

111TH CONGRESS
2^D SESSION

S. 3500

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

IN THE SENATE OF THE UNITED STATES

JUNE 16, 2010

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

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

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

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

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

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

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

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

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

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

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

17 (c) RESERVATION AND ALLOTMENTS BY STATES.—

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

22 (2) ALLOTMENTS BY STATES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (2) a community-based organization—

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

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

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

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

1 (1) FUNDED POSITIONS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (1) IN GENERAL.—

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

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

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

5 (C) NOTICE OF INTENT.—

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

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

21 (2) ENTITLEMENT COMMUNITIES.—

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

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

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

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

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

24 (3) NONENTITLEMENT AREAS.—

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

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

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

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

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

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

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

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

13 (4) Whether the positions will—

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

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

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

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

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

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

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

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

24 (c) APPROVAL AND ALLOTMENT OF FUNDS.—

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

10 (2) NONENTITLEMENT AREAS.—

11 (A) APPROVAL BY THE SECRETARY.—

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

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

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

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

16 (d) REALLOTMENT OF FUNDS.—

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

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

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

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

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

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

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

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

10 (3) are veterans; or

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

15 (c) BONUS GRANTS.—

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

23 (2) AUTHORIZATION OF APPROPRIATIONS.—

24 There are authorized to be appropriated

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

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

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

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

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

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

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

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

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

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

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

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

1 **SEC. 107. NONDISPLACEMENT.**

2 (a) NONDISPLACEMENT OF EXISTING EMPLOYEES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (b) EVALUATIONS.—

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

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

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

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

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

12 (2) WRITTEN GRIEVANCES.—

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

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

1 (3) ARBITRATION.—

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

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

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

23 (D) COSTS.—

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

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

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

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

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

3 (c) ALL OTHER DISPUTES.—

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

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

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

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

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

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

17 (2) ENFORCEMENT BY THE SECRETARY.—

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

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

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

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

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

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

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

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

21 **SEC. 112. DEFINITIONS.**

22 In this title:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (C) a combination of the political subdivi-
2 sions described in subparagraph (A) or (B) that
3 is recognized by the Secretary; and

4 (D) the District of Columbia.

5 (11) VETERAN.—The term “veteran” has the
6 meaning given such term in section 101 of the
7 Workforce Investment Act of 1998 (29 U.S.C.
8 2801).

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

12 **TITLE II—EDUCATION JOBS**

13 **SEC. 201. AUTHORIZATION AND APPROPRIATIONS FOR** 14 **EDUCATION JOBS FUND.**

15 There is authorized to be appropriated, and there is
16 appropriated, from any amounts in the treasury not other-
17 wise appropriated, \$23,000,000,000 for the necessary ex-
18 penses of an Education Jobs Fund for fiscal year 2011.
19 Such appropriated amount shall remain available for obli-
20 gation through September 30, 2012. The Education Jobs
21 Fund shall be administered by the Secretary of Education
22 under the terms and conditions of sections 14001 through
23 14013 of division A of the American Recovery and Rein-
24 vestment Act of 2009 (Public Law 111–5), except as fol-
25 lows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

○