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(g) Continuation of Federal trust responsibilities

No provision of this section shall abrogate in any way the trust responsibilities of the Federal Government to Native American bands, tribes, or groups.

(h) Consultation with Native Americans in prescription of regulations; performance goals

(1) The Secretary shall, after consultation with representatives of Indians and other Native Americans, prescribe such rules, regulations, and performance standards relating to Native American programs under this section as may be required to meet the special circumstances under which such programs operate.

(2) Recipients of funds under this section shall establish performance goals, which shall, to the extent required by the Secretary, comply with performance standards established by the Secretary pursuant to section 1516 of this title.

(i) Technical assistance to Native American organizations

The Secretary shall provide technical assistance as necessary to tribes, bands, and groups eligible for assistance under this section.

(j) Reservation of funds for purposes of this section

For the purpose of carrying out this section, the Secretary shall reserve, from funds available for this subchapter (other than part B of this subchapter) for any fiscal year, an amount equal to 3.3 percent of the amount available for part A of subchapter II of this chapter for such fiscal year.

(Pub.L. 97-300, Title IV, § 401, Oct. 13, 1982, 96 Stat. 1368; Pub.L. 97-404, § 4(a), Dec. 31, 1982, 96 Stat. 2026.)

Historical Note

References in Text. This chapter, referred to in subsecs. (c)(1)(A), (e), and (f), 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 Alaska Native Claims Settlement Act, referred to in subsec. (c)(1)(A), is Pub.L. 92-203, Dec. 18, 1971, 85 Stat. 688, as amended, which is classified generally to

chapter 33 (section 1601 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 43 and Tables volume.

1982 Amendment. Subsec. (h)(2). Pub.L. 97-404 substituted reference to section 1516 of this title for reference to section 1513 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

Allocation of funds to Native American summer youth programs, see section 1631 of this title. Training programs by contractors subject to affirmative action, see section 1781 of this title.

Code of Federal Regulations

Programs, see 20 CFR 632.1 et seq.

§ 1672. Migrant and seasonal farmworker programs

(a) Congressional findings

The Congress finds and declares that—

(1) chronic seasonal unemployment and underemployment in the agricultural industry, aggravated by continual advancements in technology and mechanization resulting in displacement, constitute a substantial portion of the Nation's rural employment problem and substantially affect the entire national economy; and

(2) because of the special nature of farmworker employment and training problems, such programs shall be centrally administered at the national level.

(b) Monitoring of programs for migrant and seasonal employment

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 migrant and seasonal employment and training programs authorized under this chapter.

(c) Operation through experienced organizations; use of procedures consistent with competitive procurement policies; grantees designated for two years; goals of programs; recipient performance goals; section programs not exclusive of other kinds of aid

(1) The Secretary shall provide services to meet the employment and training needs of migrant and seasonal farmworkers through such public agencies and private nonprofit organizations as the Secretary determines to have an understanding of the problems of migrant and seasonal farmworkers, a familiarity with the area to be served, and a previously demonstrated capability to administer effectively a diversified employability development program for migrant and seasonal farmworkers. In awarding any grant or contract for services under this section, the Secretary shall use procedures consistent with standard competitive Government procurement policies.

(2) The Secretary may approve the designation of grantees under this section for a period of two years.

(3) Programs and activities supported under this section, including those carried out under other provisions of this chapter, shall enable farmworkers and their dependents to obtain or retain employment, to participate in other program activities leading to their eventual placement in unsubsidized agricultural or nonagricultural employment, and to participate in activities leading to stabilization in agricultural employment, and shall include related assistance and supportive services.

(4) Recipients of funds under this section shall establish performance goals, which shall, to the extent required by the Secretary, comply with performance standards established by the Secretary pursuant to section 1516 of this title.

(5) No programs and activities supported under this section shall preclude assistance to farmworkers under any other provision of this chapter.

(d) Consultation with State and local officials

In administering programs under this section, the Secretary shall consult with appropriate State and local officials.

(e) Monitoring of programs for migrant and seasonal farmworker's employment

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 migrant and seasonal farmworker's employment and training programs authorized under this chapter.

(f) Reservation of funds for purposes of this section

For the purpose of carrying out this section, the Secretary shall reserve, from funds available for this subchapter (other than part B of this subchapter) for any fiscal year, an amount equal to 3.2 percent of the amount available for part A of subchapter II of this chapter for such fiscal year.

(Pub.L. 97-300, Title IV, § 402, Oct. 13, 1982, 96 Stat. 1369; Pub.L. 97-404, § 4(b), Dec. 31, 1982, 96 Stat. 2026.)

Historical Note

References in Text. This chapter, referred to in subsecs. (b), (c)(3), (5), and (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.

1982 Amendment. Subsec. (a)(2). Pub.L. 97-404, § 4(b)(1), added "the special nature of" following "because of".

Subsec. (c)(4). Pub.L. 97-404, § 4(b)(2), substituted reference to section 1516 of this title for reference to section 1513 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

Training programs by contractors subject to affirmative action, see section 1781 of this title.

Code of Federal Regulations

Programs, see 20 CFR 633.102 et seq.

PART B—JOB CORPS**Cross References**

Authorization of appropriations, see section 1502 of this title.

Reservation of funds for Native American programs, see section 1672 of this title.

§ 1691. Congressional declaration of purpose

This part maintains a Job Corps for economically disadvantaged young men and women which shall operate exclusively as a distinct national program, sets forth standards and procedures for selecting individuals as enrollees in the Job Corps, authorizes the establishment of residential and nonresidential centers in which enrollees will participate in intensive programs of education, vocational training, work experience, counseling and

other activities, and prescribes various other powers, duties, and responsibilities incident to the operation and continuing development of the Job Corps. The purpose of this part is to assist young individuals who need and can benefit from an unusually intensive program, operated in a group setting, to become more responsible, employable, and productive citizens; and to do so in a way that contributes, where feasible, to the development of national, State, and community resources, and to the development and dissemination of techniques for working with the disadvantaged that can be widely utilized by public and private institutions and agencies.

(Pub.L. 97-300, Title IV, § 421, Oct. 13, 1982, 96 Stat. 1370.)

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.

Code of Federal Regulations

Programs, see 20 CFR 684.1 et seq.

§ 1692. Establishment of Job Corps

There shall be within the Department of Labor a "Job Corps".

(Pub.L. 97-300, Title IV, § 422, Oct. 13, 1982, 96 Stat. 1370.)

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.

§ 1693. Individuals eligible for Job Corps

To become an enrollee in the Job Corps, a young man or woman must be an eligible youth who—

(1) has attained age 14 but not attained age 22 at the time of enrollment, except that such maximum age limitation may be waived, in accordance with regulations of the Secretary, in the case of any handicapped individual;

(2) is economically disadvantaged or is a member of a family which is economically disadvantaged, and who requires additional education, training, or intensive counseling and related assistance in order to secure and hold meaningful employment, participate successfully in regular school work, qualify for other suitable training programs, or satisfy Armed Forces requirements;

(3) is currently living in an environment so characterized by cultural deprivation, a disruptive homelife, or other disorienting conditions as to substantially impair prospects for successful participation in other programs providing needed training, education, or assistance;

(4) is determined, after careful screening as provided for in sections 1694 and 1695 of this title to have the present capabilities and

aspirations needed to complete and secure the full benefit of the Job Corps and to be free of medical and behavioral problems so serious that the individual could not adjust to the standards of conduct, discipline, work, and training which the Job Corps involves; and

(5) meets such other standards for enrollment as the Secretary may prescribe and agrees to comply with all applicable Job Corps rules and regulations.

(Pub.L. 97-300, Title IV, § 423, Oct. 13, 1982, 96 Stat. 1370.)

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.

§ 1694. Screening and selection of applicants: general provisions

(a) **Prescription of standards and procedures; implementation through experienced organizations; consultation with concerned agencies and individuals; interview with applicant**

The Secretary shall prescribe specific standards and procedures for the screening and selection of applicants for the Job Corps. To the extent practicable, these rules shall be implemented through arrangements with agencies and organizations such as community action agencies, public employment offices, entities administering programs under subchapter II of this chapter, professional groups, labor organizations, and agencies and individuals having contact with youth over substantial periods of time and able to offer reliable information as to their needs and problems. The rules shall provide for necessary consultation with other individuals and organizations, including court, probation, parole, law enforcement, education, welfare, and medical authorities and advisers. The rules shall also provide for the interviewing of each applicant for the purpose of—

(1) determining whether the applicant's educational and vocational needs can best be met through the Job Corps or an alternative program in the applicant's home community;

(2) obtaining from the applicant pertinent data relating to background, needs, and interests for determining eligibility and potential assignment; and

(3) giving the applicant a full understanding of the Job Corps and what will be expected of an enrollee in the event of acceptance.

(b) Authorization of payment for active recruiting

The Secretary is authorized to make payments to individuals and organizations for the cost of the recruitment, screening, and selection of candidates, as provided for in this part. The Secretary shall make no payments to any individual or organization solely as compensation for referring the names of candidates for Job Corps.

(c) Rural enrollees; residential facilities

The Secretary shall assure that Job Corps enrollees include an appropriate number of candidates selected from rural areas, taking into account the

proportions of eligible youth who reside in rural areas and the need to provide residential facilities for such youth.

(Pub.L. 97-300, Title IV, § 424, Oct. 13, 1982, 96 Stat. 1371.)

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

Individuals eligible for Job Corps, see section 1693 of this title.

§ 1695. Screening and selection: special limitations

(a) Disciplinary standards for enrollees

No individual shall be selected as an enrollee unless there is reasonable expectation that the individual can participate successfully in group situations and activities, is not likely to engage in behavior that would prevent other enrollees from receiving the benefit of the program or be incompatible with the maintenance of sound discipline and satisfactory relationships between the center to which the individual might be assigned and surrounding communities, and unless the individual manifests a basic understanding of both the rules to which the individual will be subject and of the consequences of failure to observe those rules.

(b) Enrollees on probation or parole; contact with criminal justice system no bar

An individual on probation or parole may be selected only if release from the supervision of the probation or parole officials is satisfactory to those officials and the Secretary and does not violate applicable laws or regulations. No individual shall be denied a position in the Job Corps solely on the basis of that individual's contact with the criminal justice system.

(Pub.L. 97-300, Title IV, § 425, Oct. 13, 1982, 96 Stat. 1372.)

Amendment of Subsection (b)

Pub.L. 98-473, Title II, §§ 231, 235, Oct. 12, 1984, 98 Stat. 2031, provided that, effective Nov. 1, 1986, subsec. (b) of this section is amended by deleting "or parole" the first place it appears and substituting "parole, or supervised release".

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.

§ 1696. Enrollment and assignment

(a) Maximum enrollment period

No individual may be enrolled in the Job Corps for more than two years, except in any case in which completion of an advanced career program

under section 1698 of this title would require an individual to participate in excess of two years, or except as the Secretary may authorize in special cases.

(b) Military obligation unaffected

Enrollment in the Job Corps shall not relieve any individual of obligations under the Military Selective Service Act (50 U.S.C. App. 451 et seq.).

(c) Proximity of center to enrollee's home

After the Secretary has determined that an enrollee is to be assigned to a Job Corps center, the enrollee shall be assigned to the center which is closest to the enrollee's home, except that the Secretary may waive this requirement for good cause, including to ensure an equitable opportunity for youth from various sections of the Nation to participate in the program, to prevent undue delays in assignment, to adequately meet the educational or other needs of an enrollee, and for efficiency and economy in the operation of the program.

(Pub.L. 97-300, Title IV, § 426, Oct. 13, 1982, 96 Stat. 1372.)

Historical Note

References in Text. The Military Selective Service Act, referred to in subsec. (b), is Act June 24, 1948, c. 625, 62 Stat. 204, as amended, which is classified principally to section 451 et seq. of Title 50, App., War and National Defense. For complete classification

of this Act to the Code, see References in Text note set out under section 451 of Title 50 App. 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.

§ 1697. Job Corps centers

(a) Operation through existing agencies and organizations; center functions; Civilian Conservation Centers; training centers; limit on nonresidential participants

(1) The Secretary may make agreements with Federal, State, or local agencies, including a State board or agency designated pursuant to section 111(a)(1) of the Carl D. Perkins Vocational Education Act [20 U.S.C.A. § 2321(a)(1)] which operates or wishes to develop area vocational education school facilities or residential vocational schools (or both) as authorized by such Act [20 U.S.C.A. § 2301 et seq.], or private organizations for the establishment and operation of Job Corps centers. Job Corps centers may, subject to paragraph (2), be residential or nonresidential in character, or both, and shall be designed and operated so as to provide enrollees, in a well-supervised setting, with education, vocational training, work experience (either in direct program activities or through arrangements with employers), counseling, and other services appropriate to their needs. The centers shall include Civilian Conservation Centers, located primarily in rural areas, which shall provide, in addition to other training and assistance, programs of work experience to conserve, develop, or manage public natural resources or public recreational areas or to develop community projects in the public interest. The centers shall also include training centers located in either urban or rural areas which shall provide activities including training and other services for specific types of skilled or semiskilled employment.

(2) In any year, not more than 10 percent of the individuals enrolled in the Job Corps may be nonresidential participants.

(b) Availability of center opportunities to participants in other programs

To the extent feasible, Job Corps centers shall offer education and vocational training opportunities, together with supportive services, on a nonresidential basis to participants in other programs under this chapter. Such opportunities may be offered on a reimbursable basis or through such other arrangements as the Secretary may specify.

(Pub.L. 97-300, Title IV, § 427, Oct. 13, 1982, 96 Stat. 1372; Pub.L. 98-524, § 4(a)(4), Oct. 19, 1984, 98 Stat. 2487.)

Historical Note

References in Text. The Carl D. Perkins Vocational Education Act, referred to in subsec. (a)(1), is Pub.L. 88-210, as added by 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.

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.

1984 Amendment. Subsec. (a)(1). Pub.L. 98-524, substituted "Section 111(a)(1) of the Carl D. Perkins Vocational Education Act" for "section 104(a)(1) of the Vocational Education Act of 1963".

Effective Date of 1984 Amendment. Section 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.

§ 1698. Program activities

(a) Center programs: training; counseling; center maintenance

Each Job Corps center shall provide enrollees with an intensive, well-organized, and fully supervised program of education, vocational training, work experience, planned vocational and recreational activities, physical rehabilitation and development, and counseling. To the fullest extent feasible, the required program shall include activities to assist enrollees in choosing realistic career goals, coping with problems they may encounter in home communities, or in adjusting to new communities, and planning and managing their daily affairs in a manner that will best contribute to long-term upward mobility. Center programs shall include required participation in center maintenance work to assist enrollees in increasing their sense of contribution, responsibility, and discipline.

(b) Use of existing educational agencies providing substantially equivalent training

The Secretary may arrange for enrollee education and vocational training through local public or private educational agencies, vocational educational institutions, or technical institutes, whenever such institutions provide train-

ing substantially equivalent in cost and quality to that which the Secretary could provide through other means.

(c) High school equivalency certificates

To the extent feasible, arrangements for education, both at the center and at other locations, shall provide opportunities for qualified enrollees to obtain the equivalent of a certificate of graduation from high school. The Secretary, with the concurrence of the Secretary of Education, shall develop certificates to be issued to each enrollee who satisfactorily completes service in the Job Corps and which will reflect the enrollee's level of educational attainment.

(d) Advanced career training: postsecondary institutions; company-sponsored training programs; availability of benefits; demonstration of reasonable program completion and placement

(1) The Secretary may arrange for programs of advanced career training for selected Corps enrollees in which they may continue to participate for a period not to exceed one year in addition to the period of participation to which Corps enrollees would otherwise be limited.

(2) Advanced career training may be provided for in postsecondary institutions for Corps enrollees who have attained a high school diploma or its equivalent, have demonstrated commitment and capacity in their previous Job Corps participation, and have an identified occupational goal.

(3) The Secretary may contract with private for-profit businesses and labor unions to provide intensive training in company-sponsored training programs, combined with internships in work settings.

(4) During the period of participation in advanced career training programs, Corps enrollees shall be eligible for full Job Corps benefits or a monthly stipend equal to the average value of residential support, food, allowances, and other benefits in residential Job Corps centers, except that the total amount for which an enrollee shall be eligible shall be reduced by the amount of any scholarship or other educational grant assistance received by such enrollee.

(5) After an initial period of time, determined to be reasonable by the Secretary, any Job Corps center seeking to enroll new Corps enrollees in any advanced career training program shall demonstrate that such program has achieved a reasonable rate of completion and placement in training-related jobs before such new enrollments may occur.

(Pub.L. 97-300, Title IV, § 428, Oct. 13, 1982, 96 Stat. 1373.)

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

Maximum enrollment period, see section 1696 of this title.

§ 1699. Allowances and support

(a) Subsistence; rates of allowances; incentive and disciplinary variations

The Secretary shall provide enrollees with such personal, travel, and leave allowances, and such quarters, subsistence, transportation, equipment, clothing, recreational services, and other expenses as he may deem necessary or appropriate to their needs. For the fiscal year ending September 30, 1983, personal allowances shall be established at a rate not to exceed \$65 per month during the first six months of an enrollee's participation in the program and not to exceed \$110 per month thereafter, except that allowances in excess of \$65 per month, but not exceeding \$110 per month, may be provided from the beginning of an enrollee's participation if it is expected to be of less than six months' duration and the Secretary is authorized to pay personal allowances in excess of the rates specified in this subsection in unusual circumstances as determined by him. Such allowances shall be graduated up to the maximum so as to encourage continued participation in the program, achievement and the best use by the enrollee of the funds so provided and shall be subject to reduction in appropriate cases as a disciplinary measure. To the degree reasonable, enrollees shall be required to meet or contribute to costs associated with their individual comfort and enjoyment from their personal allowances.

(b) Rules governing leave

The Secretary shall prescribe rules governing the accrual of leave by enrollees. Except in the case of emergency, he shall in no event assume transportation costs connected with leave of any enrollee who has not completed at least six months' service in the Job Corps.

(c) Termination readjustment allowance: minimum period; advances; misconduct penalty; payment in case of death

The Secretary may provide each former enrollee upon termination, a readjustment allowance at a rate not to exceed, for the fiscal year ending September 30, 1983, \$110 for each month of satisfactory participation in the Job Corps. No enrollee shall be entitled to a readjustment allowance unless he has remained in the program at least 90 days, except in unusual circumstances as determined by the Secretary. The Secretary may, from time to time, advance to or on behalf of an enrollee such portions of his readjustment allowances as the Secretary deems necessary to meet extraordinary financial obligations incurred by that enrollee. The Secretary is authorized, pursuant to rules or regulations, to reduce the amount of an enrollee's readjustment allowance as a penalty for misconduct during participation in the Job Corps. In the event of an enrollee's death during his period of service, the amount of any unpaid readjustment allowance shall be paid in accordance with the provisions of section 5582 of Title 5.

(d) Remittance to dependents; supplement

Such portion of the readjustment allowance as prescribed by the Secretary may be paid monthly during the period of service of the enrollee directly to a spouse or child of an enrollee, or to any other relative who draws

substantial support from the enrollee, and any amount so paid shall be supplemented by the payment of an equal amount by the Secretary. (Pub.L. 97-300, Title IV, § 429, Oct. 13, 1982, 96 Stat. 1374.)

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.

§ 1700. Standards of conduct

(a) Stringent enforcement; dismissal or transfer

Within Job Corps centers standards of conduct shall be provided and stringently enforced. If violations are committed by enrollees, dismissal from the Corps or transfers to other locations shall be made if it is determined that their retention in the Corps, or in the particular center, will jeopardize the enforcement of such standards or diminish the opportunities of other enrollees.

(b) Disciplinary measures by center directors; appeal to Secretary

To promote the proper moral and disciplinary conditions in the Job Corps, the directors of Job Corps centers shall take appropriate disciplinary measures against enrollees, including dismissal from the Job Corps, subject to expeditious appeal to the Secretary.

(Pub.L. 97-300, Title IV, § 430, Oct. 13, 1982, 96 Stat. 1375.)

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.

§ 1701. Community participation

The Secretary shall encourage and cooperate in activities to establish a mutually beneficial relationship between Job Corps centers and nearby communities. These activities shall include the establishment of community advisory councils to provide a mechanism for joint discussion of common problems and for planning programs of mutual interest. Youth shall be represented on the advisory council and separate youth councils may be established composed of enrollees and young people from the communities. The Secretary shall assure that each center is operated with a view to achieving, so far as possible, objectives which shall include—

(1) giving community officials appropriate advance notice of changes in center rules, procedures, or activities that may affect or be of interest to the community;

(2) affording the community a meaningful voice in center affairs of direct concern to it, including policies governing the issuance and terms of passes to enrollees;

(3) providing center officials with full and rapid access to relevant community groups and agencies, including law enforcement agencies and agencies which work with young people in the community;

(4) encouraging the fullest practicable participation of enrollees in programs for community improvement or betterment, with appropriate advance consultation with business, labor, professional, and other interested community groups;

(5) arranging recreational, athletic, or similar events in which enrollees and local residents may participate together;

(6) providing community residents with opportunities to work with enrollees directly as part-time instructors, tutors, or advisers, either in the center or in the community;

(7) developing, where feasible, job or career opportunities for enrollees in the community; and

(8) promoting interchanges of information and techniques among, and cooperative projects involving, the center and community schools and libraries, educational institutions, agencies serving young people and recipients of funds under this chapter.

(Pub.L. 97-300, Title IV, § 431, Oct. 13, 1982, 96 Stat. 1375.)

Historical Note

References in Text. This chapter, referred to in par. (8), 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

Pilot projects using community-based organizations, see section 1703 of this title.

§ 1702. Counseling and placement

(a) Regular counseling and testing

The Secretary shall counsel and test each enrollee at regular intervals to measure progress in educational and vocational programs.

(b) Counseling and testing prior to scheduled termination; placement assistance; use of public employment service system

The Secretary shall counsel and test enrollees prior to their scheduled terminations to determine their capabilities and shall make every effort to place them in jobs in the vocation for which they are trained or to assist them in attaining further training or education. In placing enrollees in jobs, the Secretary shall utilize the public employment service system to the fullest extent possible.

(c) Provision for further education, training, and counseling

The Secretary shall determine the status and progress of enrollees scheduled for termination and make every effort to assure that their needs for further education, training, and counseling are met.

(d) Payment of readjustment allowance to former enrollees

The Secretary shall arrange for the readjustment allowance to be paid to former enrollees (who have not already found employment) at the State employment service office nearest the home of any such former enrollee who is returning home, or at the nearest such office where the former enrollee has indicated an intent to reside. If the Secretary uses any other public agency or private organization in lieu of the public employment service system, the Secretary shall arrange for that organization or agency to pay the readjustment allowance.

(Pub.L. 97-300, Title IV, § 432, Oct. 13, 1982, 96 Stat. 1376.)

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.

§ 1703. Experimental and developmental projects and coordination with other programs

(a) Authorization for efficiency studies; young adult pilot projects; violent or delinquent youth pilot projects; consultation with similarly concerned State and Federal agencies; funding from substantially similar projects; discretion to waive provisions; inclusion in annual report to Congress

(1) The Secretary is authorized to undertake experimental, research, or demonstration projects to develop or test ways of better using facilities, encouraging a more rapid adjustment of enrollees to community life that will permit a reduction in their period of enrollment, reducing transportation and support costs, or otherwise promoting greater efficiency and effectiveness in the program. These projects shall include one or more projects providing youth with education, training, and other supportive services on a combined residential and nonresidential basis.

(2) The Secretary is authorized to undertake one or more pilot projects designed to determine the value of Job Corps participation for young adults aged 22 to 24, inclusive.

(3) The Secretary is authorized to undertake one or more pilot projects designed to involve youth who have a history of serious and violent behavior against persons or property, repetitive delinquent acts, narcotics addiction, or other behavioral aberrations.

(4) Projects under this subsection shall be developed after appropriate consultation with other Federal or State agencies conducting similar or related programs or projects and with the administrative entity in the communities where the projects will be carried out. They may be undertaken jointly with other Federal or federally assisted programs, and funds otherwise available for activities under those programs shall, with the consent of the head of any agency concerned, be available for projects under this section to the extent they include the same or substantially similar activities. The Secretary is authorized to waive any provision of this part which the Secretary finds would prevent the carrying out of elements of

projects under this subsection essential to a determination of their feasibility and usefulness. The Secretary shall, in the annual report of the Secretary, report to the Congress concerning the actions taken under this section, including a full description of progress made in connection with combined residential and nonresidential projects.

(b) Model community vocational education schools and skill centers

In order to determine whether upgraded vocational education schools could eliminate or substantially reduce the school dropout problem, and to demonstrate how communities could make maximum use of existing educational and training facilities, the Secretary, in cooperation with the Secretary of Education, is authorized to enter into one or more agreements with State educational agencies to pay the cost of establishing and operating model community vocational education schools and skill centers.

(c) Dissemination of information gained from Job Corps experience; testing of efficacy of various activities and dissemination of results

(1) The Secretary, through the Job Corps and activities authorized under sections 1732 and 1735 of this title, shall develop and implement activities designed to disseminate information gained from Job Corps program experience which may be of use in the innovation and improvement of related programs. To carry out this purpose, the Secretary may enter into appropriate arrangements with any Federal or State agency.

(2) The Secretary is authorized to develop Job Corps programs to test at various centers the efficacy of selected education or training activities authorized under this chapter or any other Act and to appropriately disseminate the results of such tests. To carry out this purpose, the Secretary may enter into appropriate arrangements with any Federal or State agency.

(d) Pilot projects to prepare youth for military service; cooperation with Secretary of Defense; establishment of permanent programs; reimbursement of certain costs by Secretary of Defense in funds, materials, or services

The Secretary is authorized to enter into appropriate arrangements with the Secretary of Defense for the development of pilot projects at Job Corps centers to prepare youth to qualify for military service. In the event that the Secretary of Labor and the Secretary of Defense agree that such pilot projects should be expanded into permanent programs, the Secretary may establish such permanent programs within the Job Corps, if the Secretary of Defense agrees (1) to provide 50 percent of the costs attributable to such permanent programs, and (2) to reimburse the Secretary of Labor for an additional amount if more than 50 percent of the enrollees in such programs become members of the Armed Forces. Such additional amount shall be equal to a percentage of such costs which is the percentage by which more than 50 percent of such enrollees become such members. In addition to the provision of funds, such reimbursement may include the provision of equipment, materials, transportation, technical assistance, or other assistance, as specified by the Secretary.

(e) Pilot projects using community-based organizations

In order to determine whether community participation as required under section 1701 of this title can be improved through the closer involvement of community-based organizations, the Secretary is authorized to undertake one or more pilot projects utilizing community-based organizations of demonstrated effectiveness for Job Corps center operation. For purposes of such pilot projects, the term "community-based organizations" may include nonprofit educational foundations organized on a State or local basis. (Pub.L. 97-300, Title IV, § 433, Oct. 13, 1982, 96 Stat. 1376.)

Historical Note

References in Text. This chapter and any other Act, referred to in subsec. (c)(2) was in the original "this or any other Act", the reference to "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.

§ 1704. Advisory boards and committees

The Secretary is authorized to make use of advisory committees in connection with the operation of the Job Corps, and the operation of Job Corps centers, whenever the Secretary determines that the availability of outside advice and counsel on a regular basis would be of substantial benefit in identifying and overcoming problems, in planning program or center development, or in strengthening relationships between the Job Corps and agencies, institutions, or groups engaged in related activities.

(Pub.L. 97-300, Title IV, § 434, Oct. 13, 1982, 96 Stat. 1378.)

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.

§ 1705. Participation of States

(a) Consultation with State agencies on State law enforcement, discipline, development of meaningful work experience, and coordination with State programs

The Secretary shall take action to facilitate the effective participation of States in the Job Corps programs, including consultation with appropriate State agencies on matters pertaining to the enforcement of applicable State laws, standards of enrollee conduct and discipline, development of meaningful work experience and other activities for enrollees, and coordination with State-operated programs.

(b) Authorization to participate in and subsidize related State programs

The Secretary is authorized to enter into agreements with States to assist in the operation or administration of State-operated programs which carry out the purpose of this part. The Secretary is authorized, pursuant to

regulations, to pay part or all of the costs of such programs to the extent such costs are attributable to carrying out the purpose of this part.

(c) Notice to Governor of Job Corps center establishment; thirty days to disapprove

No Job Corps center or other similar facility designed to carry out the purpose of this part shall be established within a State unless a notice setting forth such proposed establishment has been submitted to the Governor, and the establishment has not been disapproved by the Governor within thirty days of such submission.

(d) Concurrent criminal jurisdiction for Job Corps centers

All property which would otherwise be under exclusive Federal legislative jurisdiction shall be under concurrent jurisdiction with the appropriate State and locality with respect to criminal law enforcement as long as a Job Corps center is operated on such property.

(Pub.L. 97-300, Title IV, § 435, Oct. 13, 1982, 96 Stat. 1378.)

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.

§ 1706. Application of provisions of Federal law

(a) Enrollees not deemed Federal employees; exceptions: Federal tax provisions; survivor and disability benefits; work injuries and terms of compensation; tort claims

Except as otherwise provided in this subsection and in section 8143(a) of Title 5, enrollees in the Job Corps shall not be considered Federal employees and shall not be subject to the provisions of law relating to Federal employment, including those regarding hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits:

(1) For purposes of the Internal Revenue Code of 1954 (26 U.S.C. 1 et seq.) and title II of the Social Security Act (42 U.S.C. 401 et seq.) enrollees shall be deemed employees of the United States and any service performed by an individual as an enrollee shall be deemed to be performed in the employ of the United States.

(2) For purposes of subchapter I of chapter 81 of Title 5 (relating to compensation to Federal employees for work injuries), enrollees shall be deemed civil employees of the United States within the meaning of the term "employee" as defined in section 8101 of Title 5 and the provisions of that subchapter shall apply except—

(A) the term "performance of duty" shall not include any act of an enrollee while absent from the assigned post of duty of such enrollee, except while participating in an activity (including an activity while on pass or during travel to or from such post or duty) authorized by or under the direction and supervision of the Job Corps;

(B) in computing compensation benefits for disability or death, the monthly pay of an enrollee shall be deemed that received under the entrance salary for a grade GS-2 employee, and sections 18113(a) and (b) of Title 5 shall apply to enrollees; and

(C) compensation for disability shall not begin to accrue until the day following the date on which the injured enrollee is terminated.

(3) For purposes of the Federal tort claims provisions in Title 28, enrollees shall be considered employees of the Government.

(b) Adjustment and settlement of claims

Whenever the Secretary finds a claim for damages to persons or property resulting from the operation of the Job Corps to be a proper charge against the United States, and it is not cognizable under section 2672 of Title 28, the Secretary is authorized to adjust and settle it in an amount not exceeding \$1,500.

(c) Status of uniformed services personnel

Personnel of the uniformed services who are detailed or assigned to duty in the performance of agreements made by the Secretary for the support of the Corps shall not be counted in computing strength under any law limiting the strength of such services or in computing the percentage authorized by law for any grade in such services.

(Pub.L. 97-300, Title IV, § 436, Oct. 13, 1982, 96 Stat. 1378.)

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

Historical Note

References in Text. The Internal Revenue Code of 1954, referred to in subsec. (a)(1), is classified to Title 26, Internal Revenue Code.

The Social Security Act, referred to in subsec. (a)(1), is Act Aug. 14, 1935, c. 531, 49 Stat. 620, as amended. Title II of the Social Security Act is classified generally to subchapter II (section 401 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 Federal tort claim provisions in Title 28, referred to in subsec. (a)(3), are the provisions of the Federal Tort Claims Act, which is classified generally to section 1346(b) and to chapter 171 (section 2671 et seq.) of Title 28, Judiciary and Judicial Procedure.

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

§ 1707. Special provisions

(a) Enrollment of women

The Secretary shall immediately take steps to achieve an enrollment of 50 percent women in the Job Corps consistent with (1) efficiency and economy in the operation of the program, (2) sound administrative practice, and (3) the socioeconomic, educational, and training needs of the population to be served.

(b) Job Corps documents and data to be United States property

The Secretary shall assure that all studies, evaluations, proposals, and data produced or developed with Federal funds in the course of the Job Corps program shall become the property of the United States.

(c) Job Corps center transactions not gross receipts

Transactions conducted by private for-profit contractors for Job Corps centers which they are operating on behalf of the Secretary shall not be considered as generating gross receipts.

(Pub.L. 97-300, Title IV, § 437, Oct. 13, 1982, 96 Stat. 1379.)

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.

Notes of Decisions

State taxation
Generally 1
Sales tax 2
Use tax 3

1. State taxation—Generally

Federal regulation governing state taxation with respect to public contractors did not have the force and effect of law since it did not implement provision of this section under which it was promulgated but, rather, interpreted provision of this section. U.S. v. State of Miss., D.C.Miss.1984, 578 F.Supp. 348.

2. — Sales tax

Since under Mississippi law purchases made within state are subject to sales taxes and since sales taxes are levied and assessed against seller of tangible personal property,

assessment of sales tax by state against private for-profit contractor operating job corps center in state under contract with United States Department of Labor based upon interstate purchases was improper. U.S. v. State of Miss., D.C.Miss.1984, 578 F.Supp. 348.

3. — Use tax

Imposition on private for-profit contractor operating a job corps center in state of Mississippi for use tax which was assessed by Mississippi and which could be classified as a tax imposed upon purchaser of goods bought outside state but brought into state by purchaser to be used, stored or consumed within Mississippi was proper and was not exempt. U.S. v. State of Miss., D.C.Miss.1984, 578 F.Supp. 348.

§ 1708. General provisions

The Secretary is authorized to—

(1) disseminate, with regard to the provisions of section 3204 of Title 39, data and information in such forms as the Secretary shall deem appropriate, to public agencies, private organizations, and the general public;

(2) collect or compromise all obligations to or held by the Secretary and all legal or equitable rights accruing to the Secretary in connection with the payment of obligations until such time as such obligations may be referred to the Attorney General for suit or collection; and

(3) expend funds made available for purposes of this part—

(A) for printing and binding, in accordance with applicable law and regulation; and

(B) without regard to any other law or regulation, for rent of buildings and space in buildings and for repair, alteration, and improvement of buildings and space in buildings rented by the Secretary, except that the Secretary shall not utilize the authority contained in this subparagraph—

(i) except when necessary to obtain an item, service, or facility, which is required in the proper administration of this part, and which otherwise could not be obtained, or could not be obtained in the quantity or quality needed, or at the time, in the form or under the conditions in which it is needed; and

(ii) prior to having given written notification to the Administrator of General Services (if the exercise of such authority would affect an activity which otherwise would be under the jurisdiction of the General Services Administration) of the Secretary's intention to exercise such authority, the item, service, or facility with respect to which such authority is proposed to be exercised, and the reasons and justifications for the exercise of such authority.

(Pub.L. 97-300, Title IV, § 438, Oct. 13, 1982, 96 Stat. 1379.)

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.

§ 1709. Donations

The Secretary is authorized to accept on behalf of the Job Corps or individual Job Corps centers charitable donations of cash or other assistance, including but not limited to, equipment and materials, if such donations are available for appropriate use for the purposes set forth in this part.

(Pub.L. 97-300, Title IV, § 439, Oct. 13, 1982, 96 Stat. 1380.)

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.

PART C—VETERANS' EMPLOYMENT PROGRAMS

Cross References

Authorization of appropriations under this part, see section 1502 of this title.

§ 1721. Programs authorized

(a) **Programs for disabled, Vietnam era, and recent veterans; operation through experienced agencies; enhancement of services; employment and training services; outreach and public information**

(1) The Secretary shall conduct, directly or through grant or contract, programs to meet the employment and training needs of service-connected disabled veterans, veterans of the Vietnam era, and veterans who are recently separated from military service.

(2) Programs supported under this part may be conducted through public agencies and private nonprofit organizations, including recipients under other provisions of this chapter that the Secretary determines have an understanding of the unemployment problems of such veterans, familiarity with the area to be served, and the capability to administer effectively a program of employment and training assistance for such veterans.

(3) Programs supported under this part shall include, but not be limited to—

(A) activities to enhance services provided veterans by other providers of employment and training services funded by Federal, State, or local government;

(B) activities to provide employment and training services to such veterans not adequately provided by other public employment and training service providers; and

(C) outreach and public information activities to develop and promote maximum job and job training opportunities for such veterans and to inform such veterans about employment, job-training, on-the-job training and educational opportunities under this chapter, under Title 38, and under other provisions of law.

(b) **Administration through Assistant Secretary for Veterans' Employment; fiscal management; consultation with Administrator of Veterans' Affairs and coordination with related programs**

(1) The Secretary shall administer programs supported under this part through the Assistant Secretary for Veterans' Employment.

(2) In carrying out responsibilities under this part, the Assistant Secretary for Veterans' Employment shall—

(A) be responsible for the awarding of grants and the distribution of funds under this part and for the establishment of appropriate fiscal controls, accountability, and program-performance standards for grant recipients under this part; and

(B) consult with the Administrator of Veterans' Affairs and take steps to ensure that programs supported under this part are coordinated, to the maximum extent feasible, with related programs and activities conducted under Title 38, including programs and activities conducted under subchapter IV of chapter 3 of such title, chapters 31 and 34 of such title, and sections 612A, 620A, 1787, and 2003A of such title.

(Pub. L. 97-300, Title IV, § 441, Oct. 13, 1982, 96 Stat. 1380.)

Historical Note

References in Text. This chapter, referred to in subsec. (a)(2), (3)(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.

Emergency Veterans' Job Training Act of 1983. Pub.L. 98-77, Aug. 15, 1983, 97 Stat. 443, as amended by Pub.L. 98-160, Title VII, § 704, Nov. 21, 1983, 97 Stat. 1011; Pub.L. 98-543, Title II, § 212, Oct. 24, 1984, 98 Stat. 2744, provided that:

"SHORT TITLE; TABLE OF CONTENTS"

"Section 1. This Act may be cited as the 'Emergency Veterans' Job Training Act of 1983'.

"PURPOSE"

"Sec. 2." The purpose of this Act is to address the problem of severe and continuing unemployment among veterans by providing, in the form of payments to defray the costs of training, incentives to employers to hire and train certain wartime veterans who have been unemployed for long periods of time for stable and permanent positions that involve significant training.

"DEFINITIONS"

"Sec. 3. For the purposes of this Act:

"(1) The term 'Administrator' means the Administrator of Veterans' Affairs.

"(2) The term 'Secretary' means the Secretary of Labor.

"(3) The terms 'veteran', 'Korean conflict', 'compensation', 'service-connected', 'State', 'active military, naval, or air service', and 'Vietnam era', have the meanings given such terms in paragraphs (2), (9), (13), (16), (20), (24), and (29), respectively, of section 101 of title 38, United States Code [section 101 of Title 38, Veterans' Benefits].

"ESTABLISHMENT OF PROGRAM"

"Sec. 4. (a) The Administrator and, to the extent specifically provided by this Act, the Secretary shall carry out a program in accordance with this Act to assist eligible veterans in obtaining employment through training for employment in stable and permanent positions that involve significant training. The program shall be carried out through payments to employers who employ and train eligible veterans in such jobs in order to assist such employers in defraying the costs of necessary training.

"(b) The Secretary shall carry out the Secretary's responsibilities under this Act through the Assistant Secretary of Labor for Veterans' Employment established under section 2002A of title 38, United States Code [section 2002A of Title 38].

"ELIGIBILITY FOR PROGRAM; DURATION OF ASSISTANCE"

"Sec. 5. (a)(1) To be eligible for participation in a job training program under this Act, a veteran must be a Korean conflict or Vietnam-era veteran who—

"(A) is unemployed at the time of applying for participation in a program under this Act; and

"(B) has been unemployed for at least fifteen of the twenty weeks immediately preceding the date of such veteran's application for participation in a program under this Act.

"(2) For purposes of paragraph (1), the term 'Korean conflict or Vietnam-era veteran' means a veteran—

"(A) who served in the active military, naval, or air service for a period of more than one hundred and eighty days, any part of which was during the Korean conflict or the Vietnam era; or

"(B) who served in the active military, naval, or air service during the Korean conflict or the Vietnam era and—

"(i) was discharged or released therefrom for a service-connected disability; or

"(ii) is entitled to compensation (or but for the receipt of retirement pay would be entitled to compensation).

"(3) For purposes of paragraph (1), a veteran shall be considered to be unemployed during any period the veteran is without a job and wants and is available for work.

"(b)(1) A veteran who desires to participate in a program of job training under this Act shall submit to the Administrator an application for participation in such a program. Such an application—

"(A) shall include a certification by the veteran that the veteran is unemployed and meets the other criteria for eligibility prescribed by subsection (a); and

"(B) shall be in such form and contain such additional information as the Administrator may prescribe.

"(2)(A) Subject to subparagraph (B), the Administrator shall approve an application by a veteran for participation in a program of job training under this Act unless the Administrator finds that the veteran is not eligible to participate in a program of job training under this Act.

"(B) The Administrator may withhold approval of an application of a veteran under this Act if the Administrator determines that, because of limited funds available for the purpose of making payments to employers under this Act, it is necessary to limit the number of participants in programs under this Act.

"(3)(A) The Administrator shall certify as eligible for participation under this Act a

veteran whose application is approved under this subsection and shall furnish the veteran with a certificate of that veteran's eligibility for presentation to an employer offering a program of job training under this Act. Any such certificate shall expire 90 days after it is furnished to the veteran. The date on which a certificate is furnished to a veteran under this paragraph shall be stated on the certificate.

"(B) A certificate furnished under this paragraph may, upon the veteran's application, be renewed in accordance with the terms and conditions of subparagraph (A).

"(c) The maximum period of training for which assistance may be provided on behalf of a veteran under this Act is—

"(1) fifteen months in the case of—

"(A) a veteran with a service-connected disability rated at 30 percent or more; or

"(B) a veteran with a service-connected disability rated at 10 percent or 20 percent who has been determined under section 1506 of title 38, United States Code [section 1506 of Title 38], to have a serious employment handicap; and

"(2) nine months in the case of any other veteran.

"EMPLOYER JOB TRAINING PROGRAMS"

"Sec. 6. (a)(1) Except as provided in paragraph (2), in order to be approved as a program of job training under this Act, a program of job training of an employer approved under section 7 must provide training for a period of not less than six months in an occupation in a growth industry, in an occupation requiring the use of new technological skills, or in an occupation for which demand for labor exceeds supply.

"(2) A program of job training providing training for a period of at least three but less than six months may be approved if the Administrator determines (in accordance with standards which the Administrator shall prescribe) that the purpose of this Act would be met through that program.

"(b) Subject to section 10 and the other provisions of this Act, a veteran who has been approved for participation in a program of job training under this Act and has a current certificate of eligibility for such participation may enter a program of job training that has been approved under section 7 and that is offered to the veteran by the employer.

"APPROVAL OF EMPLOYER PROGRAMS"

"Sec. 7. (a)(1) An employer may be paid assistance under section 8(a) on behalf of an eligible veteran employed by such employer and participating in a program of job training offered by that employer only if the program is approved under this section and in accordance with such procedures as the Administrator may by regulation prescribe.

"(2) Except as provided in subsection (b), the Administrator shall approve a proposed program of job training of an employer unless the Administrator determines that the application does not contain a certification and other information meeting the requirements established under this Act or that withholding of approval is warranted under subsection (g).

"(b) The Administrator may not approve a program of job training—

"(1) for employment which consists of seasonal, intermittent, or temporary jobs;

"(2) for employment under which commissions are the primary source of income;

"(3) for employment which involves political or religious activities;

"(4) for employment with any department, agency, instrumentality, or branch of the Federal Government (including the United States Postal Service and the Postal Rate Commission); or

"(5) if the training will not be carried out in a State.

"(c) An employer offering a program of job training that the employer desires to have approved for the purposes of this Act shall submit to the Administrator a written application for such approval. Such application shall be in such form as the Administrator shall prescribe.

"(d) An application under subsection (c) shall include a certification by the employer of the following:

"(1) That the employer is planning that, upon a veteran's completion of the program of job training, the employer will employ the veteran in a position for which the veteran has been trained and that the employer expects that such a position will be available on a stable and permanent basis to the veteran at the end of the training period.

"(2) That the wages and benefits to be paid to a veteran participating in the employer's program of job training will be not less than the wages and benefits normally paid to other employees participating in a comparable program of job training.

"(3) That the employment of a veteran under the program—

"(A) will not result in the displacement of currently employed workers (including partial displacement such as a reduction in the hours of nonovertime work, wages, or employment benefits); and

"(B) will not be in a job (i) while any other individual is on layoff from the same or any substantially equivalent job, or (ii) the opening for which was created as a result of the employer having terminated the employment of any regular employee or otherwise having reduced its work force with the intention of hiring a veteran in such job under this Act.

"(4) That the employer will not employ in the program of job training a veteran who is already qualified by training and experience for the job for which training is to be provided.

"(5) That the job which is the objective of the training program is one that involves significant training.

"(6) That the training content of the program is adequate, in light of the nature of the occupation for which training is to be provided and of comparable training opportunities in such occupation, to accomplish the training objective certified under clause (2) of subsection (e).

"(7) That each participation veteran will be employed full time in the program of job training.

"(8) That the training period under the proposed program is not longer than the training periods that employers in the community customarily require new employees to complete in order to become competent in the occupation or job for which training is to be provided.

"(9) That there are in the training establishment or place of employment such space, equipment, instructional material, and instructor personnel as needed to accomplish the training objective certified under clause (2) of subsection (e).

"(10) That the employer will keep records adequate to show the progress made by each veteran participating in the program and otherwise to demonstrate compliance with the requirements established under this Act.

"(11) That the employer will furnish each participating veteran, before the veteran's entry into training, with a copy of the employer's certification under this subsection and will obtain and retain the veteran's

signed acknowledgment of having received such certification.

"(12) That the program meets such other criteria as the Administrator may determine are essential for the effective implementation of the program established by this Act.

"(e) A certification under subsection (d) shall include—

"(1) a statement indicating (A) the total number of hours of participation in the program of job training to be offered a veteran, (B) the length of the program of job training, and (C) the starting rate of wages to be paid to a participant in the program; and

"(2) a description of the training content of the program (including any agreement the employer has entered into with an educational institution under section 10) and of the objective of the training.

"(f)(1) Except as specified in paragraph (2), each matter required to be certified to in paragraphs (1) through (11) of subsection (d) shall be considered to be a requirement established under this Act.

"(2)(A) For the purposes of section 8(c), only matters required to be certified in paragraphs (1) through (10) of subsection (d) shall be so considered.

"(B) For the purposes of section 11, a matter required to be certified under paragraph (12) of subsection (d) shall also be so considered.

"(g) In accordance with regulations which the Administrator shall prescribe, the Administrator may withhold approval of an employer's proposed program of job training pending the outcome of an investigation under section 12 and, based on the outcome of such an investigation, may disapprove such program.

"(h) For the purposes of this section, approval of a program of apprenticeship or other on-job training for the purposes of section 1787 of title 38, United States Code [section 1787 of Title 38], shall be considered to meet all requirements established under the provisions of this Act (other than subsections (b) and (d)(3)) for approval of a program of job training.

"PAYMENTS TO EMPLOYERS; OVERPAYMENT

"Sec. 8. (a)(1) Except as provided in paragraph (3) and subsection (b) and subject to the provisions of section 9, the Administrator shall make quarterly payments to an employer of a veteran participating in an approved program of job training under this

Act. Subject to section 5(c) and paragraph (2), the amount paid to an employer on behalf of a veteran for any period of time shall be 50 percent of the product of (A) the starting hourly rate of wages paid to the veteran by the employer (without regard to overtime or premium pay), and (B) the number of hours worked by the veteran during that period.

"(2) The total amount that may be paid to an employer on behalf of a veteran participating in a program of job training under this Act is \$10,000.

"(3) In order to relieve financial burdens on business enterprises with relatively few numbers of employees, the Administrator may make payments under this Act on a monthly, rather than quarterly, basis to an employer with a number of employees less than a number which shall be specified in regulations which the Administrator shall prescribe for the purposes of this paragraph.

"(b) Payment may not be made to an employer for a period of training under this Act on behalf of a veteran until the Administrator has received—

"(1) from the veteran, a certification that the veteran was employed full time by the employer in a program of job training during such period; and

"(2) from the employer, a certification—

"(A) that the veteran was employed by the employer during that period and that the veteran's performance and progress during such period were satisfactory; and

"(B) of the number of hours worked by the veteran during that period.

With respect to the first such certification by an employer with respect to a veteran, the certification shall indicate the date on which the employment of the veteran began and the starting hourly rate of wages paid to the veteran (without regard to overtime or premium pay).

"(c)(1)(A) Whenever the Administrator finds that an overpayment under this Act has been made to an employer on behalf of a veteran as a result of a certification, or information contained in an application, submitted by an employer which was false in any material respect, the amount of such overpayment shall constitute a liability of the employer to the United States.

"(B) Whenever the Administrator finds that an employer has failed in any substantial respect to comply for a period of time with a requirement established under this Act (unless the employer's failure is the result of false

or incomplete information provided by the veteran), each amount paid to the employer on behalf of a veteran for that period shall be considered to be an overpayment under this Act, and the amount of such overpayment shall constitute a liability of the employer to the United States.

"(2) Whenever the Administrator finds that an overpayment under this Act has been made to an employer on behalf of a veteran as a result of a certification by the veteran, or as a result of information provided to an employer or contained in an application submitted by the veteran, which was willfully or negligently false in any material respect, the amount of such overpayment shall constitute a liability of the veteran to the United States.

"(3) Any overpayment referred to in paragraph (1) or (2) may be recovered in the same manner as any other debt due the United States. Any overpayment recovered shall be credited to funds available to make payments under this Act. If there are no such funds, any overpayment recovered shall be deposited into the Treasury.

"(4) Any overpayment referred to in paragraph (1) or (2) may be waived, in whole or in part, in accordance with the terms and conditions set forth in section 3102 of title 38, United States Code [section 3102 of Title 38].

"ENTRY INTO PROGRAM OF JOB TRAINING

"Sec. 9. Notwithstanding any other provision of this Act, the Administrator may withhold or deny approval of a veteran's entry into an approved program of job training if the Administrator determines that funds are not available to make payments under this Act on behalf of the veteran to the employer offering that program. Before the entry of a veteran into an approved program of job training of an employer for purposes of assistance under this Act, the employer shall notify the Administrator of the employer's intention to employ that veteran. The veteran may begin such program of job training with the employer two weeks after the notice is transmitted to the Administrator unless within that time the employer has received notice from the Administrator that approval of the veteran's entry into that program of job training must be withheld or denied in accordance with this section.

"PROVISION OF TRAINING THROUGH EDUCATIONAL INSTITUTIONS

"Sec. 10. An employer may enter into an agreement with an educational institution

that has been approved for the enrollment of veterans under chapter 34 of title 38, United States Code [section 1651 et seq. of Title 38], in order that such institution may provide a program of job training (or a portion of such a program) under this Act. When such an agreement has been entered into, the application of the employer under section 7 shall so state and shall include a description of the training to be provided under the agreement.

"DISCONTINUANCE OF APPROVAL OF PARTICIPATION IN CERTAIN EMPLOYER PROGRAMS

"Sec. 11. If the Administrator finds at any time that a program of job training previously approved by the Administrator for the purposes of this Act thereafter fails to meet any of the requirements established under this Act, the Administrator may immediately disapprove further participation by veterans in that program. The Administrator shall provide to the employer concerned, and to each veteran participating in the employer's program, a statement of the reasons for, and an opportunity for a hearing with respect to, such disapproval. The employer and each such veteran shall be notified of such disapproval, the reasons for such disapproval, and the opportunity for a hearing. Notification shall be by a certified or registered letter, and a return receipt shall be secured.

"INSPECTION OF RECORDS; INVESTIGATIONS

"Sec. 12. (a) The records and accounts of employers pertaining to veterans on behalf of whom assistance has been paid under this Act, as well as other records that the Administrator determines to be necessary to ascertain compliance with the requirements established under this Act, shall be available at reasonable times for examination by authorized representatives of the Federal Government.

"(b) The Administrator may monitor employers and veterans participating in programs of job training under this Act to determine compliance with the requirements established under this Act.

"(c) The Administrator may investigate any matter the Administrator considers necessary to determine compliance with the requirements established under this Act. The investigations authorized by this subsection may include examining records (including making certified copies of records), questioning employees, and entering into any premises or onto any site where any part of a program of job training is conducted under this Act, or

where any of the records of the employer offering or providing such program are kept.

"(d) The Administrator may administer functions under subsections (b) and (c) in accordance with an agreement between the Administrator and the Secretary providing for the administration of such subsections (or any portion of such subsections) by the Department of Labor. Under such an agreement, any entity of the Department of Labor specified in the agreement may administer such subsections, notwithstanding section 4(b).

"COORDINATION WITH OTHER PROGRAMS

"Sec. 13. (a)(1) Assistance may not be paid under this Act to an employer on behalf of a veteran for any period of time described in paragraph (2) and to such veteran under chapter 31, 32, 34, 35, or 36 of title 38, United States Code [sections 1500 et seq., 1601 et seq., 1651 et seq., 1700 et seq., or 1770 et seq. of Title 38], for the same period of time.

"(2) A period of time referred to in paragraph (1) is the period of time beginning on the date on which the veteran enters into an approved program of job training of an employer for purposes of assistance under this Act and ending on the last date for which such assistance is payable.

"(b) Assistance may not be paid under this Act to an employer on behalf of an eligible veteran for any period if the employer receives for that period any other form of assistance on account of the training or employment of the veteran, including assistance under the Job Training Partnership Act (29 U.S.C. 1501 et seq.) [section 1501 et seq. of this title] or a credit under section 44B of the Internal Revenue Code of 1954 (26 U.S.C. 44B) [section 44B of Title 26, Internal Revenue Code] (relating to credit for employment of certain new employees).

"(c) Assistance may not be paid under this Act on behalf of a veteran who has completed a program of job training under this Act.

"COUNSELING

"Sec. 14. The Administrator and the Secretary may, upon request, provide employment counseling services to any veteran eligible to participate under this Act in order to assist such veteran in selecting a suitable program of job training under this Act.

"INFORMATION AND OUTREACH; USE OF AGENCY RESOURCES

"Sec. 15. (a)(1) The Administrator and the Secretary shall jointly provide for an outreach and public information program—

"(A) to inform veterans about the employment and job training opportunities available under this Act, under chapters 31, 34, 36, 41, and 42 of title 38, United States Code [sections 1500 et seq., 1651 et seq., 1770 et seq., 2000 et seq., and 2011 et seq. of Title 38], and under other provisions of law; and

"(B) to inform private industry and business concerns (including small business concerns), public agencies and organizations, educational institutions, trade associations, and labor unions about the job training opportunities available under, and the advantages of participating in, the program established by this Act.

"(2) The Secretary, in consultation with the Administrator, shall promote the development of employment and job training opportunities for veterans by encouraging potential employers to make programs of job training under this Act available for eligible veterans, by advising other appropriate Federal departments and agencies of the program established by this Act, and by advising employers of applicable responsibilities under chapters 41 and 42 of title 38, United States Code [sections 2000 et seq. and 2011 et seq. of Title 38], with respect to veterans.

"(b) The Administrator and the Secretary shall coordinate the outreach and public information program under subsection (a)(1), and job development activities under subsection (a)(2), with job counseling, placement, job development, and other services provided for under chapters 41 and 42 of title 38, United States Code [sections 2000 et seq. and 2011 et seq. of Title 38], and with other similar services offered by other public agencies and organizations.

"(c)(1) The Administrator and the Secretary shall make available in regional and local offices of the Veterans' Administration and the Department of Labor such personnel as are necessary to facilitate the effective implementation of this Act.

"(2) In carrying out the responsibilities of the Secretary under this Act, the Secretary shall make maximum use of the services of State and Assistant State Directors for Veterans' Employment, disabled veterans' outreach program specialists, and employees of local offices appointed pursuant to sections 2003, 2003A, and 2004 of title 38, United States Code [sections 2003, 2003A, and 2004 of

Title 38]. The Secretary shall also use such resources as are available under part C of title IV [this part] of the Job Training Partnership Act (29 U.S.C. 1501 et seq.) [section 1501 et seq. of this title]. To the extent that the Administrator withholds approval of veterans' applications under this Act pursuant to section 5(b)(2)(B), the Secretary shall take steps to assist such veterans in taking advantage of opportunities that may be available to them under title III of that Act [section 1651 et seq. of this title] or under any other program carried out with funds provided by the Secretary.

"(d) The Secretary shall request and obtain from the Administrator of the Small Business Administration a list of small business concerns and shall, on a regular basis, update such list. Such list shall be used to identify and promote possible training and employment opportunities for veterans.

"(e) The Administrator and the Secretary shall assist veterans and employers desiring to participate under this Act in making application and completing necessary certifications.

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 16. There is authorized to be appropriated to the Veterans' Administration \$150,000,000 for each of fiscal years 1984 and 1985 for the purpose of making payments to employers under this Act and for the purpose of section 18 of this Act. Amounts appropriated pursuant to this section shall remain available until September 30, 1987.

"TERMINATION OF PROGRAM

"Sec. 17. Assistance may not be paid to an employer under this Act—

"(1) on behalf of a veteran who initially applies for a program of job training under this Act after February 28, 1985; or

"(2) for any such program which begins after September 1, 1985.

"EXPANSION OF TARGETED DELIMITING DATE EXTENSION

"Sec. 18. (a) Subject to the limitation on the availability of funds set forth in subsection (b), an associate degree program which is predominantly vocational in content may be considered by the Administrator, for the purposes of section 1662(a)(3) of title 38, United States Code [section 1662(a)(3) of Title 38], to be a course with an approved vocational objective if such degree program meets the requirements established in such title for approval of such program.

"(b) Funds for the purpose of carrying out subsection (a) shall be derived only from amounts appropriated pursuant to the authorizations of appropriations in section 16. Not more than a total of \$25,000,000 of amounts so appropriated for fiscal years 1984 and 1985 shall be available for that purpose.

"EFFECTIVE DATE

"Sec. 19. This Act shall take effect on October 1, 1983."

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

Programs, see 20 CFR 635.1 et seq.

PART D—NATIONAL ACTIVITIES

Cross References

Authorization of appropriations under this part, see section 1502 of this title.

§ 1731. Multistate programs

(a) National programs and services

Funds available to carry out this section shall be used for job training programs or services (as authorized under any other provision of this chapter) which are most appropriately administered at the national level and which are operated in more than one State.

(b) Types of national programs

Programs which are most appropriately administered at the national level include programs such as—

- (1) programs addressed to industry-wide skill shortages;
- (2) programs designed to train workers for employment opportunities located in another State;
- (3) regional or nationwide efforts to develop a labor force with skills that promote the use of renewable energy technologies, energy conservation, and the weatherization of homes occupied by low-income families;
- (4) programs designed to develop information networks among local programs with similar objectives under this chapter; and
- (5) programs which require technical expertise available at the national level and which serve specialized needs of particular client groups, including offenders, individuals of limited English language proficiency, handicapped individuals, women, single parents, displaced homemakers, youth, older workers, individuals who lack education credentials, public assistance recipients, and other individuals whom the Secretary determines require special assistance.

(Pub.L. 97-300, Title IV, § 451, Oct. 13, 1982, 96 Stat. 1381.)

Historical Note

References in Text. This chapter, referred to in subsecs. (a) and (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.

§ 1732. Research and demonstration

(a) Employment and training research; areas for study

To assist the Nation in expanding work opportunities and assuring access to those opportunities for all who desire it, the Secretary shall establish a comprehensive program of employment and training research, utilizing the methods, techniques, and knowledge of the behavioral and social sciences and such other methods, techniques, and knowledge as will aid in the solution of the Nation's employment and training problems. The program under this section may include studies concerning the development or improvement of Federal, State, local, and privately supported employment and training programs; labor market processes and outcomes; policies and programs to reduce unemployment and the relationships thereof with price stability and other national goals; productivity of labor; improved means of forecasting and using forecasts of labor supply and demand at the national and subnational levels; methods of improving the wages and employment opportunities of low-skilled and disadvantaged workers; measuring and developing policies to eliminate worker shortages; and easing the transition from school to work, from transfer payment receipt to self-sufficiency, from one job to another, and from work to retirement.

(b) Experimental, developmental, and demonstration projects; areas for study; cooperation with Secretary of Defense

The Secretary shall establish a program of experimental, developmental, and demonstration projects, through grants or contracts, for the purpose of improving techniques and demonstrating the effectiveness of specialized methods in meeting employment and training problems. Research activities may include studies, experiments, demonstrations, and pilot projects in such areas as easing the transition from school to work, assessing the changing demographics of the American work-force and addressing the short-term and long-term impact of the changes, increasing employment of skilled workers critical to defense readiness, and, subject to the last sentence of this subsection, projects developed in conjunction with the Secretary of Defense to meet civilian manpower needs on military installations and in the private sector, and eliminating artificial barriers to employment. The Secretary may pay not to exceed 60 percent of the costs of projects developed in conjunction with the Secretary of Defense described in the preceding sentence, and the contributions of the Department of Defense may be in cash or in kind, fairly evaluated, including plant, equipment, or services.

(Pub.L. 97-300, Title IV, § 452, Oct. 13, 1982, 96 Stat. 1381.)

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

Dissemination of information gained from Job Corps experience, see section 1703 of this title.

§ 1733. Pilot projects

(a) Projects for persons requiring special assistance; projects addressing skill shortages affecting critical national objectives

From funds made available under this part, the Secretary may provide financial assistance for pilot projects which meet the employment-related needs of persons including the handicapped and displaced homemakers who face particular disadvantages in specific and general labor markets or occupations and other persons whom the Secretary determines require special assistance, and projects designed to address skill shortages that affect other critical national objectives, including national security.

(b) Elimination of employment barriers

Each pilot project assisted under this section shall be designed to assist in eliminating artificial and other employment barriers faced by such persons.

(c) Three year financial assistance limit

No project under this section shall be financially assisted for more than three years under this chapter.

(d) Special consideration for community-based organizations, labor unions, and trade associations

In selecting recipients under this section, the Secretary shall give special consideration to applications submitted by community-based organizations of demonstrated effectiveness, as well as to labor unions, and trade associations and their affiliates that address nationwide concerns through programs operating in more than one State.

(Pub.L. 97-300, Title IV, § 453, Oct. 13, 1982, 96 Stat. 1382.)

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.

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

§ 1734. Evaluation

(a) Continuing study of program impact

The Secretary shall provide for the continuing evaluation of all programs, activities, and research and demonstration projects conducted pursuant to this chapter, including their cost-effectiveness in achieving the purposes of this chapter, their impact on communities and participants, their implication for related programs, the extent to which they meet the needs of persons by

age, sex, race, and national origin, and the adequacy of the mechanism for the delivery of services.

(b) Study of program effectiveness

The Secretary shall evaluate the effectiveness of programs authorized under this chapter and part C of title IV of the Social Security Act [42 U.S.C.A. § 630 et seq.] with respect to the statutory goals, the performance standards established by the Secretary, and of increases in employment and earnings for participants, reduced income support costs, increased tax revenues, duration in training and employment situations, information on the post-enrollment labor market experience of program participants for at least a year following their termination from such programs, and comparable information on other employees or trainees of participating employers.

(Pub.L. 97-300, Title IV, § 454, Oct. 13, 1982, 96 Stat. 1383; Pub.L. 97-404, § 4(c), Dec. 31, 1982, 96 Stat. 2026.)

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. Part C of title IV of

the Social Security Act is classified generally to part C (section 630 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. (b). Pub.L. 97-404 substituted "title IV" for "title II" after "part C of".

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

§ 1735. Training and technical assistance

(a) Personnel training; use of existing facilities

The Secretary, in consultation with appropriate officials, shall provide directly or through grants, contracts, or other arrangements, appropriate preservice and inservice training for specialized, supportive, supervisory, or other personnel, including job skills teachers, and appropriate technical assistance (including technical assistance to training programs for housing for migrant and seasonal farmworkers) with respect to programs under this chapter, including the development and attainment of performance goals. Such activities may include the utilization of training and technical assistance capabilities which exist at the State and service delivery area level.

(b) Dissemination of exemplary program information

The Secretary shall establish a national clearinghouse to disseminate materials and information gained from exemplary program experience which may be of use in the innovation or improvement of other programs conducted pursuant to this chapter.

(Pub.L. 97-300, Title IV, § 455, Oct. 13, 1982, 96 Stat. 1383.)

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.

Cross References

Dissemination of information gained from Job Corps experience, see section 1703 of this title.

PART E—LABOR MARKET INFORMATION

Cross References

Authorization of appropriations under this part, see section 1502 of this title.
Limitation on reimbursement regarding State labor market information program, see section 1535 of this title.

§ 1751. Labor market information; availability of funds

(a) Publicly accessible labor market information system

The Secretary shall set aside, out of sums available to the Department for any fiscal year including sums available for this subchapter, such sums as may be necessary to maintain a comprehensive system of labor market information on a national, regional, State, local, or other appropriate basis, which shall be made publicly available in a timely fashion.

(b) Availability of funds for State labor market information

Funds available for purposes of this part shall also be available for purposes of section 1535 of this title (relating to State labor market information).

(c) Funds available from other programs

Notwithstanding any other provision of law, funds available to other Federal agencies for carrying out chapter 35 of Title 44, the Carl D. Perkins Vocational Education Act [20 U.S.C.A. § 2301 et seq.], and the Act of June 6, 1933 (popularly known as the Wagner-Peyser Act) [29 U.S.C.A. § 49 et seq.], may be made available by the head of each such agency to assist in carrying out the provisions of this part.

(Pub.L. 97-300, Title IV, § 461, Oct. 13, 1982, 96 Stat. 1383; Pub.L. 98-524, § 4(a)(5), Oct. 19, 1984, 98 Stat. 2488.)

Historical Note

References in Text. The Carl D. Perkins Vocational Education Act, referred to in subsec. (c), 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. (c), 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. (c). Pub.L. 98-524 substituted "the Carl D. Perkins Vocational Education Act" for "the Vocational Education Act of 1963".

Effective Date of 1984 Amendment. Section 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

Oversight unit requirement regarding State labor market information programs, see section 1535 of this title.

Code of Federal Regulations

Programs, see 20 CFR 634.1 et seq.

§ 1752. Cooperative labor market information program

(a) Maintenance of current multilevel employment data

The Secretary shall develop and maintain for the Nation, State, and local areas, current employment data by occupation and industry, based on the occupational employment statistics program, including selected sample surveys, and projections by the Bureau of Labor Statistics of employment and openings by occupation.

(b) Maintenance of job descriptions and requirements

The Secretary shall maintain descriptions of job duties, training and education requirements, working conditions, and characteristics of occupations.

(c) Elimination of departmental data system overlap; coordination with Federal reporting services; use of standard definitions

In carrying out the provisions of this section, the Secretary shall assure that—

- (1) departmental data collecting and processing systems are consolidated to eliminate overlap and duplication;
- (2) the criteria of chapter 35 of Title 44, are met; and
- (3) standards of statistical reliability and national standardized definitions of employment, unemployment, and industrial and occupational definitions are used.

(d) Annual measure of labor market related economic hardship; multilevel measure of cost of living; annual labor force and income report

(1) The Secretary is authorized to develop data for an annual statistical measure of labor market related economic hardship in the Nation. Among the factors to be considered in developing such a measure are unemployment, labor force participation, involuntary part-time employment, and full-time employment at wages less than the poverty level.

(2) The Secretary is authorized to develop and maintain, on national, State, local, and other appropriate bases, household budget data at different

levels of living, including a level of adequacy, to reflect the differences of household living costs in regions and localities, both urban and rural.

(3) The Secretary shall publish, at least annually, a report relating labor force status to earnings and income.

(e) Maintenance of permanent layoff and plant closing data

The Secretary shall develop and maintain statistical data relating to permanent lay-offs and plant closings. The Secretary shall publish a report based upon such data, as soon as practicable, after the end of each calendar year. Among the data to be included are—

- (1) the number of such closings;
- (2) the number of workers displaced;
- (3) the location of the affected facilities; and
- (4) the types of industries involved.

(Pub.L. 97-300, Title IV, § 462, Oct. 13, 1982, 96 Stat. 1384.)

Historical Note

References in Text. Chapter 35 of Title 44, referred to in subsec. (c)(2), is classified to section 3501 et seq. of Title 44, Public Printing and Documents.

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

§ 1753. Special Federal responsibilities

(a) Interdepartmental cooperation; review and coordination of national data systems; standardized national definitions; aid for State labor and occupational opportunity information systems

The Secretary, in cooperation with the Secretary of Commerce, the Secretary of Defense, the Secretary of the Treasury, the Secretary of Education, and the Director of the Office of Management and Budget, through the National Occupational Information Coordinating Committee established under section 422 of the Carl D. Perkins Vocational Education Act [20 U.S.C.A. § 2422], shall—

(1) review the need for and the application of all operating national data collection and processing systems related to labor market information in order to identify gaps, overlap, and duplications, and integrate at the national level currently available data sources in order to improve the management of information systems;

(2) maintain, assure timely review, and implement national standardized definitions with respect to terms, geographic areas, timing of collection, and coding measures related to labor market information, to the maximum extent feasible; and

(3) provide technical assistance to the States in the development, maintenance, and utilization of labor market/occupational supply and demand information systems and projections of supply and demand as described in section 1535 of this title, with special emphasis on assistance in the utilization of cost-efficient automated systems and improving access of individuals to career opportunities information in local and State labor markets.

(b) Integrated occupational opportunity information system; Armed Forces career opportunities

The Secretary, in cooperation with the Secretary of Defense, shall assure the development of an integrated occupational supply and demand information system to be used by States and, in particular, in secondary and postsecondary educational institutions in order to assure young persons adequate information on career opportunities in the Armed Forces.

(c) Sufficient funds for Federal level coordinating staff

The Secretary and the Director of the Office of Management and Budget shall assure that, from the funds reserved for this part, sufficient funds are available to provide staff at the Federal level to assure the coordination functions described in this section.

(Pub.L. 97-300, Title IV, § 463, Oct. 13, 1982, 96 Stat. 1384; Pub.L. 97-404, § 4(d), Dec. 31, 1982, 96 Stat. 2027; Pub.L. 98-524, § 4(a)(6)(A), (D), Oct. 19, 1984, 98 Stat. 2488.)

Historical Note

1984 Amendment. Subsec. (a). Pub.L. 98-524, § 4(a)(6)(A), substituted "section 422 of the Carl D. Perkins Vocational Education Act" for "section 161(b) of the Vocational Education Act of 1963".

Section 4(a)(6)(D) of Pub.L. 98-524, made an identical amendment.

1982 Amendment. Subsec. (a)(1). Pub.L. 97-404, § 4(d)(1), added "related to labor market information" after "processing systems".

Subsec. (a)(2). Pub.L. 97-404, § 4(d)(2), added "related to labor market information" following "coding measures".

Effective Date of 1984 Amendment. Section 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

Responsibilities of National Occupational Information Coordinating Committee, see section 1754 of this title.

§ 1754. National Occupational Information Coordinating Committee

(a) Authorization limit; membership; support of State occupational information coordinating committees

(1) Of the amounts available for this part for each fiscal year, not more than \$5,000,000 is authorized to be reserved for the National Occupational Information Coordinating Committee (established pursuant to section 422 of the Carl D. Perkins Vocational Education Act [20 U.S.C.A. § 2422]).

(2) In addition to the members required by such Act [20 U.S.C.A. § 2301 et seq.], the Committee shall include the Assistant Secretary of Commerce for Economic Development and the Assistant Secretary of Defense for Manpower, Reserve Affairs, and Logistics.

(3) Not less than 75 percent of the funds transferred by the Secretary to the National Occupational Information Coordinating Committee shall be used to support State occupational information coordinating committees and other organizational units designated under section 1535 of this title for carrying out State labor market information programs.

(b) Special Federal responsibilities

In addition to its responsibilities under the Carl D. Perkins Vocational Education Act [20 U.S.C.A. § 2301 et seq.], the National Occupational Information Coordinating Committee shall—

(1) carry out the provisions of section 1753 of this title;

(2) give special attention to the labor market information needs of youth and adults, including activities such as (A) assisting and encouraging States to adopt methods of translating national occupational outlook information into State and local terms; (B) assisting and encouraging the development of State occupational information systems, including career information delivery systems and the provision of technical assistance for programs of on-line computer systems and other facilities to provide career information at sites such as local schools, public employment service offices, and job training programs authorized under this chapter; (C) in cooperation with educational agencies and institutions, encouraging programs providing career information, counseling, and employment services for postsecondary youth; and (D) in cooperation with State and local correctional agencies, encouraging programs of counseling and employment services for youth and adults in correctional institutions;

(3) provide training and technical assistance, and continuing support to State occupational information coordinating committees, in the development, maintenance, and use of occupational supply and demand information systems, with special emphasis on the use of cost efficient automated systems for delivering occupational information to planners and administrators of education and training programs and on improving the access of such planners and administrators to occupational information systems;

(4) publish at least annually a report on the status of occupational information capabilities at the State and national levels, which may include recommendations for improvement of occupational information production and dissemination capabilities;

(5) conduct research and demonstration projects designed to improve any aspect of occupational and career information systems;

(6) provide technical assistance for programs designed to encourage public and private employers to list all available job opportunities with occupational information and career counseling programs conducted by administrative entities and with local public employment service offices and to encourage cooperation and contact among such employers and such administrative entities and public employment service offices; and

(7) provide assistance to units of general local government and private industry councils to familiarize them with labor market information resources available to meet their needs.

(c) Funds available from other programs

All funds available to the National Occupational Information Coordinating Committee under this chapter, under section 422 of the Carl D. Perkins Vocational Education Act [20 U.S.C.A. § 2422], and under section 12 of the Career Education Act [20 U.S.C.A. § 2611] may be used by the Committee to carry out any of its functions and responsibilities authorized by law.

(Pub.L. 97-300, Title IV, § 464, Oct. 13, 1982, 96 Stat. 1385; Pub.L. 97-404, § 4(e), Dec. 31, 1982, 96 Stat. 2027; Pub.L. 98-524, § 4(a)(6)(B), (C), (E), Oct. 19, 1984, 98 Stat. 2488.)

Historical Note

References in Text. The Carl D. Perkins Vocational Education Act, referred to in subssecs. (a)(2) and (b), is Pub.L. 88-210, as added by 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.

This chapter, referred to in subssecs. (b)(2) 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.

Section 12 of the Career Education Act [20 U.S.C.A. § 2611], referred to in subsec. (c), was repealed by Pub.L. 97-35, Title V, § 587(a)(4), Aug. 13, 1981, 95 Stat. 480.

1984 Amendment. Subsec. (a)(1). Pub.L. 98-524, § 4(a)(6)(B) substituted "section 422 of the Carl D. Perkins Vocational Education Act" for "section 161(b) of the Vocational Education Act of 1963".

Subsec. (b). Pub.L. 98-524, § 4(a)(6)(E) substituted "the Carl D. Perkins Vocational Education Act" for "the Vocational Education Act of 1963".

Subsec. (c). Pub.L. 98-524, § 4(a)(6)(C) substituted "section 422 of the Carl D. Perkins Vocational Education Act" for "section 161 of the Vocational Education Act of 1963".

1982 Amendment. Subsec. (a)(1). Pub.L. 97-404, § 4(e)(1), added "for each fiscal year" following "part".

Subsec. (b)(7). Pub.L. 97-404, § 4(e)(2), substituted "provide" for "providing" following "(7)".

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.

§ 1755. Job bank program

The Secretary is authorized to establish and carry out a nationwide computerized job bank and matching program (including the listing of all suitable employment openings with local offices of the State employment service agencies by Federal contractors and subcontractors and providing for the affirmative action as required by section 2012(a) of Title 38¹ on a regional, State, and local basis, using electronic data processing and telecommunications systems to the maximum extent possible for the purpose of identifying sources of available individuals and job vacancies, providing an expeditious means of matching the qualifications of unemployed, underemployed, and economically disadvantaged individuals with employer requirements and job opportunities, and referring and placing such individuals in

jobs. An occupational information file may be developed, containing occupational projections of the numbers and types of jobs on regional, State, local, and other appropriate bases, as well as labor supply information by occupation.

(Pub.L. 97-300, Title IV, § 465, Oct. 13, 1982, 96 Stat. 1386.)

¹ So in original. Probably should be followed by a closing parenthesis.

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.

PART F—NATIONAL COMMISSION FOR EMPLOYMENT POLICY

Cross References

Authorization of appropriations under this part, see section 1502 of this title.
Continuity of Commission with Comprehensive Employment and Training Act Commission, see section 1591 of this title.

§ 1771. Statement of purpose

The purpose of this part is to establish a National Commission for Employment Policy which shall have the responsibility for examining broad issues of development, coordination, and administration of employment and training programs, and for advising the President and the Congress on national employment and training issues. For the purpose of providing funds for the Commission, the Secretary shall reserve \$2,000,000 of the sums appropriated for this subchapter for each fiscal year.

(Pub.L. 97-300, Title IV, § 471, Oct. 13, 1982, 96 Stat. 1387.)

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.

§ 1772. Establishment

(a) Composition of membership

There is established a National Commission for Employment Policy (hereinafter in this part referred to as the "Commission"). The Commission shall be composed of 15 members, appointed by the President. The members of the Commission shall be individuals who are nationally prominent and the Commission shall be broadly representative of agriculture, business, labor, commerce, education (including elementary, secondary, postsecondary, and vocational and technical education), veterans, current State and local elected officials, community-based organizations, assistance programs, and members of the general public with expertise in human resource development or employment and training policy. One of the members shall be a representative of the National Council on Vocational

Education (established under section 431 of the Carl D. Perkins Vocational Education Act [20 U.S.C.A. § 2431]). The membership of the Commission shall be generally representative of significant segments of the labor force, including women and minority groups.

(b) Term of office; unfinished terms; terms of initial members

The term of office of each member of the Commission appointed by the President under subsection (a) of this section shall be three years, except that—

(1) any such member appointed to fill a vacancy shall serve for the remainder of the term for which his predecessor was appointed, and

(2) of such members first taking office—

(A) five shall serve for terms of one year;

(B) five shall serve for terms of two years; and

(C) five shall serve for terms of three years;

as designated by the President at the time of appointment.

(c) Selection of Chairman; frequency of meetings; quorum and voting

(1) The Chairman shall be selected by the President.

(2) The Commission shall meet not fewer than three times each year at the call of the Chairman.

(3) A majority of the members of the Commission shall constitute a quorum, but a lesser number may conduct hearings. Any recommendation may be passed only by a majority of the members present. Any vacancy in the Commission shall not affect its powers but shall be filled in the same manner in which the original appointment was made.

(d) Appointment of Director

The Chairman (with the concurrence of the Commission) shall appoint a Director, who shall be chief executive officer of the Commission and shall perform such duties as are prescribed by the Chairman.

(Pub.L. 97-300, Title IV, § 472, Oct. 13, 1982, 96 Stat. 1387; Pub.L. 98-524, § 4(a)(7), Oct. 19, 1984, 98 Stat. 2488.)

Historical Note

1984 Amendment. Subsec. (a). Pub.L. 98-524 substituted "National Council on Vocational Education (established under section 431 of the Carl D. Perkins Vocational Education Act)" for "National Advisory Council on Vocational Education (established under section 162 of the Vocational Education Act of 1963)".

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.

§ 1773. Functions

The Commission shall—

(1) identify the employment goals and needs of the Nation, and assess the extent to which employment and training, vocational edu-

cation, institutional training, vocational rehabilitation, economic opportunity programs, public assistance policies, employment-related tax policies, labor exchange policies, and other policies and programs under this chapter and related Acts represent a consistent, integrated, and coordinated approach to meeting such needs and achieving such goals;

(2) develop and make appropriate recommendations designed to meet the needs and goals described in clause (1);

(3) examine and evaluate the effectiveness of federally assisted employment and training programs (including programs assisted under this chapter), with particular reference to the contributions of such programs to the achievement of objectives sought by the recommendations made under clause (2);

(4) advise the Secretary on the development of national performance standards and the parameters of variations of such standards for programs conducted pursuant to this chapter;

(5) evaluate the impact of tax policies on employment and training opportunities;

(6) examine and evaluate major Federal programs which are intended to, or potentially could, contribute to achieving major objectives of existing employment and training and related legislation or the objectives set forth in the recommendations of the Commission, and particular attention shall be given to the programs which are designed, or could be designed, to develop information and knowledge about employment and training problems through research and demonstration projects or to train personnel in fields (such as occupational counseling, guidance, and placement) which are vital to the success of employment and training programs;

(7)(A) identify, after consultation with the National Council on Vocational Education, the employment and training and vocational education needs of the Nation and assess the extent to which employment and training, vocational education, rehabilitation, and other programs assisted under this chapter and related Acts represent a consistent, integrated, and coordinated approach to meeting such needs; and

(B) comment, at least once annually, on the reports of the National Council on Vocational Education, which comments shall be included in one of the reports submitted by the National Commission pursuant to this subchapter and in one of the reports submitted by the National Council on Vocational Education pursuant to part D of title IV of the Carl D. Perkins Vocational Education Act [20 U.S.C.A. 2431];

(8) study and make recommendations on how, through policies and actions in the public and private sectors, the Nation can attain and maintain full employment, with special emphasis on the employment difficulties faced by the segments of the labor force that experience differentially high rates of unemployment;

(9) identify and assess the goals and needs of the Nation with respect to economic growth and work improvements, including conditions of employment, organizational effectiveness and efficiency, alternative working arrangements, and technological changes;

(10) evaluate the effectiveness of training provided with Federal funds in meeting emerging skill needs; and

(11) study and make recommendations on the use of advanced technology in the management and delivery of services and activities conducted under this chapter.

(Pub.L. 97-300, Title IV, § 473, Oct. 13, 1982, 96 Stat. 1388; Pub.L. 98-524, § 4(a)(8), Oct. 19, 1984, 98 Stat. 2488.)

Historical Note

References in Text. This chapter, referred to in pars. (1), (3), (4), (7)(A), and (11), 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 par. (7)(B), is Pub.L. 88-210, as added by Pub.L. 98-524, § 1, Oct. 19, 1984, 98 Stat. 2435. Part D of title IV of the Carl D. Perkins Vocational Education Act is classified to part D (section 2431) of subchapter IV of chapter 44 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.

1984 Amendment. Par. (7)(A). Pub.L. 98-524, § 4(a)(8)(A), substituted "National Council on Vocational Education" for "National Advisory Council on Vocational Education" wherever appearing.

Par. (7)(B). Pub.L. 98-524, § 4(a)(8)(B), substituted "part D of title IV of the Carl D. Perkins Vocational Education Act" for "section 163 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.

§ 1774. Administrative provisions

(a) **Authority of Chairman:** rules; staff and compensation; consultants; voluntary services; acceptance of gifts; contracts; studies and hearings; use of governmental facilities; advances and payments

Subject to such rules and regulations as may be adopted by the Commission, the Chairman is authorized to—

(1) prescribe such rules and regulations as may be necessary;

(2) appoint and fix the compensation of such staff personnel as the Chairman deems necessary, and without regard to the provisions of Title 5 governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and the General Schedule pay rates, appoint not to exceed five additional professional personnel;

(3) procure the services of experts and consultants in accordance with section 3109 of Title 5;

(4) accept voluntary and uncompensated services of professional personnel, consultants, and experts, notwithstanding any other provision of law;

(5) accept in the name of the United States and employ or dispose of gifts or bequests to carry out the functions of the Commission under this subchapter;

(6) enter into contracts and make such other arrangements and modifications, as may be necessary;

(7) conduct such studies, hearings, research activities, demonstration projects, and other similar activities as the Commission deems necessary to enable the Commission to carry out its functions under this subchapter;

(8) use the services, personnel, facilities, and information of any department, agency, and instrumentality of the executive branch of the Federal Government and the services, personnel, facilities, and information of State and local public agencies and private research agencies, with the consent of such agencies, with or without reimbursement therefor; and

(9) make advances, progress, and other payments necessary under this chapter without regard to the provisions of section 3324(a) and (b) of Title 31.

(b) Availability of Federal agencies and information

Upon request made by the Chairman of the Commission, each department, agency, and instrumentality of the executive branch of the Federal Government is authorized and directed to make its services, personnel, facilities, and information (including computer-time, estimates, and statistics) available to the greatest practicable extent to the Commission in the performance of its functions under this chapter.

(Pub.L. 97-300, Title IV, § 474, Oct. 13, 1982, 96 Stat. 1389.)

Historical Note

References in Text. The provisions of Title 5 governing appointments in the competitive service, referred to in subsec. (a)(2), are classified generally to section 3301 et seq. of Title 5, Government Organization and Employees.

The General Schedule, referred to in subsec. (a)(2), is set out under section 5332 of Title 5.

This chapter, referred to in subsecs. (a)(9) and (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 principal-

ly 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.

Codification. In subsec. (a)(9) "section 3324(a) and (b) of Title 31" was substituted for "section 3648 of the Revised Statutes (31 U.S.C.A. 529)" 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.

§ 1775. Reports

The Commission shall make at least annually a report of its findings and recommendations to the President and to the Congress. The Commission may make such interim reports or recommendations to the Congress, the President, the Secretary, or to the heads of other Federal departments and agencies, and in such form, as it may deem desirable. The Commission

shall include in any report made under this section any minority or dissenting views submitted by any member of the Commission.

(Pub.L. 97-300, Title IV, § 475, Oct. 13, 1982, 96 Stat. 1389.)

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.

PART G—TRAINING TO FULFILL AFFIRMATIVE ACTION OBLIGATIONS

Cross References

Authorization of appropriations under this part, see section 1502 of this title.

§ 1781. Affirmative action

(a) Contractor's obligations; training program contents

A contractor subject to the affirmative action obligations of Executive Order 11246, as amended, issued September 24, 1965, may establish or participate in training programs pursuant to this section for individuals meeting the eligibility criteria established in sections 1603(a)(1), 1671, and 1672 of this title, which are designed to assist such contractors in meeting the affirmative action obligations of such Executive order. To qualify under this section, such a training program shall contain—

(1) a description of the jobs in the contractor's work force or in the service delivery area, for which the contractor has determined there is a need for training;

(2) a description of the recruiting, training, or other functions that the contractor, or the organization that will be engaged to perform the training, will perform and the steps that will be taken to insure that eligible individuals will—

(A) be selected for participation in training,

(B) be trained in necessary skills, and

(C) be referred for job openings,

in accordance with the objectives of such Executive order;

(3) whenever an organization other than the contractor will perform the training, a description of the demonstrated effectiveness of the organization as a provider of employment and training services;

(4) a description of how the contractor will monitor the program to keep an accurate accounting of all trainees, including (A) whether the trainees successfully complete the training program, and (B) whether the trainees are or are not placed; and

(5) an estimation of the cost of the program and an assurance that the contractor will assume all costs of the program or the pro rata share of costs to the contractor of the program.

- (b) Review of community-need directed programs; programs includable in performance accomplishments; determination of affirmative action compliance; notice of compliance; abbreviated affirmative action program; successful performance and presumption of good faith effort; limitation; "successful performance or operation" defined

(1)(A) If the training proposal is designed to meet the needs of the community rather than, or in addition to, the employment needs of the contractor, and has not been approved by another Federal agency, the program shall be submitted to the private industry council established under section 1512 of this title for a determination that there is a need for such training in the community.

(B) Individuals trained under any program satisfying the requirements of this section may be included by the private industry council in its performance accomplishments and the wage gains of such individuals shall be included in determining the compliance of the job training program of the private industry council with applicable standards.

(2) The Director of the Office of Federal Contract Compliance Programs, Department of Labor, shall promulgate regulations setting forth how the Office will determine, during a compliance review, the degree to which a training program will satisfy the contractor's affirmative action obligations. The training and placement of trainees with employers other than the contractor may be considered in evaluating such contractor's overall good faith efforts, but in no event may placement of trainees with employers other than the contractor be permitted to affect that contractor's affirmative action obligations respecting its work force. The content of the training program will not be subject to review or regulation by the Office of Federal Contract Compliance Programs. If during a compliance review the Director of the Office of Federal Contract Compliance Programs determines that a training program does not comply with its regulations, the Director shall—

(A) notify the contractor of the disapproval,

(B) set forth the reasons for the disapproval, and

(C) provide a list of recommendations which, if accepted, will qualify the training program under this section.

(3) A contractor who has a training program which contains the criteria set forth in subsection (a) of this section and which is in accordance with regulations promulgated under paragraph (2) of this subsection shall continue to meet the affirmative action obligations of Executive Order 11246, as amended, but the contractors required to maintain a written affirmative action program need only maintain an abbreviated affirmative action program, the content and length of which shall be determined by the Director of the Office of Federal Contract Compliance Programs, to satisfy the written affirmative action program portion of their obligations under Executive Order 11246, as amended. Successful performance or operation of a training program meeting the criteria set forth in subsection (a) of this section shall create a presumption that the contractor has made a good faith effort to meet its affirmative action obligations to the degree specified by the Director under paragraph (2) of this subsection, but that presumption shall not be applicable to the satisfaction of other affirmative action obligations

not directly related to the training and hiring requirements of this section, or other affirmative action obligations not affected by this section. For the purpose of the preceding sentence, "successful performance or operation" means training and placing in jobs a number of individuals which bears a reasonable relationship to the number of job openings in the contractors's facilities or in the relevant labor market area.

- (c) Limitations: compulsory program involvement; exclusive compliance criteria; obligations of nonparticipating contractors; interference with private industry councils; restriction of Secretary's authority; short form affirmative action plan

Nothing in this section may be interpreted—

(1) to compel contractor involvement in such programs,

(2) to establish the exclusive criteria by which a contractor can be found to have fulfilled its affirmative action obligations,

(3) to provide authority for imposing any additional obligations on contractors not participating in such training activities,

(4) to permit the Office of Federal Contract Compliance Programs to intervene or interfere with the authority and responsibilities of the private industry councils,

(5) to restrict or limit the authority of the Secretary to investigate the employment practices of any Government contractor, to initiate such investigation by the Director, to determine whether any nondiscrimination contractual provisions have been violated, or to enforce Executive Order 11246, or

(6) to prohibit the Secretary or the Director, or other authorized officers of the United States, from requesting or compelling any contractor preparing and maintaining a short form affirmative action plan under subsection (b) of this section to provide information necessary to conduct a compliance review or to provide data necessary to determine whether any violation of Executive Order 11246 has occurred.

(Pub.L. 97-300, Title IV, § 481, Oct. 13, 1982, 96 Stat. 1390.)

¹ So in original.

Historical Note

References in Text. Executive Order 11246, as amended, referred to in subsecs. (a), (b)(3), and (c)(5) and (6), is Ex. Ord. No. 11246, Sept. 24, 1965, 30 F.R. 12319, which is set out as a note under section 2000e of Title 42, The Public Health and Welfare.

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