabled veteran" means (i) a veteran who is entitled to compensation under laws administered by the Veterans' Administration, or (ii) an individual who was discharged or released from active duty because of service-connected disability.

(28) The term "vocational education" has the meaning provided in section 521(31) of the Carl D. Perkins Vocational Education Act [20 U.S.C.A. § 2471(31)].

(Pub.L. 97-300, § 4, Oct. 13, 1982, 96 Stat. 1325; Pub.L. 98-524, § 4(a)(1), Oct. 19, 1984, 98 Stat. 2487.)

Historical Note

References in Text. This chapter, referred to in provision preceding par. (1) and in pars. (17) and (24), was in the original "this Act", meaning Pub.L. 97-300, Oct. 13, 1982, 96 Stat. 1322, as amended, known as the Job Training Partnership Act, which is classified principally to this chapter (section 1501 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 1501 of this title and Tables volume.

Section 4(15) of the Carl D. Perkins Vocational Education Act, referred to in par. (14), probably means section 521(19) of Pub.L. 88-210, Title V, as added Pub.L. 98-524, § 1, Oct. 19, 1984, 98 Stat. 2482, which defines the term "local educational agency" as used in the Carl D. Perkins Vocational Education Act, and which is classified to section 2471(19) of Title 20, Education.

The Food Stamp Act of 1977, referred to in par. (8)(C), is Pub. L. 88-525, Aug. 31, 1964, 78 Stat. 703, as amended, which is classified generally to chapter 51 (section 2011 et seq.) of Title 7, Agriculture. For complete classification of this Act to the

Code, see Short Title note set out under section 2011 of Title 7 and Tables volume.

1984 Amendment. Par. (14). Pub.L. 98-524, § 4(a)(1)(A), substituted "section 4(15) of the Carl D. Perkins Vocational Education Act" for "section 195(10) of the Vocational Education Act of 1963".

Par. (23). Pub.L. 98-524, § 4(a)(1)(B), substituted "section 1201(h) of the Higher Education Act" for "section 195(11) of the Vocational Education Act of 1963".

Par. (28). Pub.L. 98-524, § 4(a)(1)(C), substituted "section 521(31) of the Carl D. Perkins Vocational Education Act" for "section 195(1) of the Vocational Education Act of 1963".

Effective Date of 1984 Amendment. Amendments by Pub.L. 98-524 effective for fiscal years beginning on or after Oct. 1, 1984, except as otherwise provided, see section 2 of Pub.L. 98-524, set out as a note under section 2301 of Title 20, Education.

Legislative History. For legislative history and purpose of Pub. L. 97-300, see 1982 U. S. Code Cong. and Adm. News, p. 2636. See, also, Pub.L. 98-524, 1984 U.S. Code Cong. and Adm. News, p. 4097.

Cross References

Chief elected official for development of job training plan in case of service delivery area as representative of chief elected official, as defined in par. (4)(C) of this section, for such area, see section 1513 of this title.

§ 1504. Enforcement of Military Selective Service Act

The Secretary shall insure that each individual participating in any program established under this chapter, or receiving any assistance or benefit under this chapter, has not violated section 3 of the Military Selective Service Act (50 U.S.C.App. 453) by not presenting and submitting

to registration as required pursuant to such section. The Director of the Selective Service System shall cooperate with the Secretary in carrying out this section.

(Pub.L. 97-300, Title V, § 504, Oct. 13, 1982, 96 Stat. 1399.)

Historical Note

References in Text. This chapter, referred to in text, was in the original "this Act", meaning Pub.L. 97-300, Oct. 13, 1982, 96 Stat. 1322, as amended, known as the Job Training Partnership Act, which is classified principally to this chapter (section 1501 et seq.). For complete classification of this Act

to the Code, see Short Title note set out under section 1501 of this title and Tables volume.

Legislative History. For legislative history and purpose of Pub. L. 97-300, see 1982 U. S. Code Cong. and Adm. News, p. 2636.

SUBCHAPTER I—JOB TRAINING AND EMPLOYMENT ASSISTANCE SYSTEM

PART A—SERVICE DELIVERY SYSTEM

Cross References

Private industry councils established under this subchapter to have same authority and responsibilities with respect to planning and administration of funds available for summer youth employment and training programs as they have for adult and youth programs, see section 1634 of this title.

Use of private industry councils established by this subchapter to assist in identification of dislocated workers, see section 1652 of this title.

§ 1511. Establishment of service delivery areas

(a) Proposals; proposed designations; requests

(1) The Governor shall, after receiving the proposal of the State job training coordinating council, publish a proposed designation of service delivery areas for the State each of which—

(A) is comprised of the State or one or more units of general local government;

(B) will promote effective delivery of job training services; and

(C)(i) is consistent with labor market areas or standard metropolitan statistical areas, but this clause shall not be construed to require designation of an entire labor market area; or

(ii) is consistent with areas in which related services are provided under other State or Federal programs.

(2) The Council shall include in its proposal a written explanation of the reasons for designating each service delivery area.

(3) Units of general local government (and combinations thereof), business organizations, and other affected persons or organizations shall be given an opportunity to comment on the proposed designation of service delivery areas and to request revisions thereof.

(4)(A) The Governor shall approve any request to be a service delivery area from—

(i) any unit of general local government with a population of 200,000 or more;

(ii) any consortium of contiguous units of general local government with an aggregate population of 200,000 or more which serves a substantial part of a labor market area; and

(iii) any concentrated employment program grantee for a rural area which served as a prime sponsor under the Comprehensive Employment and Training Act.

(B) The Governor may approve a request to be a service delivery area from any unit of general local government or consortium of contiguous units of general local government, without regard to population, which serves a substantial portion of a labor market area.

(C) If the Governor denies a request submitted under subparagraph (A) and the entity making such request alleges that the decision of the Governor is contrary to the provisions of this section, such entity may appeal the decision to the Secretary, who shall make a final decision within 30 days after such appeal is received.

(b) Final designation by Governor

The Governor shall make a final designation of service delivery areas within the State. Before making a final designation of service delivery areas for the State, the Governor shall review the comments submitted under subsection (a)(3) of this section and requests submitted under subsection (a)(4) of this section.

(c) Redesignations

(1) In accordance with subsection (a) of this section, the Governor may redesignate service delivery areas no more frequently than every two years. Such redesignations shall be made not later than 4 months before the beginning of a program year.

(2) Subject to paragraph (1), the Governor shall make such a redesignation if a petition to do so is filed by an entity specified in subsection (a)(4)(A) of this section.

(3) The provisions of this subsection are subject to section 1515(c) of this title.

(Pub.L. 97-300, Title I, § 101, Oct. 13, 1982, 96 Stat. 1327.)

Historical Note

References in Text. The Comprehensive Employment and Training Act, referred to in subsec. (a)(4)(A)(iii), is Pub.L. 93-203, Dec. 28, 1973, 87 Stat. 839, as amended, which was classified generally to chapter 17 (section 801 et seq.) of this title, and was repealed by section 184(a)(1) of the Job Training Partnership Act, Pub.L. 97-300, Title I, Oct. 13,

1982, 96 Stat. 1357, which is classified principally to this chapter. Provisions of the Comprehensive Employment and Training Act relating to prime sponsors were classified to section 811 of this title prior to its repeal.

Legislative History. For legislative history and purpose of Pub. L. 97-300, see 1982 U. S. Code Cong. and Adm. News, p. 2636.

Cross References

Allocation of State allotment for adult and youth programs, see section 1602 of this title.

Definition of "chief elected official" in case of service delivery area designated under subsec. (a)(4)(A)(ii) of this section as governing body, see section 1503 of this title.

Designation of chief elected official for development of job training plan in case of service delivery area designated under subsec. (a)(4)(A)(ii) of this section, see section 1513 of this title.

Determination of allotment for adult and youth programs, see section 1601 of this title. Judicial review of denial of request to be service delivery area, see section 1578 of this title.

Limitation on certain costs not applicable to service delivery area designated under subsec. (a)(4)(A)(iii) of this section, see section 1518 of this title.

Private industry councils for every service delivery area, see section 1512 of this title. Redesignation of service delivery areas, see section 1515 of this title.

Code of Federal Regulations

Designation of service delivery areas, see 20 CFR 628.1 et seq.
Programs, see 20 CFR 629.1 et seq.

Notes of Decisions

Duty of Governor 1

Service delivery area

Generally 2

Consortium of local governmental units 3

1. Duty of Governor

Governor's function under this chapter amounts to more than merely funneling federal money to local job training programs; rather, the role of the state in all local programs is recognized and the excessive involvement of the federal government is ended. *Romero-Barcelo v. Donovan*, C.A.1, 1983, 722 F.2d 882.

2. Service delivery area—Generally

No constraints exist on the size of service delivery areas eligible for designation under this chapter. The governor may designate practically any area, from a substantial part of a single labor market area to the entire state, as a service delivery area; it is only the compulsory designation provisions which are restricted to a narrow class of municipalities and consortia. *Job Training Partnership Act*, §§ 2-481, 29 U.S.C.A. §§ 1501-1781.

Romero-Barcelo v. Donovan, C.A.1, 1983, 722 F.2d 882.

3. — Consortium of local governmental units

Consortia made up of several counties which extended over more than single "labor market area" were not entitled to be designated as "service delivery areas" for purpose of apportioning funds under this chapter. *Consortium of Rockingham and Strafford Counties, N.H. v. U.S. Dept. of Labor*, C.A.1, 1983, 722 F.2d 888.

In regard to provision of this section which requires the governor of a state to designate a consortium of local governmental units as a service delivery area if, among other things, it serves a substantial part of a "labor market area," the labor market area provision requires that a consortium serve one, but not more than one, labor market area; accordingly, consortia corresponding to single labor market areas are eligible for compulsory service delivery area designation, but consortia extending over multiple labor market areas are not. *Romero-Barcelo v. Donovan*, C.A.1, 1983, 722 F.2d 882.

§ 1512. Private industry councils

(a) Establishment; membership

There shall be a private industry council for every service delivery area established under section 1511 of this title, to be selected in accordance with this subsection. Each council shall consist of—

(1) representatives of the private sector, who shall constitute a majority of the membership of the council and who shall be owners of business concerns, chief executives or chief operating officers of non-governmental employers, or other private sector executives who have substantial management or policy responsibility; and

(2) representatives of educational agencies (representative of all educational agencies in the service delivery area), organized labor, rehabilitation agencies, community-based organizations, economic development agencies, and the public employment service.

(b) Chairman

The Chairman of the council shall be selected from among members of the council who are representatives of the private sector.

(c) Nomination and recommendation of individuals

(1)(A) Private sector representatives on the council shall be selected from among individuals nominated by general purpose business organizations after consulting with, and receiving recommendations from, other business organizations in the service delivery area. The number of such nominations shall be at least 150 percent of the number of individuals to be appointed under subsection (a)(1) of this section. Such nominations, and the individuals selected from such nominations, shall reasonably represent the industrial and demographic composition of the business community. Whenever possible, at least one-half of such business and industry representatives shall be representatives of small business, including minority business.

(B) For the purpose of this paragraph, the term—

(i) "general purpose business organizations" means organizations which admit to membership any for-profit business operating within the service delivery area; and

(ii) "small business" means private for-profit enterprises employing 500 or fewer employees.

(2) Education representatives on the council shall be selected from among individuals nominated by local educational agencies, vocational education institutions, institutions of higher education, or general organizations of such agencies or institutions, and by private and proprietary schools or general organizations of such schools, within the service delivery area.

(3) The remaining members of the council shall be selected from individuals recommended by interested organizations. Labor representatives shall be recommended by recognized State and local labor organizations or appropriate building trades councils.

(d) Appointment of members

(1) In any case in which there is only one unit of general local government with experience in administering job training programs within the service delivery area, the chief elected official of that unit shall appoint members to the council from the individuals nominated or recommended under subsection (c) of this section.

(2) In any case in which there are two or more such units of general local government in the service delivery area, the chief elected officials of such units shall appoint members to the council from the individuals so nominated or recommended in accordance with an agreement entered into by such units of general local government. In the absence of such an agreement, the appointments shall be made by the Governor from the individuals so nominated or recommended.

(e) Number of members

The initial number of members of the council shall be determined—

- (1) by the chief elected official in the case described in subsection (d)(1) of this section,
- (2) by the chief elected officials in accordance with the agreement in the case described in subsection (d)(2) of this section, or
- (3) by the Governor in the absence of such agreement.

Thereafter, the number of members of the council shall be determined by the council.

(f) Terms of office; removal for cause

Members shall be appointed for fixed and staggered terms and may serve until their successors are appointed. Any vacancy in the membership of the council shall be filled in the same manner as the original appointment. Any member of the council may be removed for cause in accordance with procedures established by the council.

(g) Certification

The Governor shall certify a private industry council if the Governor determines that its composition and appointments are consistent with the provisions of this subsection. Such certification shall be made or denied within 30 days after the date on which a list of members and necessary supporting documentation are submitted to the Governor. When the Governor certifies the council, it shall be convened within 30 days by the official or officials who made the appointments to such council under subsection (d) of this section.

(h) Reconstitution of State job training coordinating councils

In any case in which the service delivery area is a State, the State job training coordinating council or a portion of such council may be reconstituted to meet the requirements of this section.

(Pub.L. 97-300, Title I, § 102, Oct. 13, 1982, 96 Stat. 1328.)

Historical Note

Legislative History. For legislative history and purpose of Pub. L. 97-300, see 1982 U. S. Code Cong. and Adm. News, p. 2636.

Cross References

Comptroller General's access to records, see section 1574 of this title.
Council defined for purposes of this section, see section 1503 of this title.
Discretionary funds for private industry councils, see section 1591 of this title.
Redesignation of councils regarding review and approval of plan, see section 1515 of this title.
Review of community-need directed programs, see section 1781 of this title.

§ 1513. Functions of private industry councils**(a) Policy guidance and oversight**

It shall be the responsibility of the private industry council to provide policy guidance for, and exercise oversight with respect to, activities under

the job training plan for its service delivery area in partnership with the unit or units of general local government within its service delivery area.

(b) Development of job training plan; selection of grant recipient and administering entity

(1) The council, in accordance with an agreement or agreements with the appropriate chief elected official or officials specified in subsection (c) of this section, shall—

(A) determine procedures for the development of the job training plan, which may provide for the preparation of all or any part of the plan (i) by the council, (ii) by any unit of general local government in the service delivery area, or by an agency thereof, or (iii) by such other methods or institutions as may be provided in such agreement; and

(B) select as a grant recipient and¹ entity to administer the job training plan (which may be separate entities), (i) the council, (ii) a unit of general local government in its service delivery area, or an agency thereof, (iii) a nonprofit private organization or corporation, or (iv) any other agreed upon entity or entities.

(2) The council is authorized to provide oversight of the programs conducted under the job training plan in accordance with procedures established by the council. In order to carry out this paragraph, the council shall have access to such information concerning the operations of such programs as is necessary.

(c) Appropriate chief elected official or officials

For purposes of subsection (b) of this section, the appropriate chief elected official or officials means—

(1) the chief elected official of the sole unit of general local government in the service delivery area,

(2) the individual or individuals selected by the chief elected officials of all units of general local government in such area as their authorized representative, or

(3) in the case of a service delivery area designated under section 1511(a)(4)(A)(iii) of this title, the representative of the chief elected official for such area (as defined in section 1503(4)(C) of this title).

(d) Submission of job training plan to Governor

No job training plan prepared under section 1514 of this title may be submitted to the Governor unless (1) the plan has been approved by the council and by the appropriate chief elected official or officials specified in subsection (c) of this section, and (2) the plan is submitted jointly by the council and such official or officials.

(e) Budget; staff; incorporation; contributions and grant funds

In order to carry out its functions under this chapter, the council—

(1) shall, in accordance with the job training plan, prepare and approve a budget for itself, and

(2) may hire staff, incorporate, and solicit and accept contributions and grant funds (from other public and private sources).

(f) "Oversight" defined

As used in this section, the term "oversight" means reviewing, monitoring, and evaluating.

(Pub.L. 97-300, Title I, § 103, Oct. 13, 1982, 96 Stat. 1330; Pub.L. 97-404, § 1(a), Dec. 31, 1982, 96 Stat. 2026.)

¹ So in original. Probably should be "an".

Historical Note

References in Text. This chapter, referred to in subsec. (c), was in the original "this Act", meaning Pub.L. 97-300, Oct. 13, 1982, 96 Stat. 1322, as amended, known as the Job Training Partnership Act, which is classified principally to this chapter (section 1501 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 1501 of this title and Tables volume.

1982 Amendment. Subsec. (c)(3). Pub.L. 97-404 substituted reference to section 1511(a)(4)(A)(iii) of this title for reference to section 1514(a)(4)(A)(iii) of this title.

Legislative History. For legislative history and purpose of Pub.L. 97-300, see 1982 U.S. Code Cong. and Adm. News, p. 2636.

Cross References

Administrative entity defined for purposes of this section, see section 1503 of this title. Discretionary funds for private industry councils, see section 1591 of this title.

Job training plan, see section 1514 of this title.

Review and approval of plan, see section 1515 of this title.

§ 1514. Job training plan

(a) Two-year program plan requirement

No funds appropriated for any fiscal year may be provided to any service delivery area under this chapter except pursuant to a job training plan for two program years which is prepared in accordance with section 1513 of this title and which meets the requirements of this section.

(b) Contents of plan

Each job training plan shall contain—

(1) identification of the entity or entities which will administer the program and be the grant recipient of funds from the State;

(2) a description of the services to be provided, including the estimated duration of service and the estimated training cost per participant;

(3) procedures for identifying and selecting participants and for eligibility determination and verification;

(4) performance goals established in accordance with standards prescribed under section 1516 of this title;

(5) procedures, consistent with section 1517 of this title, for selecting service providers which take into account past performance in job training or related activities, fiscal accountability, and ability to meet performance standards;

(6) the budget for two program years and any proposed expenditures for the succeeding two program years, in such detail as is determined necessary by the entity selected to prepare this portion of the plan

pursuant to section 1513(b)(1)(B) of this title and to meet the requirements of section 1518 of this title;

(7) a description of methods of complying with the coordination criteria contained in the Governor's coordination and special services plan;

(8) if there is more than one service delivery area in a single labor market area, provisions for coordinating particular aspects of individual service delivery area programs, including—

(A) assessments of needs and problems in the labor market that form the basis for program planning;

(B) provisions for ensuring access by program participants in each service delivery area to skills training and employment opportunities throughout the entire labor market; and

(C) coordinated or joint implementation of job development, placement, and other employer outreach activities;

(9) fiscal control, accounting, audit and debt collection procedures to assure the proper disbursement of, and accounting for, funds received under this subchapter; and

(10) procedures for the preparation and submission of an annual report to the Governor which shall include—

(A) a description of activities conducted during the program year;

(B) characteristics of participants; and

(C) the extent to which the activities exceeded or failed to meet relevant performance standards.

(c) Modification of plan

If changes in labor market conditions, funding, or other factors require substantial deviation from an approved job training plan, the private industry council and the appropriate chief elected official or officials (as described in section 1513(c) of this title) shall submit a modification of such plan (including modification of the budget under subsection (b)(6) of this section), which shall be subject to review in accordance with section 1515 of this title.

(Pub.L. 97-300, Title I, § 104, Oct. 13, 1982, 96 Stat. 1331.)

Historical Note

References in Text. This chapter, referred to in subsec. (a), was in the original "this Act", meaning Pub.L. 97-300, Oct. 13, 1982, 96 Stat. 1322, as amended, known as the Job Training Partnership Act, which is classified principally to this chapter (section 1501 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 1501 of this title and Tables volume.

This subchapter, referred to in subsec. (b)(9), was in the original "this title" meaning

Title I of Pub.L. 97-300, which enacted this subchapter, amended section 665 of Title 18, Crimes and Criminal Procedure, repealed chapter 17 (section 801 et seq.) of this title, and enacted a provision set out as a note under former section 801 of this title. For complete classification of Title I of Pub.L. 97-300 to the Code, see Tables volume.

Legislative History. For legislative history and purpose of Pub.L. 97-300, see 1982 U.S. Code Cong. and Adm. News, p. 2636.

Cross References

Annual planning report, see section 1531 of this title.

Authorization to Governor regarding training programs for older Americans, see section 1534 of this title.

Redesignation of service delivery areas, see section 1515 of this title.

Submission of job training plan to Governor, see section 1513 of this title.

§ 1515. Review and approval of plan

(a) Times for publication of plan and modifications

(1) Not less than 120 days before the beginning of the first of the two program years covered by the job training plan—

(A) the proposed plan or summary thereof shall be published; and

(B) such plan shall be made available for review and comment to—

(i) each house of the State legislature for appropriate referral;

(ii) appropriate local educational and other public agencies in the service delivery area; and

(iii) labor organizations in the area which represent employees having the skills in which training is proposed; and

(C) such plan shall be reasonably available to the general public through such means as public hearings and local news facilities.

(2) The final plan, or a summary thereof, shall be published not later than 80 days before the first of the two program years and shall be submitted to the Governor in accordance with section 1513(d)(2) of this title. Any modification shall be published not later than 80 days before it is effective and shall be submitted to the Governor in accordance with such section.

(b) Governor's approval of plan: criteria, time, and petitions opposing

(1) The Governor shall approve the job training plan or modification thereof unless he finds that—

(A) corrective measures for deficiencies found in audits or in meeting performance standards from previous years have not been taken or are not acceptably underway;

(B) the entity proposed to administer the program does not have the capacity to administer the funds;

(C) there are inadequate safeguards for the protection of funds received;

(D) the plan (or modification) does not comply with a particular provision or provisions of this chapter or of regulations of the Secretary under this chapter; or

(E) the plan (or modification) does not comply with the criteria under section 1531(b) of this title for coordinating activities under this chapter with related program activities.

(2) The Governor shall approve or disapprove a job training plan (or modification) within 30 days after the date that the plan (or modification) is submitted, except that if a petition is filed under paragraph (3) such period shall be extended to 45 days. Any disapproval by the Governor may be

appealed to the Secretary, who shall make a final decision of whether the Governor's disapproval complies with paragraph (1) of this subsection within 45 days after receipt of the appeal.

(3)(A) Interested parties may petition the Governor within 15 days of the date of submission for disapproval of the plan or modification thereof if—

(i) the party can demonstrate that it represents a substantial client interest,

(ii) the party took appropriate steps to present its views and seek resolution of disputed issues prior to submission of the plan to the Governor, and

(iii) the request for disapproval is based on a violation of statutory requirements.

(B) If the Governor approves the plan (or modification), the Governor shall notify the petitioner in writing of such decision and the reasons therefor.

(c) Redesignation of service delivery areas and private industry councils

(1) If a private industry council and the appropriate chief elected official or officials fail to reach the agreement required under section 1513(b) or (d) of this title and, as a consequence, funds for a service delivery area may not be made available under section 1514 of this title, then the Governor shall redesignate, without regard to sections¹ 1511(a)(4) and (c)(1) of this title, the service delivery areas in the State to merge the affected area into one or more other service delivery areas, in order to promote the reaching of agreement.

(2) In any State in which service delivery areas are redesignated under paragraph (1), private industry councils shall, to the extent necessary for the redesignation, be reconstituted and job training plans modified as required to comply with sections 1512 and 1513 of this title. Services under an approved plan shall not be suspended while the council is reconstituted and the plan is modified.

(d) Authority of Secretary in single plan States

In any case in which the service delivery area is a State, the plan (or modification) shall be submitted to the Secretary for approval. For the purpose of this subsection, the Secretary shall have the same authority as the Governor has under this section.

(Pub.L. 97-300, Title I, § 105, Oct. 13, 1982, 96 Stat. 1332.)

¹ So in original. Probably should be "section".

Historical Note

References in Text. This chapter, referred to in subsec. (b)(1)(D), (E), was in the original "this Act", meaning Pub.L. 97-300, Oct. 13, 1982, 96 Stat. 1322, as amended, known as the Job Training Partnership Act, which is classified principally to this chapter (section 1501 et seq.). For complete classification of

this Act to the Code, see Short Title note set out under section 1501 of this title and Tables volume.

Legislative History. For legislative history and purpose of Pub.L. 97-300, see 1982 U.S. Code Cong. and Adm. News, p. 2636.

Cross References

Establishment of service delivery areas, see section 1511 of this title.
 Judicial review, see section 1578 of this title.
 Modification of plan, see section 1514 of this title.

§ 1516. Performance standards**(a) Congressional findings**

The Congress recognizes that job training is an investment in human capital and not an expense. In order to determine whether that investment has been productive, the Congress finds that—

- (1) it is essential that criteria for measuring the return on this investment be developed; and
- (2) the basic return on the investment is to be measured by the increased employment and earnings of participants and the reductions in welfare dependency.

(b) Performance criteria for adult training programs, youth programs; general standards; standards relating expenditure to performance

(1) The basic measure of performance for adult training programs under subchapter II of this chapter is the increase in employment and earnings and the reductions in welfare dependency resulting from participation in the program. In order to determine whether these basic measures are achieved, the Secretary shall prescribe standards on the basis of appropriate factors which may include (A) placement in unsubsidized employment, (B) retention in unsubsidized employment, (C) the increase in earnings, including hourly wages, and (D) reduction in the number of individuals and families receiving cash welfare payments and the amounts of such payments.

(2) In prescribing standards under this section the Secretary shall also designate factors for evaluating the performance of youth programs which, in addition to appropriate utilization of the factors described in paragraph (1), shall be (A) attainment of recognized employment competencies recognized by the private industry council, (B) elementary, secondary, and postsecondary school completion, or the equivalent thereof, and (C) enrollment in other training programs or apprenticeships, or enlistment in the Armed Forces.

(3) The standards shall include provisions governing—

- (A) the base period prior to program participation that will be used;
- (B) a representative period after termination from the program that is a reasonable indicator of postprogram earnings and cash welfare payment reductions; and
- (C) cost-effective methods for obtaining such data as is necessary to carry out this section, which, notwithstanding any other provision of law, may include access to earnings records, State employment security records, Federal Insurance Contributions Act [26 U.S.C.A. § 3101 et seq.] records, State aid to families with dependent children records, statistical sampling techniques, and similar records or measures.

(4) The Secretary shall prescribe performance standards relating gross program expenditures to various performance measures.

(c) Initial performance standards

Within six months after, October 13, 1982, the Secretary shall establish initial performance standards which are designed to contribute to the achievement of the performance goals set forth in subsection (b)(1) of this section, based upon data accumulated under the Comprehensive Employment and Training Act, from the National Commission for Employment Policy, and from other appropriate sources. In the development of the initial standards under this subsection, the Secretary shall relate gross program expenditures to the accomplishment of program goals set forth in subsection (b)(1) of this section.

(d) Later performance standards; report to Congress; variations for special populations and report

(1) The Secretary shall, not later than January 31, 1984, prescribe performance standards for the first program year under this chapter to measure the results of the participation in the program to achieve the goals set forth in subsection (b)(1) of this section based upon the initial standards established in subsection (c) of this section.

(2) The Secretary, not later than six months after the completion of the first two program years, shall prepare and submit a report to the Congress containing the performance standards established under paragraph (1) of this subsection, together with an analysis of the manner in which the performance standards contribute to the achievement of the goals set forth in subsection (b)(1) of this section, including the relative importance of each standard to the accomplishment of such goals.

(3) The Secretary shall prescribe variations in performance standards for special populations to be served, including Native Americans, migrant and seasonal farmworkers, and offenders, taking into account their special circumstances.

(4)(A) The Secretary may modify the performance standards under this subsection not more often than once every two program years and such modifications shall not be retroactive.

(B) The Secretary shall prepare and submit a report to the Congress containing any modifications established under subparagraph (A), and the reasons for such modifications.

(e) Parameters for variations prescribed by Governor

Each Governor may prescribe, within parameters established by the Secretary, variations in the standards under this subsection based upon specific economic, geographic, and demographic factors in the State and in service delivery areas with the State, the characteristics of the population to be served, and the type of services to be provided.

(f) Review of standards by National Commission for Employment Policy

The National Commission for Employment Policy shall (1) advise the Secretary in the development of performance standards under this section

for measuring results of participation in job training and in the development of parameters for variations of such standards referred to in subsection (e) of this section, (2) evaluate the usefulness of such standards as measures of desired performance, and (3) evaluate the impacts of such standards (intended or otherwise) on the choice of who is served, what services are provided, and the cost of such services in service delivery areas.

(g) Performance standards

The Secretary shall prescribe performance standards for programs under subchapter III of this chapter based on placement and retention in unsubsidized employment.

(h) Failure to meet performance standards; alternate administrative entities

(1) The Governor shall provide technical assistance to programs which do not meet performance criteria. If the failure to meet performance standards persists for a second year, the Governor shall impose a reorganization plan. Such plan may restructure the private industry council, prohibit the use of designated service providers or make such other changes as the Governor deems necessary to improve performance. The Governor may also select an alternate entity to administer the program for the service delivery area.

(2) The alternate administrative entity may be a newly formed private industry council or any agency jointly selected by the Governor and the chief elected official of the largest unit of general local government in the service delivery area.

(3) No change may be made under this subsection without an opportunity for a hearing before a hearing officer.

(4) The decision of the Governor may be appealed to the Secretary, who shall make a final decision within 60 days of the receipt of the appeal. (Pub.L. 97-300, Title I, § 106, Oct. 13, 1982, 96 Stat. 1333; Pub.L. 97-404, § 1(b), Dec. 31, 1982, 96 Stat. 2026.)

Historical Note

References in Text. The Federal Insurance Contributions Act, referred to in subsec. (b)(3)(C), is Act Aug. 16, 1954, c. 736, §§ 3101, 3102, 3111, 3112, 3121 to 3126, 68A Stat. 415, as amended, which is classified generally to chapter 21 (section 3101 et seq.) of Title 26, Internal Revenue Code. For complete classification of this Act to the Code, see section 3126 of Title 26 and Tables volume.

The Comprehensive Employment and Training Act, referred to in subsec. (c), is Pub.L. 93-203, Dec. 28, 1973, 87 Stat. 839, as amended, which was classified generally to chapter 17 (§ 801 et seq.) of this title, and was repealed by section 184(a)(1) of the Job Training Partnership Act, Pub.L. 97-300, ti-

tle I, Oct. 13, 1982, 96 Stat. 1357, which is classified principally to this chapter.

This chapter, referred to in subsec. (d)(1), was in the original "this Act", meaning Pub.L. 97-300, Oct. 13, 1982, 96 Stat. 1322, as amended, known as the Job Training Partnership Act, which is classified principally to this chapter (section 1501 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 1501 of this title and Tables volume.

1982 Amendment. Subsec. (d)(3). Pub.L. 97-404 substituted "offenders" for "ex-offenders" following "seasonal farmworkers, and".

Legislative History. For legislative history and purpose of Pub.L. 97-300, see 1982 U.S. Code Cong. and Adm. New, p. 2636.

Cross References

Contents of plan, see section 1514 of this title.

Exemption from performance standards, see section 1518 of this title.

Penalties for noncompliance with performance standards in initial program period, see section 1591 of this title.

Performance goals regarding Native America programs, see section 1671 of this title.

Recipient performance goals regarding migrant and seasonal farmworker programs, see section 1672 of this title.

§ 1517. Selection of service providers

(a) Effectiveness in terms of plan primary consideration

The primary consideration in selecting agencies or organizations to deliver services within a service delivery area shall be the effectiveness of the agency or organization in delivering comparable or related services based on demonstrated performance, in terms of the likelihood of meeting performance goals, cost, quality of training, and characteristics of participants. In complying with this subsection, proper consideration shall be given to community-based organizations as service providers.

(b) No needless duplication of local facilities or services

Funds provided under this chapter shall not be used to duplicate facilities or services available in the area (with or without reimbursement) from Federal, State, or local sources, unless it is demonstrated that alternative services or facilities would be more effective or more likely to achieve the service delivery area's performance goals.

(c) Opportunity for local educational agencies

Appropriate education agencies in the service delivery area shall be provided the opportunity to provide educational services, unless the administrative entity demonstrates that alternative agencies or organizations would be more effective or would have greater potential to enhance the participants' continued occupational and career growth.

(d) Skills training program to meet private industry council guidelines

The administrative entity shall not fund any occupational skills training program unless the level of skills provided in the program are in accordance with guidelines established by the private industry council.

(Pub.L. 97-300, Title I, § 107, Oct. 13, 1982, 96 Stat. 1335.)

Historical Note

References in Text. This chapter, referred to in subsec. (b), was in the original "this Act", meaning Pub.L. 97-300, Oct. 13, 1982, 96 Stat. 1322, as amended, known as the Job Training Partnership Act, which is classified principally to this chapter (section 1501 et seq.). For complete classification of this Act

to the Code, see Short Title note set out under section 1501 of this title and Tables volume.

Legislative History. For legislative history and purpose of Pub.L. 97-300, see 1982 U.S. Code Cong. and Adm. News, p. 2636.

Cross References

Contents of plan, see section 1514 of this title.

Interim procedures regarding transition provisions, see section 1591 of this title.

Plan coordination with State and local services and resources, see section 1531 of this title.

§ 1518. Limitation on certain costs

(a) Limit on funds for administration; definition

Not more than 15 percent of the funds available to a service delivery area for any fiscal year for programs under part A of subchapter II of this chapter may be expended for the cost of administration. For purposes of this paragraph, costs of program support (such as counseling) which are directly related to the provision of education or training and such additional costs as may be attributable to the development of training described in section 1604(28) of this title shall not be counted as part of the cost of administration.

(b) Joint limitation on administrative and work experience expenditures; definitions

(1) Not more than 30 percent of the funds available to a service delivery area for any fiscal year for programs under part A of subchapter II of this chapter may be expended for administrative costs (as defined under subsection (a) of this section) and costs specified in paragraph (2).

(2)(A) For purposes of paragraph (1), the costs specified in this paragraph are—

- (i) 50 percent of any work experience expenditures which meet the requirements of paragraph (3);
- (ii) 100 percent of the cost of any work experience program expenditures which do not meet the requirements of paragraph (3);
- (iii) supportive services; and
- (iv) needs-based payments described in section 1604(27) of this title.

(B) For purposes of paragraph (1), the costs specified in this paragraph do not include expenditures for tryout employment which meets the requirements of section 1605(d)(3)(B) of this title.

(3) For purposes of paragraph (2), a work experience expenditure meets the requirements of this paragraph if—

- (A) the work experience is of not more than 6 months' duration and is combined with a classroom or other training program;
- (B) an individual participant is prohibited from participating in any other work experience program following participation in a program meeting the requirements of this paragraph;
- (C) the classroom or other training program component is specified in a preemployment contract or meets established academic standards; and

(D) wages paid in the work experience program do not exceed the prevailing entry-level wage for the same occupation in the same labor market area.

(c) Exceptions: private industry council requests for special circumstances; inclusion in plan; not reviewable by Governor

(1) Notwithstanding subsection (b) of this section, expenditures may be made in excess of the limitation contained in such subsection if such

expenditures are made in accordance with the requirements of this subsection.

(2) Expenditures may be made in excess of the limitation contained in subsection (b) of this section in any service delivery area if—

(A) the private industry council for such area initiates a request for such excess costs; and

(B) excess costs are due to one or more of the following conditions in such area:

(i) an unemployment rate (in the service delivery area or that portion within which services resulting in excess costs are to be provided) which exceeds the national average unemployment rate by at least 3 percentage points, and the ratio of current private employment to population in such area or portion is less than the national average of such ratio;

(ii) the job training plan for such area proposes to serve a disproportionately high number of participants from groups requiring exceptional supportive service costs, such as handicapped individuals, offenders, and single heads of households with dependent children;

(iii) the cost of providing necessary child care exceeds one-half of the costs specified in paragraph (2) of subsection (b) of this section;

(iv) the costs of providing necessary transportation exceeds one-third of the costs specified in paragraph (2) of subsection (b) of this section; or

(v) a substantial portion of the participants in programs in the service delivery area are in training programs of 9 months' duration or more.

(3) Expenditures may be made in excess of the limitation contained in subsection (b) of this section if the need for and the amount of the excess is stated in the job training plan (or modification thereof) for the service delivery area and such plan demonstrates that administrative costs comply with subsection (a) of this section.

(4) The provisions of this subsection shall not be available to the extent that supportive services provided under the job training plan duplicate services provided by any other public or private source that are available to participants without cost.

(5) The Governor shall not disapprove any plan (or modification thereof) on the basis of any statement of the need for and amount of excess costs in the job training plan if such plan or modification meets the requirements of this subsection.

(d) Limitations inapplicable

The provisions of this section do not apply to any service delivery area designated pursuant to section 1511(a)(4)(A)(iii) of this title.

(e) No exemption from performance standards

This section shall not be construed to exempt programs under an approved plan from the performance standards established under section 1516 of this title.

(Pub.L. 97-300, Title I, § 108, Oct. 13, 1982, 96 Stat. 1336; Pub.L. 97-404, § 1(c), Dec. 31, 1982, 96 Stat. 2026.)

Historical Note

1982 Amendment. Subsec. (b)(2)(A)(iv). **Legislative History.** For legislative history Pub.L. 97-404 substituted "payments" for and purpose of Pub.L. 97-300, see 1982 U.S. Code Cong. and Adm. News, p. 2636.

Cross References

Contents of plan, see section 1514 of this title.

PART B—ADDITIONAL STATE RESPONSIBILITIES**Cross References**

Public service employment exclusion under this part, see section 1551 of this title.

§ 1531. Governor's coordination and special services plan**(a) Annual planning report; two-year coordination and special services plan financial assistance requirement**

(1) The Governor shall annually prepare a statement of goals and objectives for job training and placement programs within the State to assist in the preparation of the plans required under section 1514 of this title and section 8 of the Act of June 6, 1933 (known as the Wagner-Peyser Act) [29 U.S.C.A. § 49g].

(2) Any State seeking financial assistance under this chapter shall submit a Governor's coordination and special services plan for two program years to the Secretary describing the use of all resources provided to the State and its service delivery areas under this chapter and evaluating the experience over the preceding two years.

(b) Plan coordination with State and local services and resources; State goals and criteria; reports of modifications to Secretary

(1) The plan shall establish criteria for coordinating activities under this chapter (including subchapter III of this chapter) with programs and services provided by State and local education and training agencies (including vocational education agencies), public assistance agencies, the employment service, rehabilitation agencies, postsecondary institutions, economic development agencies, and such other agencies as the Governor determines to have a direct interest in employment and training and human resource utilization within the State. Such criteria shall not affect local discretion concerning the selection of eligible participants or service providers in accordance with the provisions of sections 1517 and 1603 of this title.

(2) The plan shall describe the projected use of resources, including oversight and support activities, priorities and criteria for State incentive grants, and performance goals for State supported programs.

(3) The Governor shall report to the Secretary the adjustments made in the performance standards and the factors that are used in making the adjustments.

(4) If major changes occur in labor market conditions, funding, or other factors during the two-year period covered by the plan, the State shall submit a modification to the Secretary describing these changes.

(c) Governor's coordination and special services activities

Governor's coordination and special services activities may include—

(1) making available to service delivery areas, with or without reimbursement and upon request, appropriate information and technical assistance to assist in developing and implementing plans and programs;

(2) carrying out special model training and employment programs and related services (including programs receiving financial assistance from private sources);

(3) providing programs and related services for offenders and other individuals whom the Governor determines require special assistance;

(4) providing financial assistance for special programs and services designed to meet the needs of rural areas outside major labor market areas;

(5) providing training opportunities in the conservation and efficient use of energy, and the development of solar energy sources as defined in section 3 of the Solar Energy Research, Development and Demonstration Act of 1974 [42 U.S.C.A. § 5552];

(6) industry-wide training;

(7) activities under subchapter III of this chapter;

(8) developing and providing to service delivery areas information on a State and local area basis regarding economic, industrial, and labor market conditions;

(9) providing preservice and inservice training for planning, management, and delivery staffs of administrative entities and private industry councils, as well as contractors for State supported programs; and

(10) providing statewide programs which provide for joint funding of activities under this chapter with services and activities under other Federal, State, or local employment-related programs.

(d) Approval by Secretary

A Governor's coordination and special services plan shall be approved by the Secretary unless the Secretary determines that the plan does not comply with specific provisions of this chapter.

(Pub.L. 97-300, Title I, § 121, Oct. 13, 1982, 96 Stat. 1337.)

Historical Note

References in Text. This chapter, referred to in subsecs. (a)(2), (b)(1), (c)(10), and (d), was in the original "this Act", meaning Pub.L. 97-300, Oct. 13, 1982, 96 Stat. 1322, as amended, known as the Job Training Partnership Act, which is classified principally to this chapter (section 1501 et seq.). For com-

plete classification of this Act to the Code, see Short Title note set out under section 1501 of this title and Tables volume.

Legislative History. For legislative history and purpose of Pub.L. 97-300, see 1982 U.S. Code Cong. and Adm. News, p. 2636.

Cross References

Allocation of State allotment for adult and youth programs, see section 1602 of this title.
Alternative availability to Governor regarding State education coordination, see section 1533 of this title.

Approval of plan by Governor, see section 1515 of this title.

Coordination of State plans regarding adult and youth programs for training services for disadvantaged, see section 1658 of this title.

§ 1532. State job training coordinating council

(a) **Requirement; appointments; composition; meetings; support personnel; limitations; approval by Governor; State Employment and Training and State Manpower Services Councils**

(1) Any State which desires to receive financial assistance under this chapter shall establish a State job training coordinating council (hereinafter in this section referred to as the "State council"). Funding for the council shall be provided pursuant to section 1602(b)(4) of this title.

(2) The State council shall be appointed by the Governor, who shall designate one nongovernmental member thereof to be chairperson. In making appointments to the State council, the Governor shall ensure that the membership of the State council reasonably represents the population of the State.

(3) The State council shall be composed as follows:

(A) One-third of the membership of the State council shall be representatives of business and industry (including agriculture, where appropriate) in the State, including individuals who are representatives of business and industry on private industry councils in the State.

(B) Not less than 20 percent of the membership of the State council shall be representatives of the State legislature and State agencies and organizations, such as the State educational agency, the State vocational education board, the State advisory council on vocational education, the State board of education (when not otherwise represented), State public assistance agencies, the State employment security agency, the State rehabilitation agency, the State occupational information coordinating committee, State postsecondary institutions, the State economic development agency, State veterans' affairs agencies or equivalent, and such other agencies as the Governor determines to have a direct interest in employment and training and human resource utilization within the State.

(C) Not less than 20 percent of the membership of the State council shall be representatives of the units or consortia of units of general local government in such State (including those which are administrative

entities or grantees under this chapter) which shall be nominated by the chief elected officials of the units or consortia of units of general local government; and

(D) Not less than 20 percent of the membership of the State council shall be representatives of the eligible population and of the general public, representatives of organized labor, representatives of community-based organizations, and representatives of local educational agencies (nominated by local educational agencies).

(4) The State council shall meet at such times and in such places as it deems necessary. The meetings shall be publicly announced, and, to the extent appropriate, open and accessible to the general public.

(5) The State council is authorized to obtain the services of such professional, technical, and clerical personnel as may be necessary to carry out its functions under this chapter.

(6) In order to assure objective management and oversight, the State council shall not operate programs or provide services directly to eligible participants, but shall exist solely to plan, coordinate, and monitor the provision of such programs and services.

(7) The plans and decisions of the State council shall be subject to approval by the Governor.

(b) Duties

The State council shall—

(1) recommend a Governor's coordination and special services plan;

(2) recommend to the Governor substate service delivery areas, plan resource allocations not subject to section 1602(a) of this title, provide management guidance and review for all programs in the State, develop appropriate linkages with other programs, coordinate activities with private industry councils, and develop the Governor's coordination and special services plan and recommend variations in performance standards;

(3) advise the Governor and local entities on job training plans and certify the consistency of such plans with criteria under the Governor's coordination and special services plan for coordination of activities under this chapter with other Federal, State, and local employment-related programs, including programs operated in designated enterprise zones;

(4) review the operation of programs conducted in each service delivery area, and the availability, responsiveness, and adequacy of State services, and make recommendations to the Governor, appropriate chief elected officials, and private industry councils, service providers, the State legislature, and the general public with respect to ways to improve the effectiveness of such programs or services;

(5) review and comment on the State plan developed for the State employment service agency;

(6) make an annual report to the Governor which shall be a public document, and issue such other studies, reports, or documents as it

deems advisable to assist service delivery areas in carrying out the purposes of this chapter;

(7)(A) identify, in coordination with the appropriate State agencies, the employment and training and vocational education needs throughout the State, and assess the extent to which employment and training, vocational education, rehabilitation services, public assistance, economic development, and other Federal, State, and local programs and services represent a consistent, integrated, and coordinated approach to meeting such needs; and

(B) comment at least once annually on the¹ measures taken pursuant to section 113(b)(9) of the Carl D. Perkins Vocational Education Act [20 U.S.C.A. § 2323(b)(9)]; and

(8) review plans of all State agencies providing employment, training, and related services, and provide comments and recommendations to the Governor, the State legislature, the State agencies, and the appropriate Federal agencies on the relevancy and effectiveness of employment and training and related service delivery systems in the State.

(c) Transferability of functions

In addition to the functions described in subsection (b) of this section, the Governor may, to the extent permitted by applicable law, transfer functions which are related to functions under this chapter to the council established under this section from any State coordinating committee for the work incentive program under title IV of the Social Security Act [42 U.S.C.A. § 601 et seq.] or any advisory council established under the Wagner-Peyser Act [29 U.S.C.A. § 49 et seq.].

(Pub.L. 97-300, Title I, § 122, Oct. 13, 1982, 96 Stat. 1339; Pub.L. 97-404, § 1(d), Dec. 31, 1982, 96 Stat. 2026; Pub.L. 98-524, § 4(a)(2), Oct. 19, 1984, 98 Stat. 2487.)

¹ So in original.

Historical Note

References in Text. This chapter, referred to in subsecs. (a)(1), (3)(C), (5)(b)(3), (6), and (c), was in the original "this Act", meaning Pub.L. 97-300, Oct. 13, 1982, 96 Stat. 1322, as amended, known as the Job Training Partnership Act, which is classified principally to this chapter (section 1501 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 1501 of this title and Tables volume.

The Social Security Act, referred to in subsec. (c), is Act Aug. 14, 1935, c. 531, 49 Stat. 620, as amended. Title IV of such Act is classified generally to subchapter IV (section 601 et seq.) of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables volume.

The Wagner-Peyser Act, referred to in subsec. (c), is Act June 6, 1933, c. 49, 48 Stat. 113, as amended, which is classified principally

ly to chapter 4B (section 49 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 49 of this title and Tables volume.

1984 Amendment. Subsec. (a)(8). Pub.L. 98-524, § 4(a)(2)(A), struck out par. (8) which defined a State council under the vocational education provisions of Title 20.

Subsec. (b)(7)(B). Pub.L. 98-524, § 4(a)(2)(B), substituted "the measures taken pursuant to section 113(b)(9) of the Carl D. Perkins Vocational Education Act" for "reports required pursuant to section 105(d)(3) of the Vocational Education Act of 1962".

1982 Amendment. Subsec. (a)(3)(C). Pub.L. 97-404 substituted "elected officials" for "executive officers" following "chief".

Effective Date of 1984 Amendment. Amendments by Pub.L. 98-524 effective for fiscal years beginning on or after Oct. 1, 1984,

except as otherwise provided, see section 2 of Pub.L. 98-524, set out as a note under section 2301 of Title 20, Education.

Legislative History. For legislative history and purpose of Pub.L. 97-300, see 1982 U.S.

Code Cong. and Adm. News, p. 2636. See, also, Pub.L. 98-524, 1984 U.S. Code Cong. and Adm. News, p. 4097.

Cross References

Functions of State advisory council carried out through State job training coordinating council, see section 49j of this title.

Percentage of allotment of each State for adult and youth programs available for carrying out provisions of this section, see section 1602 of this title.

§ 1533. State education coordination and grants

(a) Financial assistance to State education agency for services through cooperative agreements

The sums available for this section pursuant to section 1602(b)(1) of this title shall be used by the Governor to provide financial assistance to any State education agency responsible for education and training—

(1) to provide services for eligible participants through cooperative agreements between such State education agency or agencies, administrative entities in service delivery areas in the State, and (where appropriate) local educational agencies; and

(2) to facilitate coordination of education and training services for eligible participants through such cooperative agreements.

(b) Matching contributions for cooperative agreements

The cooperative agreements described in subsection (a) of this section shall provide for the contribution by the State agency or agencies, and the local educational agency (if any), of a total amount equal to the amount provided, pursuant to subsection (a)(1) of this section, in the grant subject to such agreement. Such matching amount shall not be provided from funds available under this chapter, but may include the direct cost of employment or training services provided by State or local programs.

(c) Required proportions of contribution use

(1) Funds available under this section may be used to provide education and training, including vocational education services, and related services to participants under subchapter II of this chapter. Such services may include services for offenders and other individuals whom the Governor determines require special assistance.

(2)(A) Not more than 20 percent of the funds available under this section may be spent for activities described in clause (2) of subsection (a) of this section.

(B) At least 80 percent of the funds available under this section shall be used for clause (1) of subsection (a) of this section for the Federal share of the cost of carrying out activities described in clause (1). For the purpose of this subparagraph, the Federal share shall be the amount provided for in the cooperative agreements in subsection (b) of this section.

(3) Not less than 75 percent of the funds available for activities under clause (1) of subsection (a) of this section shall be expended for activities for economically disadvantaged individuals.

(d) Alternative availability to Governor

If no cooperative agreement is reached on the use of funds under this section, the funds shall be available to the Governor for use in accordance with section 1531 of this title.

(Pub.L. 97-300, Title I, § 123, Oct. 13, 1982, 96 Stat. 1341.)

Historical Note

References in Text. This chapter, referred to in subsec. (b), was in the original "this Act", meaning Pub.L. 97-300, Oct. 13, 1982, 96 Stat. 1322, as amended, known as the Job Training Partnership Act, which is classified principally to this chapter (section 1501 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 1501 of this title and Tables volume.

Legislative History. For legislative history and purpose of Pub.L. 97-300, see 1982 U.S. Code Cong. and Adm. News, p. 2636.

Cross References

Allocation for State education programs, see section 1602 of this title.

§ 1534. Training programs for older individuals

(a) Authorization to Governor

From funds available for use under section 1602(b)(2) of this title, the Governor is authorized to provide for job training programs which are developed in conjunction with service delivery areas within the State and which are consistent with the plan for the service delivery area prepared and submitted in accordance with the provisions in section 1514 of this title, and designed to assure the training and placement of older individuals in employment opportunities with private business concerns.

(b) Consultations and agreements with Governor

In carrying out this section, the Governor shall, after consultation with appropriate private industry councils and chief elected officials, enter into agreements with public agencies, nonprofit private organizations, and private business concerns.

(c) Growth industry and new technology skill programs

The Governor shall give consideration to assisting programs involving training for jobs in growth industries and jobs reflecting the use of new technological skills.

(d) Age and economic eligibility

An individual shall be eligible to participate in a job training program under this section only if the individual is economically disadvantaged and has attained 55 years of age.

(Pub.L. 97-300, Title I, § 124, Oct. 13, 1982, 96 Stat. 1341.)

Historical Note

Legislative History. For legislative history and purpose of Pub.L. 97-300, see 1982 U.S. Code Cong. and Adm. News, p. 2636.

Cross References

Allocation of State allotment for adult and youth programs for training programs for older individuals, see section 1602 of this title.

§ 1535. State labor market information programs

(a) Oversight unit requirement; design of information and distribution system

In order to be eligible for Federal financial assistance for State labor market information programs under this chapter from funds made available under section 1602(b)(4) of this title and section 1751(b) of this title, the Governor shall designate the State occupational information coordinating committee or other organizational unit to be responsible for oversight and management of a statewide comprehensive labor market and occupational supply and demand information system, which shall—

(1) design a comprehensive cost-efficient labor market and occupational supply and demand information system which—

(A) is responsive to the economic demand and education and training supply support needs of the State and areas within the State, and

(B) meets the Federal standards under chapter 35 of Title 44 and other appropriate Federal standards established by the Bureau of Labor Statistics;

(2) standardize available Federal and State multi-agency administrative records and direct survey data sources to produce an employment and economic analysis with a published set of projections for the State and designated areas within the State which, at the minimum, includes—

(A) identification of geographic and occupational areas of potential growth or decline; and

(B) an assessment of the potential impact of such growth or decline on individuals, industries, and communities, including occupational supply and demand characteristics data;

(3) assure, to the extent feasible, that—

(A) automated technology will be used by the State;

(B) administrative records have been designed to reduce paperwork; and

(C) multiple survey burdens on the employers of the State have been reduced;

(4) publish and disseminate labor market and occupational supply and demand information and individualized career information to State agencies, area public agencies, libraries, and private not-for-profit users, and individuals who are in the process of making career decision choices; and

(5) conduct research and demonstration projects designed to improve any aspect of the statewide information system.

(b) Goals of system; nonduplication; public domain

(1) The analysis required under clause (2) of subsection (a) of this section shall be used to contribute in carrying out the provisions of this chapter, the Carl D. Perkins Vocational Education Act [20 U.S.C.A. § 2301 et seq.], and the Act of June 6, 1933, known as the Wagner-Peyser Act [29 U.S.C.A. § 49 et seq.].

(2) The assurance required by clause (3) of subsection (a) of this section shall also include that the State will, to the maximum extent possible, assure consolidation of available administrative data and surveys to reduce duplication of recordkeeping of State and local agencies, including secondary and postsecondary educational institutions.

(3) If any Federal funds are used to carry out clause (5) of subsection (a) of this section, access to and information on the results will remain in the public domain.

(c) Reimbursement and limitation

The Secretary through the National Occupational Information Coordinating Committee shall reimburse the States the costs of carrying out the provisions of this section but the aggregate reimbursements in any fiscal year shall not exceed the amount available under part E of subchapter IV of this chapter for this section.

(d) State consolidation of Federal administrative management information reporting requirements

No provision of this part or any other provision of Federal law shall be construed to prohibit any State from combining or consolidating Federal administrative management information reporting requirements relating to employment, productivity, or training, if notice is transmitted by the Governor to the head of each appropriate Federal and State agency responsible for the laws governing the Federal reporting requirements. The notice shall specify the intent to combine or consolidate such requirements. The head of each appropriate Federal agency shall approve the combination or consolidation unless, within sixty days after receiving the notice, the Federal agency can demonstrate that the combination or consolidation will not meet the essential purposes of the affected Federal law.

(Pub.L. 97-300, Title I, § 125, Oct. 13, 1982, 96 Stat. 1342; Pub.L. 97-404, § 1(e), Dec. 31, 1982, 96 Stat. 2026; Pub.L. 98-524, § 4(a)(3), Oct. 19, 1984, 98 Stat. 2487.)

Historical Note

References in Text. This chapter, referred to in subsecs. (a) and (b)(1), was in the original "this Act", meaning Pub.L. 97-300, Oct. 13, 1982, 96 Stat. 1322, as amended, known as the Job Training Partnership Act, which is classified principally to this chapter (section 1501 et seq.). For complete classification of this Act to the Code, see Short Title

note set out under section 1501 of this title and Tables volume.

The Carl D. Perkins Vocational Education Act, referred to in subsec. (b)(1), is Pub.L. 88-210, as added Pub.L. 98-524, § 1, Oct. 19, 1984, 98 Stat. 2435, which is classified generally to chapter 44 (section 2301 et seq.)

of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 2301 of Title 20 and Tables volume.

The Wagner-Peyser Act, referred to in subsec. (b)(1), is Act June 6, 1933, c. 49, 48 Stat. 113, as amended, which is classified principally to chapter 4B (section 49 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 49 of this title and Tables volume.

1984 Amendment. Subsec. (b)(1). Pub.L. 98-524, substituted "the Carl D. Perkins Vocational Education Act" for "The Vocational Education Act".

1982 Amendment. Subsec. (c). Pub.L. 97-404 substituted "section" for "subsection" following "of this chapter for this".

Effective Date of 1984 Amendment. Amendment by Pub.L. 98-524 effective for fiscal years beginning on or after Oct. 1, 1984, except as otherwise provided, see section 2 of Pub.L. 98-524, set out as a note under section 2301 of Title 20, Education.

Legislative History. For legislative history and purpose of Pub.L. 97-300, see 1982 U.S. Code Cong. and Adm. News, p. 2636. See, also, Pub.L. 98-524, 1984 U.S. Code Cong. and Adm. News, p. 4097.

Cross References

Aid for State labor and occupational opportunity information systems, see section 1753 of this title.

Availability of funds for State labor market information, see section 1751 of this title. Support for State occupational information coordinating committees, see section 1754 of this title.

§ 1536. Authority of State legislature

Nothing in this chapter shall be interpreted to preclude the enactment of State legislation providing for the implementation, consistent with the provisions of this chapter, of the programs assisted under this chapter. (Pub.L. 97-300, Title I, § 126, Oct. 13, 1982, 96 Stat. 1343.)

Historical Note

References in Text. This chapter, referred to in text, was in the original "this Act", meaning Pub.L. 97-300, Oct. 13, 1982, 96 Stat. 1322, as amended, known as the Job Training Partnership Act, which is classified principally to this chapter (section 1501 et seq.). For complete classification of this Act

to the Code, see Short Title note set out under section 1501 of this title and Tables volume.

Legislative History. For legislative history and purpose of Pub.L. 97-300, see 1982, U.S. Code Cong. and Adm. News, p. 2636.

§ 1537. Interstate agreements

In the event that compliance with provisions of this chapter would be enhanced by cooperative agreements between States, the consent of Congress is hereby given to such States to enter into such compacts and agreements to facilitate such compliance, subject to the approval of the Secretary.

(Pub.L. 97-300, Title I, § 127, Oct. 13, 1982, 96 Stat. 1343.)

Historical Note

References in Text. This chapter, referred to in text, was in the original "this Act", meaning Pub.L. 97-300, Oct. 13, 1982, 96 Stat. 1322, as amended, known as the Job

Training Partnership Act, which is classified principally to this chapter (section 1501 et seq.). For complete classification of this Act to the Code, see Short Title note set out

under section 1501 of this title and Tables volume.

Legislative History. For legislative history and purpose of Pub.L. 97-300, see 1982 U.S. Code Cong. and Adm. News, p. 2636.

PART C—PROGRAM REQUIREMENTS FOR SERVICE DELIVERY SYSTEM

§ 1551. General program requirements

Except as otherwise provided, the following conditions are applicable to all programs under this chapter:

(a) Useful, needed, and equitable opportunity distribution

Each job training plan shall provide employment and training opportunities to those who can benefit from, and who are most in need of, such opportunities and shall make efforts to provide equitable services among substantial segments of the eligible population.

(b) No duplication of services

Funds provided under this chapter shall only be used for activities which are in addition to those which would otherwise be available in the area in the absence of such funds.

(c) Establishment relocation limitation

No funds may be used to assist in relocating establishments, or parts thereof, from one area to another unless the Secretary determines that such relocation will not result in an increase in unemployment in the area of original location or in any other area.

(d) Employment opportunity-directed training; competitive purchases of training packages

(1) Training provided with funds made available under this chapter shall be only for occupations for which there is a demand in the area served or in another area to which the participant is willing to relocate, and consideration in the selection of training programs may be given to training in occupations determined to be in sectors of the economy which have a high potential for sustained demand or growth.

(2) Efforts shall be made to develop programs which contribute to occupational development, upward mobility, development of new careers, and overcoming sex-stereotyping in occupations traditional for the other sex.

(3) Commercially available training packages, including advanced learning technology, may be purchased for off-the-shelf prices and without requiring a breakdown of the cost components of the package if such packages are purchased competitively and include performance criteria.

(e) Area eligibility; limited exceptions

Only eligible individuals residing in the service delivery area may be served by employment and training activities funded under subchapter II of this chapter, except that the job training plan may provide for limited exceptions to this requirement.

(f) Council member conflict of interest

No member of any council under this chapter shall cast a vote on the provision of services by that member (or any organization which that member directly represents) or vote on any matter which would provide direct financial benefit to that member.

(g) Payments to employers: proportion and characterization

Payments to employers for on-the-job training shall not, during the period of such training, average more than 50 percent of the wages paid by the employer to such participants, and payments in such amount shall be deemed to be in compensation for the extraordinary costs associated with training participants under this chapter and in compensation for the costs associated with the lower productivity of such participants.

(h) No needless duplication of governmental facilities or services

Funds provided under this chapter shall not be used to duplicate facilities or services available in the area (with or without reimbursement) from Federal, State, or local sources, unless the plan establishes that alternative services or facilities would be more effective or more likely to achieve performance goals.

(i) Responsibility of administrative entity for oversight

Each administrative entity shall be responsible for the allocation of funds and the eligibility of those enrolled in its programs and shall have responsibility to take action against its subcontractors, subgrantees, and other recipients to eliminate abuses in the programs they are carrying out, and to prevent any misuse of funds by such subcontractors, subgrantees, and other recipients. Administrative entities may delegate the responsibility for determination of eligibility under reasonable safeguards, including provisions for reimbursement of cost incurred because of erroneous determinations made with insufficient care, if such an arrangement is included in an approved job training plan.

(j) Free training program placement requirement

No person or organization may charge an individual a fee for the placement or referral of such individual in or to a training program under this chapter.

(k) Requirements for subsidized youth employment

No funds may be provided under this chapter for any subsidized employment with any private for-profit employer unless the individual employed is a youth aged 16 to 21, inclusive, who is economically disadvantaged and the employment is provided in accordance with section 1605(d)(3)(B) of this title.

(l) Political activity exclusion

The Secretary shall not provide financial assistance for any program under this chapter which involves political activities.

(m) Use of program generated income to continue program

Pursuant to regulations of the Secretary, income generated under any program may be retained by the recipient to continue to carry out the program, notwithstanding the expiration of financial assistance for that program.

(n) Notification of service delivery area activity

The Secretary shall notify the Governor and the appropriate private industry councils and chief elected officials of, and consult with the Governor and such councils and officials concerning, any activity to be funded by the Secretary under this chapter within the State or service delivery area; and the Governor shall notify the appropriate private industry councils and chief elected officials of, and consult with such concerning, any activity to be funded by the Governor under this chapter within the service delivery area.

(o) State and local education standards applicable

(1) All education programs for youth supported with funds provided under subchapter II of this chapter shall be consistent with applicable State and local educational standards.

(2) Standards and procedures with respect to the awarding of academic credit and certifying educational attainment in programs conducted under subchapter II of this chapter shall be consistent with the requirements of applicable State and local law and regulation.

(p) Public service employment exclusion

No funds available under part B of this subchapter or part A of subchapter II of this chapter may be used for public service employment. (Pub.L. 97-300, Title I, § 141, Oct. 13, 1982, 96 Stat. 1343; Pub.L. 97-404, § 1(f), Dec. 31, 1982, 96 Stat. 2026.)

Historical Note

References in Text. This chapter, referred to in provision preceding subsec. (a) and in subsecs. (b), (d)(1), (f), (g), (h), (j), (k), (l), and (n), was in the original "this Act", meaning Pub.L. 97-300, Oct. 13, 1982, 96 Stat. 1322, as amended, known as the Job Training Partnership Act, which is classified principally to this chapter (section 1501 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 1501 of this title and Tables volume.

1982 Amendment. Subsec. (c). Pub.L. 97-404, § 1(f)(1), added "the Secretary determines that" following "unless".

Subsec. (g). Pub.L. 97-404, § 1(f)(2), struck out "which" following "on-the-job training" and substituted reference to this chapter for reference to this subchapter.

Job Training Regulation. Pub.L. 98-524, § 7, Oct. 19, 1984, 98 Stat. 2491 provided that: "Notwithstanding section 629.38(e)(2)(iii) of title 20 of the Code of Federal Regulations, relating to allowable training costs under the Job Training Partnership Act [this chapter], payment for training packages purchased competitively pursuant to section 141(d)(3) of such Act [subsec. (d)(3) of this section] in the case of youth shall include payment for the full unit price if the training results in either placement in unsubsidized employment or the attainment of an outcome specified in section 106(b)(2) of such Act [section 1516(b)(2) of this title]."

Legislative History. For legislative history and purpose of Pub.L. 97-300, see 1982 U.S. Code Cong. and Adm. News, p. 2636.

§ 1552. Benefits**(a) Payments; compensation; wages**

Except as otherwise provided in this chapter, the following provisions shall apply to all activities financed under this chapter:

(1) A trainee shall receive no payments for training activities in which the trainee fails to participate without good cause.

(2) Individuals in on-the-job training shall be compensated by the employer at the same rates, including periodic increases, as similarly situated employees or trainees and in accordance with applicable law, but in no event less than the higher of the rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 [29 U.S.C.A. § 206(a)(1)] or the applicable State or local minimum wage law.

(3) Individuals employed in activities authorized under this chapter shall be paid wages which shall not be less than the highest of (A) the minimum wage under section 6(a)(1) of the Fair Labor Standards Act of 1938 [29 U.S.C.A. § 206(a)(1)], (B) the minimum wage under the applicable State or local minimum wage law, or (C) the prevailing rates of pay for individuals employed in similar occupations by the same employer.

(b) Allowances, earnings, and payments as income

Allowances, earnings and payments to individuals participating in programs under this chapter shall not be considered as income for the purposes of determining eligibility for and the amount of income transfer and in-kind aid furnished under any Federal or federally assisted program based on need, other than programs under the Social Security Act [42 U.S.C.A. § 301 et seq.].

(Pub.L. 97-300, Title I, § 142, Oct. 13, 1982, 96 Stat. 1345; Pub.L. 97-404, § 1(g), Dec. 31, 1982, 96 Stat. 2026.)

Historical Note

References in Text. This chapter, referred to in text, was in the original "this Act", meaning Pub.L. 97-300, Oct. 13, 1982, 96 Stat. 1322, as amended, known as the Job Training Partnership Act, which is classified principally to this chapter (section 1501 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 1501 of this title and Tables volume.

The Social Security Act, referred to in subsec. (b), is Act Aug. 14, 1935, c. 531, 49 Stat. 620, as amended, which is classified

generally to chapter 7 (section 301 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables volume.

1982 Amendment. Subsec. (b). Pub.L. 97-404 added "furnished under any Federal or federally assisted program based on need" following "aid".

Legislative History. For legislative history and purpose of Pub.L. 97-300, see 1982 U.S. Code Cong. and Adm. News, p. 2636.

§ 1553. Labor standards**(a) Employment conditions; local standards; workers' compensation; workplace comparability; retirement plan exclusion**

(1) Conditions of employment and training shall be appropriate and reasonable in light of such factors as the type of work, geographical region, and proficiency of the participant.

(2) Health and safety standards established under State and Federal law, otherwise applicable to working conditions of employees, shall be equally applicable to working conditions of participants. With respect to any participant in a program conducted under this chapter who is engaged in activities which are not covered by health and safety standards under the Occupational Safety and Health Act of 1970 [29 U.S.C.A. § 651 et seq.], the Secretary shall prescribe, by regulation, such standards as may be necessary to protect the health and safety of such participants.

(3) To the extent that a State workers' compensation law is applicable, workers' compensation benefits in accordance with such law shall be available with respect to injuries suffered by participants. To the extent that such law is not applicable, each recipient of funds under this chapter shall secure insurance coverage for injuries suffered by such participants, in accordance with regulations prescribed by the Secretary.

(4) All individuals employed in subsidized jobs shall be provided benefits and working conditions at the same level and to the same extent as other employees working a similar length of time and doing the same type of work.

(5) No funds available under this chapter may be used for contributions on behalf of any participant to retirement systems or plans.

(b) Nondisplacement of local workers; existing collective bargaining agreements; nonavailability for layoff replacement; noninfringement of promotion opportunity

(1) No currently employed worker shall be displaced by any participant (including partial displacement such as a reduction in the hours of nonovertime work, wages, or employment benefits).

(2) No program shall impair existing contracts for services or collective bargaining agreements, except that no program under this chapter which would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization and employer concerned.

(3) No participant shall be employed or job opening filled (A) when any other individual is on layoff from the same or any substantially equivalent job, or (B) when the employer has terminated the employment of any regular employee or otherwise reduced its workforce with the intention of filling the vacancy so created by hiring a participant whose wages are subsidized under this chapter.

(4) No jobs shall be created in a promotional line that will infringe in any way upon the promotional opportunities of currently employed individuals.

(c) Labor organizations

(1) Each recipient of funds under this chapter shall provide to the Secretary assurances that none of such funds will be used to assist, promote, or deter union organizing.

(2) Where a labor organization represents a substantial number of employees who are engaged in similar work or training in the same area as that proposed to be funded under this chapter, an opportunity shall be provided for such organization to submit comments with respect to such proposal.

(d) Applicability of Federal labor standards

All laborers and mechanics employed by contractors or subcontractors in any construction, alteration, or repair, including painting and decorating, of projects, buildings, and works which are federally assisted under this chapter, shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary in accordance with the Act of March 3, 1931 (40 U.S.C. 276a-276a-5), popularly known as the Davis-Bacon Act. The Secretary shall have, with respect to such labor standards, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 276c of Title 40. The provisions of this subsection shall not apply to a bona fide trainee in a training program under this chapter. The provisions of section 1577(a)(4) of this title shall apply to such trainees.

(Pub.L. 97-300, Title I, § 143, Oct. 13, 1982, 96 Stat. 1345; Pub.L. 97-404, § 1(h), Dec. 31, 1982, 96 Stat. 2026.)

Historical Note

References in Text. This chapter, referred to in subsecs. (a)(2), (3), (5), (b)(2), (3), (c), and (d), was in the original "this Act", meaning Pub.L. 97-300, Oct. 13, 1982, 96 Stat. 1322, as amended, known as the Job Training Partnership Act, which is classified principally to this chapter (section 1501 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 1501 of this title and Tables volume.

The Occupational Safety and Health Act of 1970, referred to in subsec. (a)(2), is Pub.L. 91-596, Dec. 29, 1970, 84 Stat. 1590, as amended, which is classified principally to chapter 15 (section 651 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 651 of this title and Tables volume.

The Act of March 3, 1931, known as the Davis-Bacon Act, referred to in subsec. (d), is Act Mar. 3, 1931, c. 411, 46 Stat. 1494, as amended, which is classified generally to sections 276a to 276a-5 of Title 40, Public Buildings, Property, and Works. For complete classification of this Act to the Code, see Short Title note set out under section 276a of Title 40 and Tables volume.

Reorganization Plan Numbered 14 of 1950, referred to in subsec. (d), is set out in the Appendix to Title 5, Government Organization and Employees.

1982 Amendment. Subsec. (d). Pub.L. 97-404 substituted "1931" for "1921" following "Act of March 3".

Legislative History. For legislative history and purpose of Pub.L. 97-300, see 1982 U.S. Code Cong. and Adm. News, p. 2636.

§ 1554. Grievance procedure

(a) Maintenance and timing

Each administrative entity, contractor, and grantee under this chapter shall establish and maintain a grievance procedure for grievances or complaints about its programs and activities from participants, subgrantees, subcontractors, and other interested persons. Hearings on any grievance shall be conducted within 30 days of filing of a grievance and decisions shall be made not later than 60 days after the filing of a grievance. Except for complaints alleging fraud or criminal activity, complaints shall be made within one year of the alleged occurrence.

(b) Requirement for recipient grievance procedure

Each recipient of financial assistance under this chapter which is an employer of participants under this chapter shall continue to operate or

establish and maintain a grievance procedure relating to the terms and conditions of employment.

(c) Investigation by Secretary

Upon exhaustion of a recipient's grievance procedure without decision, or where the Secretary has reason to believe that the recipient is failing to comply with the requirements of this chapter or the terms of the job training plan, the Secretary shall investigate the allegation or belief and determine within 120 days after receiving the complaint whether such allegation or complaint is true.

(Pub.L. 97-300, Title I, § 144, Oct. 13, 1982, 96 Stat. 1346.)

Historical Note

References in Text. This chapter, referred to in text, was in the original "this Act", meaning Pub.L. 97-300, Oct. 13, 1982, 96 Stat. 1322, as amended, known as the Job Training Partnership Act, which is classified principally to this chapter (section 1501 et seq.). For complete classification of this Act

to the Code, see Short Title note set out under section 1501 of this title and Tables volume.

Legislative History. For legislative history and purpose of Pub.L. 97-300, see 1982 U.S. Code Cong. and Adm. News, p. 2636.

§ 1555. Federal control of education prohibited

No provision of this chapter shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution, school, or school system, or over the selection of library resources, textbooks, or other printed or published instructional materials by any educational institution or school system.

(Pub.L. 97-300, Title I, § 145, Oct. 13, 1982, 96 Stat. 1347.)

Historical Note

References in Text. This chapter, referred to in text, was in the original "this Act", meaning Pub.L. 97-300, Oct. 13, 1982, 96 Stat. 1322, as amended, known as the Job Training Partnership Act, which is classified principally to this chapter (section 1501 et seq.). For complete classification of this Act

to the Code, see Short Title note set out under section 1501 of this title and Tables volume.

Legislative History. For legislative history and purpose of Pub.L. 97-300, see 1982 U.S. Code Cong. and Adm. News, p. 2636.

PART D—FEDERAL AND FISCAL ADMINISTRATIVE PROVISIONS

§ 1571. Program year

(a) Basis for availability of appropriations

Beginning with fiscal year 1985 and thereafter, appropriations for any fiscal year for programs and activities under this chapter shall be available for obligation only on the basis of a program year. The program year shall begin on July 1 in the fiscal year for which the appropriation is made.

(b) Expending of obligated funds

Funds obligated for any program year may be expended by each recipient during that program year and the two succeeding program years and no amount shall be deobligated on account of a rate of expenditure which is consistent with the job training plan.

(c) Transition to program year funding

(1) Appropriations for fiscal year 1984 shall be available both to fund activities for the period between October 1, 1983, and July 1, 1984, and for the program year beginning July 1, 1984.

(2) There are authorized to be appropriated such additional sums as may be necessary to carry out the provisions of this subsection for the transition to program year funding.

(Pub.L. 97-300, Title I, § 161, Oct. 13, 1982, 96 Stat. 1347.)

Historical Note

References in Text. This chapter, referred to in subsec. (a), was in the original "this Act", meaning Pub.L. 97-300, Oct. 13, 1982, 96 Stat. 1322, as amended, known as the Job Training Partnership Act, which is classified principally to this chapter (section 1501 et seq.). For complete classification of this Act

to the Code, see Short Title note set out under section 1501 of this title and Tables volume.

Legislative History. For legislative history and purpose of Pub.L. 97-300, see 1982 U.S. Code Cong. and Adm. News, p. 2636.

Cross References

Authorization of appropriations, see section 1502 of this title.
Distribution of funds after appropriation, see section 1572 of this title.

§ 1572. Prompt allocation of funds

(a) Use of most recent data

All allotments and allocations under this chapter shall be based on the latest available data and estimates satisfactory to the Secretary. All data relating to economically disadvantaged and low-income persons shall be based on 1980 Census or later data.

(b) Publication in Federal Register

Whenever the Secretary allots and allocates funds required to be allotted or allocated by formula under this chapter, the Secretary shall publish in a timely fashion in the Federal Register the proposed amount to be distributed to each recipient.

(c) Distribution after appropriation

All funds required to be distributed by formula under this chapter shall be allotted within 45 days after enactment of the appropriations, except that, if such funds are appropriated in advance as authorized by section 1571 of this title, such funds shall be allotted not later than the March 31 preceding the program year for which such funds are to be available for obligation.

(d) Publication of allotment formula

Whenever the Secretary utilizes a formula to allot or allocate funds made available for distribution at the Secretary's discretion under this chapter, the Secretary shall, not later than 30 days prior to such allotment or allocation, publish such formula in the Federal Register for comments along with the rationale for the formula and the proposed amounts to be distributed to each State and area. After consideration of any comments received, the Secretary shall publish final allotments and allocations in the Federal Register.

(e) Distribution to grant recipient

Funds shall be made available to the grant recipient for the service delivery area not later than 30 days after the date they are made available to the Governor or 7 days after the date the plan is approved, whichever is later.

(Pub.L. 97-300, Title I, § 162, Oct. 13, 1982, 96 Stat. 1347.)

Historical Note

References in Text. This chapter, referred to in subsecs. (a) to (d), was in the original "this Act", meaning Pub.L. 97-300, Oct. 13, 1982, 96 Stat. 1322, as amended, known as the Job Training Partnership Act, which is classified principally to this chapter (section 1501 et seq.). For complete classification of

this Act to the Code, see Short Title note set out under section 1501 of this title and Tables volume.

Legislative History. For legislative history and purpose of Pub.L. 97-300, see 1982 U.S. Code Cong. and Adm. News, p. 2636.

Cross References

Allocation of percentage of allotment within State, see section 1602 of this title.

Notes of Decisions**1. Basis for distributing funds**

Action of Secretary in using 1980 census data as basis upon which to distribute funds for farm worker or job training programs under this chapter rather than using social security administration data as done previously was not arbitrary and capricious, where shift was made pursuant to provision of sub-

sec. (a) of this section that all allotments and allocations be based on latest available data and estimates satisfactory to Secretary, and flaws in system were relatively minor considering complex decisions that had to be made in relatively short period of time. *California Human Development Corp. v. Donovan*, D.C.D.C.1984, 586 F.Supp. 696.

§ 1573. Monitoring**(a) Compliance with law and regulations**

The Secretary is authorized to monitor all recipients of financial assistance under this chapter to determine whether they are complying with the provisions of this chapter and the regulations issued under this chapter.

(b) Investigations

The Secretary may investigate any matter the Secretary deems necessary to determine compliance with this chapter and regulations issued under this chapter. The investigations authorized by this subsection may include examining records (including making certified copies thereof), questioning employees, and entering any premises or onto any site in which any part of

a program of a recipient is conducted or in which any of the records of the recipient are kept.

(c) Witnesses; books, papers, and documents

For the purpose of any investigation or hearing under this chapter, the provisions of section 9 of the Federal Trade Commission Act (15 U.S.C. 49) (relating to the attendance of witnesses and the production of books, papers, and documents) are made applicable to the Secretary.

(Pub.L. 97-300, Title I, § 163, Oct. 13, 1982, 96 Stat. 1348.)

Historical Note

References in Text. This chapter, referred to in subsecs. (a) to (c), was in the original "this Act", meaning Pub.L. 97-300, Oct. 13, 1982, 96 Stat. 1322, as amended, known as the Job Training Partnership Act, which is classified principally to this chapter (section 1501 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 1501 of this title and Tables volume.

Section 9 of the Federal Trade Commission Act, referred to in subsec. (c), is section 9 of Act Sept. 26, 1914, c. 311, 38 Stat. 722, as amended, and is classified to section 49 of Title 15, Commerce and Trade. For complete classification of that Act to the Code, see section 58 of Title 15, and Tables volume.

Legislative History. For legislative history and purpose of Pub.L. 97-300, see 1982 U.S. Code Cong. and Adm. News, p. 2636.

West's Federal Forms

Administrative subpoenas, enforcement of, see § 6004 et seq.
Civil subpoena for attendance of witness, see § 3981 et seq.
Contempt proceedings, see § 5651 et seq.
Depositions, matters pertaining to, see § 3271 et seq.
Proceedings to compel discovery and enforcement of penalties for refusal to make discovery, see § 3681 et seq.
Production of documents, motions and orders pertaining to, see § 3551 et seq.

§ 1574. Fiscal controls; sanctions**(a) Establishment of State controls; independent audit and exemption; Federal audit standards**

(1) Each State shall establish such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of, and accounting for, Federal funds paid to the recipient under subchapters II and III of this chapter. The Director of the Office of Management and Budget, in consultation with the Comptroller General of the United States, shall establish guidance for the proper performance of audits. Such guidance shall include a review of fiscal controls and fund accounting procedures established by States under this section.

(2) At least once every two years, the State shall prepare or have prepared an independent financial and compliance audit of each recipient of funds under subchapters II and III of this chapter. Under criteria established by the Director of the Office of Management and Budget, and upon application by the Governor, the Secretary may exempt designated recipients from all or part of the requirements of this section, except that any such exemption shall not apply to the State administering agency, the entity which is the administrative entity for the job training plan for a service

delivery area, or a private industry council. Any exemption under this section may be withdrawn by the Secretary in consultation with the Director of the Office of Management and Budget.

(3) Each audit shall be conducted in accordance with applicable auditing standards set forth in the financial and compliance element of the Standards for Audit of Governmental Organizations, Programs, Activities, and Functions issued by the Comptroller General of the United States.

(b) Noncompliance and Governor's approval revocation notice

(1) Whenever, as a result of financial and compliance audits or otherwise, the Governor determines that there is a substantial violation of a specific provision of this chapter or the regulations, and corrective action has not been taken, the Governor may issue a notice of intent to revoke approval of all or part of the plan affected. Such notice may be appealed to the Secretary under the same terms and conditions as the disapproval of the plan and shall not become effective until (A) the time for appeal has expired or (B) the Secretary has issued a decision.

(2) The Governor shall withdraw the notice if the appropriate corrective action has been taken.

**(c) Comptroller General's evaluation; report to Congress;
Comptroller's access to records**

(1) The Comptroller General of the United States shall, on a selective basis, evaluate the expenditures by the recipients of grants under this chapter in order to assure that expenditures are consistent with the provisions of this chapter and to determine the effectiveness of each recipient in accomplishing the purposes of this chapter. The Comptroller General shall conduct the evaluations whenever he determines it necessary and he shall periodically report to the Congress on the findings of such evaluations.

(2) Nothing in this chapter shall be deemed to relieve the Inspector General of the Department of Labor of his responsibilities under the Inspector General Act.

(3) For the purpose of evaluating and reviewing programs established or provided for by this chapter, the Comptroller General shall have access to and the right to copy any books, accounts, records, correspondence, or other documents pertinent to such programs that are in the possession, custody, or control of the State, a private industry council established under section 1512 of this title, any recipient of funds under this chapter, or any subgrantee or contractor of such recipients.

(d) Recipient's liability for noncomplying expenditures

Every recipient shall repay to the United States amounts found not to have been expended in accordance with this chapter. The Secretary may offset such amounts against any other amount to which the recipient is or may be entitled under this chapter unless he determines that such recipient should be held liable pursuant to subsection (e) of this section. No such action shall be taken except after notice and opportunity for a hearing have been given to the recipient.

(e) Conditions for recipient's liability; conditions for recipient's liability for subgrantee noncompliance; Secretary's discretion

(1) Each recipient shall be liable to repay such amounts, from funds other than funds received under this chapter, upon a determination that the misexpenditure of funds was due to willful disregard of the requirements of this chapter, gross negligence, or failure to observe accepted standards of administration. No such finding shall be made except after notice and opportunity for a fair hearing.

(2) In determining whether to impose any sanction authorized by this section against a recipient for violations by a subgrantee of such recipient under this chapter or the regulations under this chapter, the Secretary shall first determine whether such recipient has adequately demonstrated that it has—

(A) established and adhered to an appropriate system for the award and monitoring of contracts with subgrantees which contains acceptable standards for ensuring accountability;

(B) entered into a written contract with such subgrantee which established clear goals and obligations in unambiguous terms;

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

(D) taken prompt and appropriate corrective action upon becoming aware of any evidence of a violation of this chapter or the regulations under this chapter by such subgrantee.

(3) If the Secretary determines that the recipient has demonstrated substantial compliance with the requirements of paragraph (2), the Secretary may waive the imposition of sanctions authorized by this section upon such recipient. The Secretary is authorized to impose any sanction consistent with the provisions of this chapter and any applicable Federal or State law directly against any subgrantee for violation of this chapter or the regulations under this chapter.

(f) Emergency situations and immediate termination

In emergency situations, if the Secretary determines it is necessary to protect the integrity of the funds or ensure the proper operation of the program, the Secretary may immediately terminate or suspend financial assistance, in whole or in part, if the recipient is given prompt notice and the opportunity for a subsequent hearing within 30 days after such termination or suspension. The Secretary shall not delegate any of the functions or authority specified in this subsection, other than to an officer whose appointment was required to be made by and with the advice and consent of the Senate.

(g) Secretary's action against harassment of complainants

If the Secretary determines that any recipient under this chapter has discharged or in any other manner discriminated against a participant or against any individual in connection with the administration of the program involved, or against any individual because such individual has filed any complaint or instituted or caused to be instituted any proceeding under or

related to this chapter, or has testified or is about to testify in any such proceeding or investigation under or related to this chapter, or otherwise unlawfully denied to any individual a benefit to which that individual is entitled under the provisions of this chapter or the Secretary's regulations, the Secretary shall, within thirty days, take such action or order such corrective measures, as necessary, with respect to the recipient or the aggrieved individual, or both.

(h) Remedies not exclusive

The remedies under this section shall not be construed to be exclusive remedies.

(Pub.L. 97-300, Title I, § 164, Oct. 13, 1982, 96 Stat. 1348.)

Historical Note

References in Text. This chapter, referred to in subsecs. (b)(1), (c) to (e), and (g), was in the original "this Act", meaning Pub.L. 97-300, Oct. 13, 1982, 96 Stat. 1322, as amended, known as the Job Training Partnership Act, which is classified principally to this chapter (section 1501 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 1501 of this title and Tables volume.

The Inspector General Act, referred to in subsec. (c)(2), probably means the Inspector General Act of 1978, Pub.L. 95-452, Oct. 12, 1978, 92 Stat. 1101, as amended, which is set out in Appendix 3 to Title 5, Government Organization and Employees.

Legislative History. For legislative history and purpose of Pub.L. 97-300, see 1982 U.S. Code Cong. and Adm. News, p. 2636.

Cross References

Judicial review of corrective action or sanction by Secretary of Labor, see section 1578 of this title.

§ 1575. Reports, recordkeeping, and investigations

(a) Sufficiency of records; frequency

(1) Recipients shall keep records that are sufficient to permit the preparation of reports required by this chapter and to permit the tracing of funds to a level of expenditure adequate to insure that the funds have not been spent unlawfully.

(2) Every recipient shall maintain such records and submit such reports, in such form and containing such information, as the Secretary requires regarding the performance of its programs. Such records and reports shall be submitted to the Secretary but shall not be required to be submitted more than once each quarter unless specifically requested by the Congress or a committee thereof.

(b) Investigations

(1)(A) In order to evaluate compliance with the provisions of this chapter, the Secretary shall conduct, in several States, in each fiscal year investigations of the use of funds received by recipients under this chapter.

(B) In order to insure compliance with the provisions of this chapter, the Comptroller General of the United States may conduct investigations of the use of funds received under this chapter by any recipient.

(2) In conducting any investigation under this chapter, the Secretary or the Comptroller General of the United States may not request the compilation of any new information not readily available to such recipient.

(c) Reporting and recordkeeping duties of States, designated administrative entities, and recipients

Each State, each administrative entity designated under this subchapter, and each recipient (other than a subrecipient, grantee or contractor of a recipient) receiving funds under this chapter shall—

(1) make such reports concerning its operations and expenditures as shall be prescribed by the Secretary, and

(2) prescribe and maintain a management information system, in accordance with guidelines prescribed by the Secretary, designed to facilitate the uniform compilation and analysis of programmatic and financial data, on statewide and service delivery area bases, necessary for reporting, monitoring, and evaluating purposes.

(Pub.L. 97-300, Title I, § 165, Oct. 13, 1982, 96 Stat. 1350.)

Historical Note

References in Text. This chapter, referred to in subsecs. (a)(1), (b), and (c), was in the original "this Act", meaning Pub.L. 97-300, Oct. 13, 1982, 96 Stat. 1322, as amended, known as the Job Training Partnership Act, which is classified principally to this chapter (section 1501 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 1501 of this title and Tables volume.

This subchapter, referred to in subsec. (c), was in the original "this title" meaning Title I

of Pub.L. 97-300, which enacted this subchapter, amended section 665 of Title 18, Crimes and Criminal Procedure, repealed chapter 17 (section 801 et seq.) of this title, and enacted a provision set out as a note under former section 801 of this title. For complete classification of Title I of Pub.L. 97-300 to the Code, see Tables volume.

Legislative History. For legislative history and purpose of Pub.L. 97-300, see 1982 U.S. Code Cong. and Adm. News, p. 2636.

§ 1576. Administrative adjudication

(a) Hearing after denial of assistance or sanction by Secretary

Whenever any applicant for financial assistance under this chapter is dissatisfied because the Secretary has made a determination not to award financial assistance in whole or in part to such applicant, the applicant may request a hearing before an administrative law judge of the Department of Labor. A similar hearing may also be requested by any recipient upon whom a corrective action or a sanction has been imposed by the Secretary. Except to the extent provided for in section 1577 of this title, all other disputes arising under this chapter shall be adjudicated under grievance procedures established by the recipient or under applicable law other than this chapter.

(b) Time for filing exceptions; final action by Secretary

The decision of the administrative law judge shall constitute final action by the Secretary unless, within 20 days after receipt of the decision of the administrative law judge, a party dissatisfied with the decision or any part thereof has filed exceptions with the Secretary specifically identifying the

procedure, fact, law, or policy to which exception is taken. Any exception not specifically urged shall be deemed to have been waived. Thereafter the decision of the administrative law judge shall become the final decision of the Secretary unless the Secretary, within 30 days of such filing, has notified the parties that the case has been accepted for review.

(c) Time for Secretary's review

Any case accepted for review by the Secretary shall be decided within one hundred and eighty days of such acceptance. If not so decided, the decision of the administrative law judge shall become the final decision of the Secretary.

(d) Judicial review

The provisions of section 1578 of this title shall apply to any final action of the Secretary under this section.

(Pub.L. 97-300, Title I, § 166, Oct. 13, 1982, 96 Stat. 1351.)

Historical Note

References in Text. This chapter, referred to in subsec. (a), was in the original "this Act", meaning Pub.L. 97-300, Oct. 13, 1982, 96 Stat. 1322, as amended, known as the Job Training Partnership Act, which is classified principally to this chapter (section 1501 et seq.). For complete classification of this Act

to the Code, see Short Title note set out under section 1501 of this title and Tables volume.

Legislative History. For legislative history and purpose of Pub. L. 97-300, see 1982 U. S. Code Cong. and Adm. News, p. 2636.

Cross References

Judicial review of final order of Secretary of Labor, see section 1578 of this title.

West's Federal Forms

Enforcement and review of decisions and orders of administrative agencies, see § 851 et seq. Supreme Court jurisdiction on writ of certiorari, see § 221 et seq.

§ 1577. Nondiscrimination

(a) Applicability of equal protection provisions; prohibition of construction of religious facility; nondiscrimination against funded activity participants; participant citizenship

(1) For the purpose of applying the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 [42 U.S.C.A. § 6101 et seq.], on the basis of handicap under section 504 of the Rehabilitation Act [29 U.S.C.A. § 794], on the basis of sex under title IX of the Education Amendments of 1972 [20 U.S.C.A. § 1681 et seq.], or on the basis of race, color, or national origin under title VI of the Civil Rights Act of 1964 [42 U.S.C.A. § 2000d et seq.], programs and activities funded or otherwise financially assisted in whole or in part under this chapter are considered to be programs and activities receiving Federal financial assistance.

(2) No individual shall be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with any such program because of race,

color, religion, sex, national origin, age, handicap, or political affiliation or belief.

(3) Participants shall not be employed on the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship.

(4) With respect to terms and conditions affecting, or rights provided to, individuals who are participants in activities supported by funds provided under this chapter, such individuals shall not be discriminated against solely because of their status as such participants.

(5) Participation in programs and activities financially assisted in whole or in part under this chapter shall be open to citizens and nationals of the United States, lawfully admitted permanent resident aliens, lawfully admitted refugees and parolees, and other individuals authorized by the Attorney General to work in the United States.

(b) Recipient noncompliance and Secretary's action

Whenever the Secretary finds that a State or other recipient has failed to comply with a provision of law referred to in subsection (a)(1) of this section, with paragraph (2), (3), (4), or (5) of subsection (a) of this section, or with an applicable regulation prescribed to carry out such paragraphs, the Secretary shall notify such State or recipient and shall request it to comply. If within a reasonable period of time, not to exceed sixty days, the State or recipient fails or refuses to comply, the Secretary may—

(1) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted;

(2) exercise the powers and functions provided by title VI of the Civil Rights Act of 1964 [42 U.S.C.A. § 2000d et seq.], the Age Discrimination Act of 1975 [42 U.S.C.A. § 6101 et seq.], or section 794 of this title, as may be applicable; or

(3) take such other action as may be provided by law.

(c) Civil action by Attorney General

When a matter is referred to the Attorney General pursuant to subsection (b)(1) of this section, or whenever the Attorney General has reason to believe that a State or other recipient is engaged in a pattern or practice in violation of a provision of law referred to in subsection (a)(1) of this section or in violation of paragraph (2), (3), (4), or (5) of subsection (a) of this section, the Attorney General may bring a civil action in any appropriate district court of the United States for such relief as may be appropriate, including injunctive relief.

(d) Job Corps members ultimate beneficiaries

For purposes of this section, Job Corps members shall be considered as the ultimate beneficiaries of Federal financial assistance.

(Pub. L. 97-300, Title I, § 167, Oct. 13, 1982, 96 Stat. 1352.)

Historical Note

References in Text. This chapter, referred to in subsec. (a)(1), (4), (5), was in the original "this Act", meaning Pub.L. 97-300, Oct. 13, 1982, 96 Stat. 1322, as amended, known as the Job Training Partnership Act, which is classified principally to this chapter (section 1501 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 1501 of this title and Tables volume.

The Age Discrimination Act of 1975, referred to in subsecs. (a)(1) and (b)(2), is Title III of Pub.L. 94-135, Nov. 28, 1975, 89 Stat. 728, as amended, which is classified generally to chapter 76 (section 6101 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 6101 of Title 42 and Tables volume.

The Education Amendments of 1972, referred to in subsec. (a)(1), is Pub.L. 92-318,

June 23, 1972, 86 Stat. 235, as amended. Title IX of the Education Amendments of 1972 is classified principally to chapter 38 (section 1681 et seq.) of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of Title 20 and Tables volume.

The Civil Rights Act of 1964, referred to in subsecs. (a)(1) and (b)(2), is Pub.L. 88-352, July 2, 1964, 78 Stat. 241, as amended. Title VI of the Civil Rights Act of 1964 is classified generally to subchapter V (section 2000d et seq.) of chapter 21 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 2000a of Title 42 and Tables volume.

Legislative History. For legislative history and purpose of Pub. L. 97-300, see 1982 U. S. Code Cong. and Adm. News, p. 2636.

Cross References

Federal labor standards, applicability of, see section 1553 of this title.
Hearing after denial of assistance or sanction by Secretary of Labor, see section 1576 of this title.

West's Federal Forms

Preliminary injunctions and temporary restraining orders, matters pertaining to, see § 5271 et seq.

§ 1578. Judicial review

(a) **Review by Court of Appeals of Secretary's final order; review petition, final order record, expeditious review; scope of review**

(1) With respect to any final order by the Secretary under section 1576 of this title whereby the Secretary determines to award, to not award, or to only conditionally award, financial assistance, with respect to any final order of the Secretary under section 1576 of this title with respect to a corrective action or sanction imposed under section 1574 of this title, and with respect to a denial of an appeal under section 1511(4)(C) of this title or 1515(b)(2) of this title, any party to a proceeding which resulted in such final order may obtain review of such final order in the United States Court of Appeals having jurisdiction over the applicant or recipient of funds, by filing a review petition within 30 days of such final order.

(2) The clerk of the court shall transmit a copy of the review petition to the Secretary who shall file the record upon which the final order was entered as provided in section 2112 of Title 28. Review petitions unless ordered by the court, shall not stay the Secretary's order. Petitions under this chapter shall be heard expeditiously, if possible within ten days of the filing of a reply brief.

(3) No objection to the order of the Secretary shall be considered by the court unless the objection shall have been specifically and timely urged before the Secretary. Review shall be limited to questions of law and the Secretary's findings of fact shall be conclusive if supported by substantial evidence.

(b) **Jurisdiction of Court of Appeals; review by Supreme Court**

The court shall have jurisdiction to make and enter a decree affirming, modifying, or setting aside the order of the Secretary in whole or in part. The court's judgment shall be final, subject to certiorari review by the Supreme Court of the United States as provided in section 1254(1) of Title 28.

(Pub.L. 97-300, Title I, § 168, Oct. 13, 1982, 96 Stat. 1353.)

Historical Note

References in Text. This chapter, referred to in subsec. (a)(2), was in the original "this Act", meaning Pub.L. 97-300, Oct. 13, 1982, 96 Stat. 1322, as amended, known as the Job Training Partnership Act, which is classified principally to this chapter (section 1501 et seq.). For complete classification of this Act

to the Code, see Short Title note set out under section 1501 of this title and Tables volume.

Legislative History. For legislative history and purpose of Pub. L. 97-300, see 1982 U. S. Code Cong. and Adm. News, p. 2636.

Cross References

Final action of Secretary of Labor, applicability to, see section 1576 of this title.

West's Federal Forms

Enforcement and review of decisions and orders of administrative agencies, see § 851 et seq.
Supreme Court jurisdiction on writ of certiorari, see § 221 et seq.

§ 1579. Administrative provisions

(a) **Secretary's prescription of regulations; publication in Federal Register**

The Secretary may, in accordance with chapter 5 of Title 5, prescribe such rules and regulations (including performance standards) as the Secretary deems necessary. Such rules and regulations may include adjustments authorized by section 6504 of Title 31. All such rules and regulations shall be published in the Federal Register at least thirty days prior to their effective date. Copies of all such rules and regulations shall be transmitted to the appropriate committees of the Congress at the same time and shall contain, with respect to each material provision of such rules and regulations, citations to the particular substantive section of law which is the basis therefor.

(b) **Acceptance of gift**

The Secretary is authorized, in carrying out this chapter, to accept, purchase, or lease in the name of the department, and employ or dispose of in furtherance of the purposes of this chapter, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise, and to accept voluntary and uncompensated services notwithstanding the provisions of section 1342 of Title 31.

(c) Secretary's discretion

The Secretary may make such grants, contracts, or agreements, establish such procedures and make such payments, in installments and in advance or by way of reimbursement, or otherwise allocate or expend funds under this chapter as necessary to carry out this chapter, including (without regard to the provisions of section 4774(d) of Title 10) expenditures for construction, repairs, and capital improvements, and including necessary adjustments in payments on account of overpayments or underpayments.

(d) Annual report to Congress

The Secretary shall prepare and submit to the Congress an annual report for employment and training programs. The Secretary shall include in such report—

- (1) a summary of the achievements, failures, and problems of the programs authorized in this chapter in meeting the objective of this chapter;
- (2) a summary of major findings from research, evaluation, pilot projects, and experiments conducted in the previous fiscal year;
- (3) recommendations for program modifications based upon analysis of such findings; and
- (4) such other recommendations for legislative or administrative action as the Secretary deems appropriate.

(e) Annual report on impact of energy development and conservation on employment

The Secretary shall develop methods to ascertain, and shall ascertain annually, energy development and conservation employment impact data by type and scale of energy technologies used. The Secretary shall present the best available data to the Secretary of Energy, the Secretary of Housing and Urban Development, and the Director of the Office of Management and Budget as part of the budgetary process and to the appropriate Committees of Congress annually.

(Pub.L. 97-300, Title I, § 169, Oct. 13, 1982, 96 Stat. 1353.)

Historical Note

References in Text. This chapter, referred to in subsecs. (b), (c), and (d)(1), was in the original "this Act", meaning Pub.L. 97-300, Oct. 13, 1982, 96 Stat. 1322, as amended, known as the Job Training Partnership Act, which is classified principally to this chapter (section 1501 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 1501 of this title and Tables volume.

Section 4774(d) of Title 10, referred to in subsec. (c), was redesignated as entire section 4774 by Pub.L. 93-166, Title V, § 509(c), Nov. 29, 1973, 87 Stat. 677, and subsequently was repealed by Pub.L. 97-214, § 7(1), July 12, 1982, 96 Stat. 173.

Codification. In subsecs. (a) and (b), "section 6504 of Title 31" was substituted for "section 204 of the Intergovernmental Cooperation Act of 1968 [42 U.S.C.A. § 4214]" and "section 1342 of Title 31" was substituted for "section 3679(b) of the Revised Statutes of the United States [31 U.S.C.A. § 665(b)]", respectively, on authority of Pub.L. 97-258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

Legislative History. For legislative history and purpose of Pub. L. 97-300, see 1982 U. S. Code Cong. and Adm. News, p. 2636.

Cross References

Effective date of regulations governing job training coordinating councils and private industry councils, see section 1591 of this title.

§ 1580. Utilization of services and facilities

The Secretary is authorized, in carrying out this chapter, and to the extent permitted by law other than this chapter, to accept and use the services and facilities of departments, agencies, and establishments of the United States. The Secretary is also authorized to accept and use the services and facilities of the agencies of any State or political subdivision of a State, with its consent.

(Pub.L. 97-300, Title I, § 170, Oct. 13, 1982, 96 Stat. 1354.)

Historical Note

References in Text. This chapter, referred to in text, was in the original "this Act", meaning Pub.L. 97-300, Oct. 13, 1982, 96 Stat. 1322, as amended, known as the Job Training Partnership Act, which is classified principally to this chapter (section 1501 et seq.). For complete classification of this Act

to the Code, see Short Title note set out under section 1501 of this title and Tables volume.

Legislative History. For legislative history and purpose of Pub. L. 97-300, see 1982 U. S. Code Cong. and Adm. News, p. 2636.

§ 1581. Obligational authority

Notwithstanding any other provision of this chapter, no authority to enter into contracts or financial assistance agreements under this chapter shall be effective except to such extent or in such amount as are provided in advance in appropriation Acts.

(Pub.L. 97-300, Title I, § 171, Oct. 13, 1982, 96 Stat. 1354.)

Historical Note

References in Text. This chapter, referred to in text, was in the original "this Act", meaning Pub.L. 97-300, Oct. 13, 1982, 96 Stat. 1322, as amended, known as the Job Training Partnership Act, which is classified principally to this chapter (section 1501 et seq.). For complete classification of this Act

to the Code, see Short Title note set out under section 1501 of this title and Tables volume.

Legislative History. For legislative history and purpose of Pub. L. 97-300, see 1982 U. S. Code Cong. and Adm. News, p. 2636.

PART E—MISCELLANEOUS PROVISIONS**§ 1591. Transition****(a) Continuity with Comprehensive Employment and Training Act funding**

Except as otherwise provided in this section, the Secretary, from funds appropriated pursuant to this chapter or pursuant to the Comprehensive Employment and Training Act, shall provide financial assistance under this chapter in the same manner that such assistance was provided under the Comprehensive Employment and Training Act (as in effect on the day before October 13, 1982) until September 30, 1983.

(b) Continuity with Comprehensive Employment and Training Act Commission

The Commission established by title V of the Comprehensive Employment and Training Act shall continue to be authorized until September 30, 1983, and on such date the personnel, property, and records of such Commission shall be transferred to the Commission established by part F of subchapter IV of this chapter.

(c) Authorization for consolidation of former programs and measures for orderly transition

Notwithstanding the provisions of subsection (a) of this section, Governors, prime sponsors, and other recipients of financial assistance under this chapter, or under the Comprehensive Employment and Training Act, may expend funds received under this chapter, or under the Comprehensive Employment and Training Act, prior to October 1, 1983, in order to—

(1) administer consolidated programs formed by the combining of programs previously administered under different titles, parts, and subparts of the Comprehensive Employment and Training Act;

(2) establish for new participants, in accordance with the eligibility criteria for subchapter II of this chapter, uniform eligibility criteria and other provisions relating to participation for programs consolidated pursuant to paragraph (1);

(3) conduct planning for any program or activity authorized under this chapter; and

(4) conduct any other activity deemed necessary by the recipient to provide for an orderly transition to the operation, as of October 1, 1983, of programs under this chapter.

(d) Continuation of regulations, etc.

All orders, determinations, rules, regulations, permits, grants, contracts, certificates, licenses, and privileges, which have been issued under the Comprehensive Employment and Training Act (as in effect on the date before October 13, 1982), or which are issued under that Act on or before September 30, 1983, shall continue in effect until modified or revoked by the Secretary, by a court of competent jurisdiction, or by operation of law other than this chapter.

(e) Continuation of judicial proceedings

The provisions of this chapter shall not affect administrative or judicial proceedings pending on October 13, 1982, or begun between October 13, 1982 and September 30, 1984, under the Comprehensive Employment and Training Act.

(f) Promulgation of regulations governing job training coordinating councils and private industry councils; effect of modifications; discretionary funds for private industry councils

(1) By January 1, 1983, the Secretary shall have published in the Federal Register final regulations governing the establishment of the State job training coordinating councils and the designation of service delivery areas.

(2) By January 15, 1983, the Secretary shall have published in the Federal Register final regulations governing the establishment of private industry councils.

(3) By March 15, 1983, the Secretary shall have published in the Federal Register final regulations governing all aspects of programs under subchapter II of this chapter not described in paragraphs (1) and (2) of this subsection.

(4) All other regulations for programs under this chapter shall take effect no later than October 1, 1983.

(5) Pursuant to section 1579(a) of this title the rules described in paragraphs (1), (2), and (3) of this subsection shall take effect thirty days after publication. In promulgating the rules described in paragraphs (1), (2), and (3), the Secretary shall be exempt from all requirements of law regarding rulemaking procedures except that such rules, prior to their publication in final form, shall be published in the Federal Register for comment for thirty days in the case of rules under paragraphs (2) and (3) and twenty days in the case of rules under paragraph (1).

(6) The Secretary may subsequently modify rules issued pursuant to paragraphs (1), (2), and (3) but, with respect to the program period October 1, 1983, to June 30, 1984, such subsequent rules shall not affect the legitimacy of any State job training coordinating council or private industry council, or the composition of any service delivery area, established under the rules issued pursuant to paragraphs (1) or (2). In addition, with respect to the program period October 1, 1983, to June 30, 1984, no modifications of the rules published pursuant to paragraph (3) shall be effective unless they are published in final form by May 15, 1983.

(7) Upon the certification of any private industry council under section 1512(g) of this title the Secretary, from discretionary funds appropriated under this chapter or Comprehensive Employment Training Act, for fiscal year 1983, may provide up to \$80,000 to each such council to assist it in performing its functions under section 1513 of this title.

(g) Transfer to administering entity of right to take title to nonexpendable property

Notwithstanding any other provision of law, any real or nonexpendable personal property, which was acquired on or before September 30, 1983, by prime sponsors (including by their contractors or subrecipients) with funds under the Comprehensive Employment and Training Act or under this chapter, and with respect to which the Secretary reserved the right to take title, shall be transferred, as of October 1, 1983, from such prime sponsors to the custody of the entity which is administering programs under subchapter II of this chapter in the geographic area in which such property is located. Such transfer shall be subject to the Secretary's rights in such property, which shall continue unchanged.

(h) Continuing availability of area allocated unobligated funds

Funds for fiscal year 1982 allocated to areas served by prime sponsors or to other recipients under the Comprehensive Employment and Training Act, which were not obligated by the prime sponsor or other recipient prior

to the end of such fiscal year, shall remain available for obligation by the prime sponsor or other recipient during fiscal year 1983. No reduction shall be made in the allocation for any area served by such a prime sponsor from appropriations to carry out this chapter for fiscal year 1983 on account of the carryover of such funds from fiscal year 1982 to fiscal year 1983.

(I) Use of fiscal 1983 funds

The amendments made by sections 501 and 502 shall be effective October 1, 1983, but, the Secretary is authorized to use funds appropriated for fiscal year 1983 to plan for the orderly implementation of such amendments.

(J) Applicability of time limits to planning; interim procedures; no penalty for noncompliance with performance standards in initial program period

(1) In order to facilitate the development of a service delivery area's job training plan for the program period October 1, 1983, to June 30, 1984, the various time limits contained in this chapter which pertain to the planning process shall not be applicable, except that the job training plan must be submitted to the Governor by August 31, 1983. This provision shall apply only to the time limits and shall not apply to any of the required planning procedures, or to the required chronological order of such procedures except that the job training plan and budget need only be for the October 1, 1983 to June 30, 1984 program period.

(2) In order to facilitate planning for the program period October 1, 1983, to June 30, 1984, the local agreement or agreements between the private industry council and the appropriate chief elected official or officials may provide for interim procedures applicable only to that program. Such interim agreements may also, notwithstanding the provisions of section 1517 of this title, authorize service deliverers under the Comprehensive Employment and Training Act or under this chapter during fiscal year 1983 to continue as service deliverers under the program as established by this chapter for such period.

(3) The performance standards described in section 1516 of this title shall apply to service delivery areas for the program period October 1, 1983, to June 30, 1984. No service delivery area, however, shall suffer a penalty for not meeting such standards during that initial program period.

(K) Eligibility of current Comprehensive Employment and Training Act participants

All participants who are in programs funded under this chapter, or under the Comprehensive Employment and Training Act, on September 30, 1983, shall be eligible to continue to participate in such programs, provided such programs have been approved for funding under the service delivery area's newly effective job training plan.

(Pub.L. 97-300, Title I, § 181, Oct. 13, 1982, 96 Stat. 1354; Pub. L. 97-404, § 1(i), Dec. 31, 1982, 96 Stat. 2026.)

¹ So in original. Probably should be "paragraph".

Historical Note

References in Text. This chapter, referred to in subsecs. (a), (c) to (e), (f)(4), (7)(g), (h), (j)(1), (2), and (k), was in the original "this Act", meaning Pub.L. 97-300, Oct. 13, 1982,

96 Stat. 1322, as amended, known as the Job Training Partnership Act, which is classified principally to this chapter (section 1501 et

seq.). For complete classification of this Act to the Code, see Short Title note set out under section 1501 of this title and Tables volume.

The Comprehensive Employment and Training Act, referred to in subsecs. (a) to (e), (f)(7), (g), (h), (j)(2), and (k), is Pub.L. 93-203, Dec. 28, 1973, 87 Stat. 839, as amended, which was classified generally to chapter 17 (section 801 et seq.) of this title, and was repealed by section 184(a)(1), of the Job Training Partnership Act, Pub.L. 97-300, Title I, Oct. 13, 1982, 96 Stat. 1357. Title V of the Comprehensive Employment and Training Act was classified to subchapter V (section 951 et seq.) of chapter 17 of this title prior to its repeal.

The amendments made by sections 501 and 502, referred to in subsec. (i), are the amendments made by sections 501 and 502 of Pub.L. 97-300, Title V, Oct. 13, 1982, 96 Stat. 1392, 1397, which enacted sections 49e, 49f, 49i and 49j-1 of this title, amended sections 49, 49a, 49b, 49d, 49g, 49h, 49i, and 49j of this title and sections 632 and 633 of Title 42, The Public Health and Welfare, and enacted provisions set out as a note under section 49 of this title.

1982 Amendment. Subsec. (f)(5). Pub.L. 97-404 substituted "this subsection" for "this section" following "(1), (2), and (3) of".

Legislative History. For legislative history and purpose of Pub. L. 97-300, see 1982 U. S. Code Cong. and Adm. News, p. 2636.

Notes of Decisions

Disallowance of payments 2

Repayment of funds 3

Title to property 1

CETA, Alabama v. U.S. Dept. of Labor, C.A.11, 1984, 745 F.2d 1416.

3. Repayment of funds

It was within authority of Secretary of Labor to order repayment of misspent Comprehensive Employment and Training Act funds from non-CETA sources. Mobile Consortium of CETA, Alabama v. U.S. Dept. of Labor, C.A.11, 1984, 745 F.2d 1416.

In proceeding on Indian tribe's petition for review of Department of Labor's final determination requiring repayment of grant funds under the Comprehensive Employment and Training Act of 1973, former section 801 et seq. of this title, administrative law judge correctly relied on regulation providing that party requesting the hearing shall have the burden of establishing the facts and entitlement to the relief requested, rather than the regulations which relate specifically to Indian employment and training programs. Quechan Indian Tribe v. U.S. Dept. of Labor, C.A.9, 1984, 723 F.2d 733.

1. Title to property

Title to property which was purchased by organizations created by city and county to accept federal funds under the Comprehensive Employment and Training Act of 1973, former section 801 et seq. of this title, and this chapter and which was purchased with funds under those programs was in the Department of Labor. In re Kent Community Action Program, Inc., Bkrtcy.Mich.1984, 40 B.R. 912.

2. Disallowance of payments

Administrative law judge could disallow Comprehensive Employment and Training Act payments to participants based solely on facial irregularities in applications where alterations and discrepancies in applications appeared in responses directly keyed to applicants' eligibility. Mobile Consortium of

§ 1592. Statutory references to Comprehensive Employment and Training Act

Effective on October 13, 1982, all references in any other statute other than this chapter, and other than in section 665 of Title 18, to the Comprehensive Employment and Training Act [29 U.S.C.A. § 801 et seq.] shall be deemed to refer to the Job Training Partnership Act [29 U.S.C.A. § 1501 et seq.].

(Pub. L. 97-300, Title I, § 183, Oct. 13, 1982, 96 Stat. 1357.)

VETERANS ADMINISTRATION

Historical Note

References in Text. This chapter, referred to in text, was in the original "this Act", meaning Pub.L. 97-300, Oct. 13, 1982, 96 Stat. 1322, as amended, known as the Job Training Partnership Act, which is classified principally to this chapter (section 1501 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 1501 of this title and Tables volume.

The Comprehensive Employment and Training Act, referred to in text, is Pub.L.

93-203, Dec. 28, 1973, 87 Stat. 839, as amended, which was classified generally to chapter 17 (section 801 et seq.) of this title, and was repealed by section 184(a)(1), of the Job Training Partnership Act, Pub.L. 97-300, Title I, Oct. 13, 1982, 96 Stat. 1357.

The Job Training Partnership Act, referred to in text, is Pub. L. 97-300, Oct. 13, 1982, 96 Stat. 1322, as amended. See note above.

Legislative History. For legislative history and purpose of Pub. L. 97-300, see 1982 U. S. Code Cong. and Adm. News, p. 2636.

SUBCHAPTER II—TRAINING SERVICES FOR THE DISADVANTAGED

Cross References

Area of substantial unemployment defined, see section 1503 of this title.
 Authorization of appropriations, see section 1502 of this title.
 Limit on funds for administration, see section 1518 of this title.
 Migrant and seasonal farmworker programs, reservation of funds, see section 1672 of this title.
 Native American program, reservation of funds, see section 1671 of this title.
 Planning and administration of funds, see section 1634 of this title.
 Public service employment exclusion, see section 1551 of this title.

PART A—ADULT AND YOUTH PROGRAMS**Cross References**

Authorization for consolidation of former programs under Comprehensive Employment and Training Act, see section 1591 of this title.
 Implementation of standards for selection of applicants, see section 1694 of this title.
 Independent financial and compliance audit, see section 1574 of this title.
 Performance criteria for adult training programs, youth programs, see section 1516 of this title.
 State and local education standards applicable, see section 1551 of this title.
 State education coordination and grants, see section 1533 of this title.

§ 1601. Allotment**(a) Limitation for insular possessions**

Not more than \$5,000,000 of the amount appropriated pursuant to section 1502(a)(1) of this title for each fiscal year and available for this part shall be allotted among Guam, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands.

(b) Percentage of unemployed and economically disadvantaged as share criteria; minimum State share; maximum State share reduction; definitions

(1) Subject to the provisions of paragraph (2), of the remainder of the amount available for this part for each fiscal year—

(A) 33 $\frac{1}{3}$ percent shall be allotted on the basis of the relative number of unemployed individuals residing in areas of substantial unemployment in each State as compared to the total number of such unem-

ployed individuals in all such areas of substantial unemployment in all the States;

(B) 33 $\frac{1}{3}$ percent shall be allotted on the basis of the relative excess number of unemployed individuals who reside in each State as compared to the total excess number of unemployed individuals in all the States;

(C) 33 $\frac{1}{3}$ percent shall be allotted on the basis of the relative number of economically disadvantaged individuals within the State compared to the total number of economically disadvantaged individuals in all States, except that, for the allotment for any State in which there is any service delivery area described in section 1511(a)(4)(A)(iii) of this title, the allotment shall be based on the higher of the number of adults in families with an income below the low-income level in such area or the number of economically disadvantaged individuals in such area.

(2)(A) No State shall receive less than one-quarter of 1 percent of the amounts available for allotment under this subsection for each such fiscal year.

(B) No State shall be allotted less than 90 percent of its allotment percentage for the fiscal year preceding the fiscal year for which the determination is made. For the purpose of this subparagraph, the allotment percentage for each State for the fiscal year 1982 is the percent that each State received in 1982, pursuant to the formula allocations made under the Comprehensive Employment and Training Act, of the total such formula allocations for all States made under that Act in fiscal year 1982. For each succeeding fiscal year, the allotment percentage of a State shall be the percentage which the State received of all allotments pursuant to this subsection.

(3) For purposes of paragraph (1)—

(A) the term "excess number" means the number which represents the number of unemployed individuals in excess of 4.5 percent of the civilian labor force in the State, or the number which represents the number of unemployed individuals in excess of 4.5 percent of the civilian labor force in areas of substantial unemployment in such State; and

(B) the term "economically disadvantaged" means an individual who has, or is a member of a family which has, received a total family income (exclusive of unemployment compensation, child support payments, and welfare payments) which, in relation to family size, was not in excess of the higher of (i) the poverty level determined in accordance with criteria established by the Director of the Office of Management and Budget, or (ii) 70 percent of the lower living standard income level.

(Pub.L. 97-300, Title II, § 201, Oct. 13, 1982, 96 Stat. 1358.)

Historical Note

References in Text. The Comprehensive Employment and Training Act, referred to in subsec. (b)(2)(B), is Pub.L. 93-203, Dec. 28, 1973, 87 Stat. 839, as amended, which was classified generally to chapter 17 (section 801

et seq.) of this title, and was repealed by section 184(a)(1) of the Job Training Partnership Act, Pub.L. 97-300, Oct. 13, 1982, 96 Stat. 1357, which is classified principally to this chapter.

Legislative History. For legislative history and purpose of Pub. L. 97-300, see 1982 U. S. Code Cong. and Adm. News, p. 2636.

Cross References

Allotment among States of funds for summer youth employment and training programs, see section 1631 of this title.
Minimum shares of State allocation for State education programs, see section 1602 of this title.

Code of Federal Regulations

Programs, see 20 CFR 629.1 et seq., 630.1 et seq.

§ 1602. Within State allocation

(a) Percentages of unemployed and economically disadvantaged as share criteria; definitions

(1) The Governor shall, in accordance with section 1572 of this title, allocate 78 percent of the allotment of the State (under section 1601(b) of this title) for such fiscal year among service delivery areas within the State in accordance with paragraph (2).

(2) Of the amount allocated under this subsection—

(A) 33 $\frac{1}{3}$ percent shall be allocated on the basis of the relative number of unemployed individuals residing in areas of substantial unemployment in each service delivery area as compared to the total number of such unemployed individuals in all such areas of substantial unemployment in the State;

(B) 33 $\frac{1}{3}$ percent shall be allocated on the basis of the relative excess number of unemployed individuals who reside in each service delivery area as compared to the total excess number of unemployed individuals in all service delivery areas in the State;

(C) 33 $\frac{1}{3}$ percent shall be allocated on the basis of the relative number of economically disadvantaged individuals within each service delivery area compared to the total number of economically disadvantaged individuals in the State, except that the allocation for any service delivery area described in section 1511(a)(4)(A)(iii) of this title shall be based on the higher of the number of adults in families with an income below the low-income level in such area or the number of economically disadvantaged individuals in such area.

(3) For the purpose of this section—

(A) the term "excess number" means the number which represents the number of unemployed individuals in excess of 4.5 percent of the civilian labor force in the service delivery area or the number which represents the number of unemployed individuals in excess of 4.5 percent of the civilian labor force in areas of substantial unemployment in such service delivery area; and

(B) the term "economically disadvantaged" means an individual who has, or is a member of a family which has, received a total family income (exclusive of unemployment compensation, child support payments, and welfare payments) which, in relation to family size, was not

in excess of the higher of (i) the poverty level determined in accordance with criteria established by the Director of the Office of Management and Budget, or (ii) 70 percent of the lower living standard income level.

(b) Minimum shares: State education programs, programs relating to training older individuals, incentive grants for programs exceeding performance standards and serving hard-to-serve individuals, auditing and administration

(1) Eight percent of the allotment of each State (under section 1601(b) of this title) for each fiscal year shall be available to carry out section 1533 of this title, relating to State education programs under this chapter.

(2) Three percent of such allotment of each State for each fiscal year shall be available to carry out section 1534 of this title, relating to training programs for older individuals.

(3)(A) Six percent of such allotment of each State for each fiscal year shall be available to carry out subparagraph (B) of this paragraph.

(B) The amount reserved under subparagraph (A) of this paragraph shall be used by the Governor to provide incentive grants for programs exceeding performance standards, including incentives for serving hard-to-serve individuals. The incentive grants made under this subparagraph shall be distributed among service delivery areas within the State exceeding their performance standards in an equitable proportion based on the degree by which the service delivery areas exceed their performance standards. If the full amount reserved under subparagraph (A) of this paragraph is not needed to make incentive grants under this subparagraph, the Governor shall use the amount not so needed for technical assistance to service delivery areas in the State which do not qualify for incentive grants under this subparagraph.

(4) Five percent of such allotment of the State for each fiscal year shall be available to the Governor of the State to be used for the cost of auditing activities, for administrative activities, and for other activities under sections 1531 and 1532 of this title.

(Pub.L. 97-300, Title II, § 202, Oct. 13, 1982, 96 Stat. 1359.)

Historical Note

References in Text. This chapter, referred to in subsec. (b)(1), was in the original "this Act", meaning Pub.L. 97-300, Oct. 13, 1982, 96 Stat. 1322, as amended, known as the Job Training Partnership Act, which is classified principally to this chapter (section 1501 et seq.). For complete classification of this Act

to the Code, see Short Title note set out under section 1501 of this title and Tables volume.

Legislative History. For legislative history and purpose of Pub. L. 97-300, see 1982 U. S. Code Cong. and Adm. News, p. 2636.

Cross References

Allocation among service delivery areas of funds for summer youth employment and training programs, see section 1631 of this title.
Financial assistance to State education agency for services through cooperative agreements, see section 1533 of this title.
State job training coordinating council, funding for, see section 1532 of this title.
State labor market information programs, eligibility for funds, see section 1535 of this title.
Training programs for older individuals, funds for, see section 1634 of this title.

§ 1603. Eligibility for services

(a) Economic disadvantage or employment barriers as participation requirements

(1) Except as provided in paragraph (2), an individual shall be eligible to participate in programs receiving assistance under this subchapter only if such individual is economically disadvantaged.

(2) Up to 10 percent of the participants in all programs in a service delivery area receiving assistance under this part may be individuals who are not economically disadvantaged if such individuals have encountered barriers to employment. Such individuals may include, but are not limited to, those who have limited English-language proficiency, or are displaced homemakers, school dropouts, teenage parents, handicapped, older workers, veterans, offenders, alcoholics, or addicts.

(b) Youth services minimum; ratio to disadvantaged adults; equitable treatment for recipients of aid to families with dependent children and eligible school dropouts; proportion of public to private sector employment

(1) Funds provided under this part shall be used in accordance with the job training plan to provide authorized services to disadvantaged youth and adults. Except as provided in paragraph (2), not less than 40 percent of the funds available for such services shall be expended to provide such services to eligible youth.

(2) To the extent that the ratio of economically disadvantaged youth to economically disadvantaged adults in the service delivery area differs from the ratio of such individuals nationally (as published by the Secretary), the amount which shall be required to be expended for services for youth under paragraph (1) shall be reduced or increased proportionately in accordance with regulations prescribed by the Secretary.

(3) Recipients of payments made under the program of aid to families with dependent children under a State plan approved under part A of title IV of the Social Security Act [42 U.S.C.A. § 601 et seq.] who are required to, or have, registered under section 402(a)(19) of that Act [42 U.S.C.A. § 602(a)(19)] and eligible school dropouts shall be served on an equitable basis, taking into account their proportion of economically disadvantaged persons sixteen years of age or over in the area. For purposes of this paragraph, a school dropout is an individual who is neither attending any school nor subject to a compulsory attendance law and who has not received a secondary school diploma or a certificate from a program of equivalency for such a diploma.

(4) In each service delivery area the ratio of participants in on-the-job training assisted under this subchapter in the public sector to participants in such training in the private sector shall not exceed the ratio between civilian governmental employment and nongovernmental employment in such area.

(c) Definitions

For purposes of this subchapter—

(1) the term "youth" means an individual who is aged 16 through 21, and

(2) the term "adult" means an individual who is 22 years of age or older.

(Pub.L. 97-300, Title II, § 203, Oct. 13, 1982, 96 Stat. 1360; Pub.L. 97-404, § 2, Dec. 31, 1982, 96 Stat. 2026.)

Historical Note

References in Text. The Social Security Act, referred to in subsec. (b)(3), is Act Aug. 14, 1935, c. 531, 49 Stat. 620, as amended. Part A of Title IV of the Social Security Act is classified generally to part A (section 601 et seq.) of subchapter IV of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables volume.

1982 Amendment. Subsec. (a)(1). Pub.L. 97-404, § 2(a), substituted "participate" for "participate" following "shall be eligible to".

Subsec. (b)(2). Pub.L. 97-404, § 2(b), substituted "be expended" for "expend" following "shall be required to".

Legislative History. For legislative history and purpose of Pub. L. 97-300, see 1982 U. S. Code Cong. and Adm. News, p. 2636.

Cross References

Plan coordination with State and local services and resources, see section 1531 of this title. Training programs by contractors subject to affirmative action obligations, see section 1781 of this title.

§ 1604. Use of funds

Services which may be made available to youth and adults with funds provided under this subchapter may include, but need not be limited to—

- (1) job search assistance,
- (2) job counseling,
- (3) remedial education and basic skills training,
- (4) institutional skill training,
- (5) on-the-job training,

(6) programs of advanced career training which provide a formal combination of on-the-job and institutional training and internship assignments which prepare individuals for career employment,

(7) training programs operated by the private sector, including those operated by labor organizations or by consortia of private sector employers utilizing private sector facilities, equipment, and personnel to train workers in occupations for which demand exceeds supply,

(8) outreach to make individuals aware of, and encourage the use of employment and training services,

(9) specialized surveys not available through other labor market information sources,

(10) programs to develop work habits and other services to individuals to help them obtain and retain employment,

(11) supportive services necessary to enable individuals to participate in the program and to assist them in retaining employment for not to exceed 6 months following completion of training,

(12) upgrading and retraining,

(13) education-to-work transition activities,

- (14) literacy training and bilingual training,
- (15) work experience,
- (16) vocational exploration,
- (17) attainment of certificates of high school equivalency,
- (18) job development,
- (19) employment generating activities to increase job opportunities for eligible individuals in the area,
- (20) pre-apprenticeship programs,
- (21) disseminating information on program activities to employers,
- (22) use of advanced learning technology for education, job preparation, and skills training,
- (23) development of job openings,
- (24) on-site industry-specific training programs supportive of industrial and economic development,
- (25) followup services with participants placed in unsubsidized employment,
- (26) coordinated programs with other Federal employment-related activities,
- (27) needs-based payments necessary to participation in accordance with a locally developed formula or procedure, and
- (28) customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of that training.

(Pub.L. 97-300, Title II, § 204, Oct. 13, 1982, 96 Stat. 1361.)

Historical Note

Legislative History. For legislative history and purpose of Pub. L. 97-300, see 1982 U. S. Code Cong. and Adm. News, p. 2636.

Cross References

Costs of program support not included in limit on funds for administration, see section 1518 of this title.
Exemplary youth programs, see section 1605 of this title.

§ 1605. Exemplary youth programs

(a) Optional programs

In addition to the services for youth which may be available in accordance with section 1604 of this title, the job training plan may, at the option of those responsible for its preparation, elect to include one or more of the exemplary youth programs described in subsections (b) through (e) of this section, each of which may be modified by the plan to accommodate local conditions.

(b) Education for employment program; locations; local educational criteria; priority for existing projects

(1) The job training plan may provide for the conduct of an "education for employment program" for eligible youth who have not attained a high

school diploma or who have educational deficiencies despite the attainment of a diploma, with priority given to high school dropouts.

(2) The education for employment programs may provide for the maintenance of a network of learning centers offering individualized or group instruction in convenient locations, such as schools, neighborhood organizations, libraries, and other sites, including mobile vans in rural areas.

(3) The curricula provided by such network shall be designed to prepare the student to meet State and locally determined general education diploma and basic education competency requirements.

(4) For purposes of this section, priority shall be given in the selection of service providers to previously funded in-school and community based organization projects which are both cost-effective and of demonstrated success, and which otherwise meet criteria under this chapter.

(c) Preemployment skills training program; maximum hours; activities

(1) The job training plan may provide for the conduct of a "preemployment skills training program" for youth, and individuals aged 14 and 15, with priority being given to those individuals who do not meet established levels of academic achievement and who plan to enter the full-time labor market upon leaving school.

(2) The preemployment skill training program may provide youth up to 200 hours of instruction and activities.

(3) The instruction and activities may include—

- (A) assessment, testing, and counseling;
- (B) occupational career and vocational exploration;
- (C) job search assistance;
- (D) job holding and survival skills training;
- (E) basic life skills training;
- (F) remedial education;
- (G) labor market information; and
- (H) job-seeking skills training.

(d) Entry employment experience program; unemployment and education requirements; maximum hours; types of experience

(1) The job training plan may provide for the conduct of an "entry employment experience program" for youth who—

- (A) have completed preemployment skills training or its equivalent;
- (B) have not recently held a regular part-time or summer job for more than 250 hours of paid employment, except that this paragraph may be waived in accordance with criteria established in the job training plan; and

(C) are enrolled in a secondary school or an institution offering a certified high school equivalency program and are meeting or have met the minimum academic and attendance requirements of that school or education program during the current or most recent term,

with priority given to youth who do not plan to continue on to postsecondary education.

(2) Entry employment experiences may be up to 20 hours weekly during the school year or full time during the summer and holidays, for a total of not to exceed 500 hours of entry employment experience for any individual. Such experiences shall be appropriately supervised, including the maintenance of standards of attendance and worksite performance.

(3) Entry employment experiences may be one of the following types:

(A) Full-time employment opportunities in public and private non-profit agencies during the summer and on a part-time basis in combination with education and training activities. These jobs shall provide community improvement services that complement local expenditures.

(B) Tryout employment at private for-profit worksites, or at public and private nonprofit worksites when private for-profit worksites are not available. Compensation in lieu of wages for tryout employment shall be paid by the grant recipient, but the length of any assignment to a tryout employment position shall not exceed 250 hours. Tryout employment positions shall be ones for which participants would not usually be hired (because of lack of experience or other barriers to employment), and vacancies in such positions may not be refilled if the previous participant completed the tryout employment but was not hired by the employer.

(C) Cooperative education programs to coordinate educational programs with work in the private sector.

(e) School-to-work transition assistance program; high school seniors and dropouts eligible; services; referral to other programs

(1) The job training plan may provide for the conduct of a "school-to-work transition assistance program" for youth who are—

(A) high school seniors who plan to enter the full-time labor market upon graduation, with priority to seniors in high schools having a predominance of students from families with incomes below 70 percent of the lower living standard income level; and

(B) dropouts, with followup as immediately as possible after leaving school.

(2) Transition services include—

- (A) provision of occupational information;
- (B) short-duration job search assistance;
- (C) job clubs;
- (D) placement and job development; and
- (E) followup.

(3) Seniors and dropouts who are eligible for and in need of training activities may be provided information and, where appropriate, referred to—

- (A) preemployment skills training, entry employment experience, and remedial education;
- (B) adult training activities; and

(C) the Job Corps.

(Pub.L. 97-300, Title II, § 205, Oct. 13, 1982, 96 Stat. 1362.)

Historical Note

References in Text. This chapter, referred to in subsec. (b)(4), was in the original "this Act", meaning Pub.L. 97-300, Oct. 13, 1982, 96 Stat. 1322, as amended, known as the Job Training Partnership Act, which is classified principally to this chapter (section 1501 et seq.). For complete classification of this Act

to the Code, see Short Title note set out under section 1501 of this title and Tables volume.

Legislative History. For legislative history and purpose of Pub. L. 97-300, see 1982 U. S. Code Cong. and Adm. News, p. 2636.

Cross References

Requirements for subsidized youth employment, see section 1551 of this title.
Work experience expenditures limitation, see section 1518 of this title.

PART B—SUMMER YOUTH EMPLOYMENT AND TRAINING PROGRAMS

§ 1631. Funding

(a) Allocation to insular possessions and Native American programs

From the funds appropriated under section 1502(b) of this title, the Secretary shall first allocate to Guam, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, the Northern Mariana Islands, and entities eligible under section 1671 of this title the same percentage of funds as were available to such areas and entities for the summer youth program in the fiscal year preceding the fiscal year for which the determination is made.

(b) Allotment among States; allocation among service delivery areas

The remainder of sums appropriated pursuant to section 1502(b) of this title shall be allotted among States in accordance with section 1601(b) of this title and allocated among service delivery areas within States in accordance with section 1602(a)(2) and (3) of this title.

(Pub.L. 97-300, Title II, § 251, Oct. 13, 1982, 96 Stat. 1364.)

Historical Note

Legislative History. For legislative history and purpose of Pub. L. 97-300, see 1982 U. S. Code Cong. and Adm. News, p. 2636.

§ 1632. Use of funds

Funds available under this part may be used for—

(1) basic and remedial education, institutional and on-the-job training, work experience programs, employment counseling, occupational training preparation for work, outreach and enrollment activities, employability assessment, job referral and placement, job search and job club activities, and any other employment or job training activity designed to give employment to eligible individuals or prepare them for, and place them in, employment; and

(2) supportive services necessary to enable such individuals to participate in the program.

(Pub.L. 97-300, Title II, § 252, Oct. 13, 1982, 96 Stat. 1364.)

Historical Note

Legislative History. For legislative history and purpose of Pub. L. 97-300, see 1982 U. S. Code Cong. and Adm. News, p. 2636.

§ 1633. Limitations

(a) Summer operation

Programs under this part shall be conducted during the summer months.

(b) Economically disadvantaged youth

Except as provided in subsection (c) of this section, individuals eligible under this part shall be economically disadvantaged youth.

(c) Individuals aged 14 or 15 eligible

Eligible individuals aged 14 or 15 shall, if appropriate and set forth in the job training plan, be eligible for summer youth programs under this part.

(Pub.L. 97-300, Title II, § 253, Oct. 13, 1982, 96 Stat. 1364.)

Historical Note

Legislative History. For legislative history and purpose of Pub. L. 97-300, see 1982 U. S. Code Cong. and Adm. News, p. 2636.

§ 1634. Applicable provisions

Private industry councils established under subchapter I of this chapter, chief elected officials, State job training coordinating councils, and Governors shall have the same authority, duties, and responsibilities with respect to planning and administration of funds available under this part as private industry councils, chief elected officials, State job training coordinating councils, and Governors have for funds available under part A of this subchapter.

(Pub.L. 97-300, Title II, § 254, Oct. 13, 1982, 96 Stat. 1364.)

Historical Note

References in Text. Subchapter I of this chapter, referred to in text, was in the original "title I", meaning Title I of Pub.L. 97-300, which enacted subchapter I of this chapter, amended section 665 of Title 18, Crimes and Criminal Procedure, repealed chapter 17 (section 801 et seq.) of this title,

and enacted a provision set out as a note under former section 801 of this title. For complete classification of Title I of Pub.L. 97-300 to the Code, see Tables volume.

Legislative History. For legislative history and purpose of Pub. L. 97-300, see 1982 U. S. Code Cong. and Adm. News, p. 2636.

SUBCHAPTER III—EMPLOYMENT AND TRAINING ASSISTANCE FOR DISLOCATED WORKERS

Cross References

Authorization of appropriations, see section 1502 of this title.

Establishment of State fiscal control and fund accounting procedures, see section 1574 of this title.

Performance standards, see section 1516 of this title.

Plan coordination with State and local services and resources, see section 1531 of this title.

§ 1651. Allocation of funds

(a) Reserved portion of allocation

From the amount appropriated to carry out this subchapter for any fiscal year, the Secretary may reserve up to 25 percent of such amount for use by the States in accordance with subsection (c) of this section.

(b) Allocations for various proportions of unemployed

The Secretary shall allot the remainder of the amount appropriated to carry out this subchapter for any fiscal year among the States as follows:

(1) One-third of the remainder of such amount shall be allotted among the States on the basis of the relative number of unemployed individuals who reside in each State as compared to the total number of unemployed individuals in all the States.

(2) One-third of the remainder of such amount shall be allotted among the States on the basis of the relative excess number of unemployed individuals who reside in each State as compared to the total excess number of unemployed individuals in all the States. For purposes of this paragraph, the term "excess number" means the number which represents unemployed individuals in excess of 4.5 percent of the civilian labor force in the State.

(3) One-third of the remainder of such amount shall be allotted among the States on the basis of the relative number of individuals who have been unemployed for fifteen weeks or more and who reside in each State as compared to the total number of such individuals in all the States.

(c) Training and assistance for individuals affected by mass unemployment

The Secretary shall make available the sums reserved under subsection (a) of this section for the purpose of providing training, retraining, job search assistance, placement, relocation assistance, and other aid (including any activity authorized by section 1653 of this title) to individuals who are affected by mass layoffs, natural disasters, Federal Government actions (such as relocations of Federal facilities), or who reside in areas of high unemployment or designated enterprise zones. In order to qualify for assistance from funds reserved by the Secretary under subsection (a) of this section, a State shall, in accordance with regulations promulgated by the Secretary establishing criteria for awarding assistance from such funds, submit an application identifying the need for such assistance and the types

of, and projected results expected from, activities to be conducted with such funds.

(d) Authorization for reallocation of State share unobligated within year

The Secretary is authorized to reallocate any amount of any allotment to a State to the extent that the Secretary determines that the State will not be able to obligate such amount within one year of allotment.

(Pub.L. 97-300, Title III, § 301, Oct. 13, 1982, 96 Stat. 1364.)

Historical Note

Legislative History. For legislative history and purpose of Pub. L. 97-300, see 1982 U.S. Code Cong. Adm. News, p. 2636.

Cross References

Demonstration of State assistance matching, see section 1654 of this title.
Nonapplicability of limitations to certain reserved funds, see section 1657 of this title.

Code of Federal Regulations

Programs, see 20 CFR 629.1 et seq., 631.1 et seq.

§ 1652. Identification of dislocated workers

(a) Authorization to establish procedures; definition

Each State is authorized to establish procedures to identify substantial groups of eligible individuals who—

(1) have been terminated or laid-off or who have received a notice of termination or lay-off from employment, are eligible for or have exhausted their entitlement to unemployment compensation, and are unlikely to return to their previous industry or occupation;

(2) have been terminated, or who have received a notice of termination of employment, as a result of any permanent closure of a plant or facility; or

(3) are long-term unemployed and have limited opportunities for employment or reemployment in the same or a similar occupation in the area in which such individuals reside, including any older individuals who may have substantial barriers to employment by reason of age.

(b) Assistance by private industry council

The State may provide for the use of the private industry councils established under subchapter I of this chapter to assist in making the identification established under subsection (a) of this section.

(c) Determination of job opportunities for eligible individuals; determination of local training opportunities

(1) Whenever a group of eligible individuals is identified under subsection (a) of this section, the State, with the assistance of the private industry council, shall determine what, if any, job opportunities exist within the local labor market area or outside the labor market area for which such individuals could be retrained.

(2) The State shall determine whether training opportunities for such employment opportunities exist or could be provided within the local labor market area.

(d) Acceptance of local training as unemployment benefits

Whenever training opportunities pursuant to subsection (c) of this section are identified, information concerning the opportunities shall be made available to the individuals. The acceptance of training for such opportunities shall be deemed to be acceptance of training with the approval of the State within the meaning of any other provision of Federal law relating to unemployment benefits.

(Pub.L. 97-300, Title III, § 302, Oct. 13, 1982, 96 Stat. 1365.)

Historical Note

References in Text. Subchapter I of this chapter, referred to in subsec. (b), was in the original "title I of this Act", meaning Title I of Pub.L. 97-300, which enacted subchapter I of this chapter, amended section 665 of Title 18, Crimes and Criminal Procedure, repealed chapter 17 (section 801 et seq.) of this title,

and enacted a provision set out as a note under former section 801 of this title. For complete classification of Title I of Pub.L. 97-300 to the Code, see Tables volume.

Legislative History. For legislative history and purpose of Pub.L. 97-300, see 1982 U.S. Code Cong. and Adm. News, p. 2636.

§ 1653. Authorized activities

(a) Assistance for obtaining unsubsidized employment

Financial assistance provided to States under this subchapter may be used to assist eligible individuals to obtain unsubsidized employment through training and related employment services which may include, but are not limited to—

(1) job search assistance, including job clubs,

(2) job development,

(3) training in jobs skills for which demand exceeds supply,

(4) supportive services, including commuting assistance and financial and personal counseling,

(5) pre-layoff assistance,

(6) relocation assistance, and

(7) programs conducted in cooperation with employers or labor organizations to provide early intervention in the event of closures of plants or facilities.

(b) Relocation assistance and conditions

Relocation assistance may be provided if the State determines (1) that the individual cannot obtain employment within the individual's commuting area, and (2) that the individual has secured suitable long-duration employment or obtained a bona fide job offer in a relocation area in a State.

(Pub.L. 97-300, Title III, § 303, Oct. 13, 1982, 96 Stat. 1366.)

Historical Note

Legislative History. For legislative history and purpose of Pub.L. 97-300, see 1982 U.S. Code Cong. and Adm. News, p. 2636.

Cross References

Funds for training and assistance for individuals affected by mass unemployment, see section 1651 of this title.

§ 1654. Matching requirement

(a) Demonstration of State assistance matching; reduction of matching requirement in high unemployment States; Secretary's annual determination of average rate of unemployment

(1) In order to qualify for financial assistance under this subchapter, a State shall demonstrate, to the satisfaction of the Secretary, that it will expend for purposes of services assisted under this subchapter, an amount from public or private non-Federal sources equal to the amount made available to that State under section 1651(b) of this title.

(2) Whenever the average rate of unemployment for a State is higher than the average rate of unemployment for all States, the non-Federal matching funds described in paragraph (1) required to be provided by such State for that fiscal year shall be reduced by 10 percent for each 1 percent, or portion thereof, by which the average rate of unemployment for that State is greater than the average rate of unemployment for all States.

(3) The Secretary shall determine the average rate of unemployment for a State and the average rate of unemployment for all States for each fiscal year on the basis of the most recent twelve-month period prior to that fiscal year.

(b) Scope of non-Federal matching funds; unemployment benefits to trainees as matching funds

(1) Such non-Federal matching funds shall include the direct cost of employment or training services under this subchapter provided by State or local programs (such as vocational education), private nonprofit organizations, or private for-profit employers.

(2) Funds expended from a State fund to provide unemployment insurance benefits to an eligible individual for purposes of this subchapter and who is enrolled in a program of training or retraining under this subchapter may be credited for up to 50 percent of the funds required to be expended from non-Federal sources as required by this section.

(Pub.L. 97-300, Title III, § 304, Oct. 13, 1982, 96 Stat. 1366.)

Historical Note

Legislative History. For legislative history and purpose of Pub.L. 97-300, see 1982 U.S. Code Cong. and Adm. News, p. 2636.

§ 1655. Program review

Except for programs of assistance operated on a statewide or industry-wide basis, no program of assistance conducted with funds made available under this subchapter may be operated within any service delivery area without a 30-day period for review and recommendation by the private industry council and appropriate chief elected official or officials for such area. The State shall consider the recommendation of such private industry council and chief elected official or officials before granting final approval of such program, and in the event final approval is granted contrary to such recommendation, the State shall provide the reasons therefor in writing to the appropriate private industry council and chief elected official or officials.

(Pub.L. 97-300, Title III, § 305, Oct. 13, 1982, 96 Stat. 1367.)

Historical Note

Legislative History. For legislative history and purpose of Pub.L. 97-300, see 1982 U.S. Code Cong. and Adm. News, p. 2636.

§ 1656. Consultation with labor organizations

Any assistance program conducted with funds made available under this subchapter which will provide services to a substantial number of members of a labor organization shall be established only after full consultation with such labor organization.

(Pub.L. 97-300, Title III, § 306, Oct. 13, 1982, 96 Stat. 1367.)

Historical Note

Legislative History. For legislative history and purpose of Pub.L. 97-300, see 1982 U.S. Code Cong. and Adm. News, p. 2636.

§ 1657. Limitations

(a) Portion of funds available for administration

Except as provided in subsection (b) of this section, there shall be available for supportive services, wages, allowances, stipends, and costs of administration, not more than 30 percent of the Federal funds available under this subchapter in each State.

(b) Nonapplicability to certain reserved funds

The funds to which the limitation described in subsection (a) of this section applies shall not include the funds referred to in section 1651(a) of this title. In no event shall such limitation apply to more than 50 percent of the total amount of Federal and non-Federal funds available to a program.

(Pub.L. 97-300, Title III, § 307, Oct. 13, 1982, 96 Stat. 1367.)

Historical Note

Legislative History. For legislative history and purpose of Pub. L. 97-300, see 1982 U.S. Code Cong. and Adm. News, p. 2636.

§ 1658. State plans; coordination with other programs

Any State which desires to receive financial assistance under this subchapter shall submit to the Secretary a plan for the use of such assistance which shall include appropriate provisions for the coordination of programs conducted with such assistance with low-income weatherization and other energy conservation programs, and social services, in accordance with the provisions of section 1531 of this title.

(Pub.L. 97-300, Title III, § 308, Oct. 13, 1982, 96 Stat. 1367; Pub.L. 97-404, § 3, Dec. 31, 1982, 96 Stat. 2026.)

Historical Note

1982 Amendment. Pub.L. 97-404, substituted "with" for "as described in section 1531 of this title," following "with such assistance" and added "in accordance with the provisions of section 1531 of this title".

Legislative History. For legislative history and purpose of Pub. L. 97-300, see 1982 U.S. Code Cong. and Adm. News, p. 2636.

SUBCHAPTER IV—FEDERALLY ADMINISTERED PROGRAMS**Cross References**

Authorization of appropriations, see section 1502 of this title.

PART A—EMPLOYMENT AND TRAINING PROGRAMS FOR NATIVE AMERICANS AND MIGRANT AND SEASONAL FARMWORKERS**Cross References**

Authorization of appropriations, see section 1502 of this title.

§ 1671. Native American programs**(a) Congressional findings**

The Congress finds that (1) serious unemployment and economic disadvantages exist among members of Indian, Alaskan Native, and Hawaiian Native communities; (2) there is a compelling need for the establishment of comprehensive training and employment programs for members of those communities; and (3) such programs are essential to the reduction of economic disadvantages among individual members of those communities and to the advancement of economic and social development in the communities consistent with their goals and lifestyles.

(b) Congressional declaration of guidelines

The Congress therefore declares that, because of the special relationship between the Federal Government and most of the individuals to be served

by the provisions of this section, (1) such programs shall be administered at the national level; (2) such programs shall be available to federally recognized Indian tribes, bands, and groups and to other groups and individuals of Native American descent; and (3) such programs shall be administered in such a manner as to maximize the Federal commitment to support growth and development as determined by representatives of the communities and groups served by this section.

(c) Operation through Native American organizations where possible

(1)(A) In carrying out responsibilities under this section, the Secretary shall, wherever possible, utilize Indian tribes, bands, or groups on Federal or State reservations, Oklahoma Indians, and including for the purpose of this chapter, Alaska Native villages or groups as defined in the Alaska Native Claims Settlement Act [43 U.S.C.A. § 1601 et seq.], having a governing body for the provision of employment and training services under this section. When the Secretary determines that such tribe, band, or group has demonstrated the capability to effectively administer a comprehensive employment and training program, the Secretary shall require such tribe, band, or group to submit a comprehensive plan meeting such requirements as the Secretary prescribes.

(B) The Secretary shall arrange for programs to meet the employment and training needs of Hawaiian natives through such organizations as the Secretary determines will best meet their needs.

(2) In carrying out responsibilities under this section, the Secretary shall make arrangements with organizations (meeting requirements prescribed by the Secretary) serving nonreservation Native Americans for programs and projects designed to meet the needs of such Native Americans for employment and training and related services.

(d) Alternative operation through approved organizations

Whenever the Secretary determines not to utilize Indian tribes, bands, or groups for the provision of employment and training services under this section, the Secretary shall, to the maximum extent feasible, enter into arrangements for the provision of such services with organizations which meet with the approval of the tribes, bands, or groups to be served.

(e) Monitoring of programs

The Secretary is directed to take appropriate action to establish administrative procedures and machinery (including personnel having particular competence in this field) for the selection, administration, monitoring, and evaluation of Native American employment and training programs authorized under this chapter.

(f) Availability of funds for other job training activities

Funds available for this section shall be expended for programs and activities consistent with the purposes of this section including but not limited to such programs and activities carried out by recipients under other provisions of this chapter.