

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 239

To provide grants to States for the establishment of community works progress programs.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 27 (legislative day, JANUARY 5), 1993

Mr. BOREN (for himself, Mr. SIMON, Mr. INOUE, Mr. REID, Mr. DASCHLE, Mr. PRYOR, and Mr. LEVIN) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

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## A BILL

To provide grants to States for the establishment of community works progress programs.

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 “Community Works  
5 Progress Act of 1993”.

6 **SEC. 2. ESTABLISHMENT.**

7 The Secretary of Labor (hereafter referred to in this  
8 Act as the “Secretary”) shall, in consultation with the  
9 Secretary of Health and Human Services, award grants

1 to States for the establishment of community works  
2 progress programs.

3 **SEC. 3. DEFINITIONS.**

4 For purposes of this Act:

5 (1) COMMUNITY WORKS PROGRESS PROGRAM.—

6 The terms ‘community works progress program’ and  
7 ‘program’ mean a program established by a State  
8 under which the State will select governmental and  
9 nonprofit entities to conduct community works  
10 progress projects which serve a significant public  
11 purpose in fields such as health, social service, envi-  
12 ronmental protection, education, urban and rural de-  
13 velopment and redevelopment, welfare, recreation,  
14 public facilities, public safety, and child care.

15 (2) COMMUNITY WORKS PROGRESS PROJECT.—

16 The terms ‘community works progress project’ and  
17 ‘project’ mean an activity conducted by a govern-  
18 mental or nonprofit entity that results in a specific,  
19 identifiable service or product that, but for this Act,  
20 would not otherwise be done with existing funds and  
21 that supplements but does not supplant existing  
22 services.

23 (3) GOVERNMENTAL ENTITY.—The term ‘gov-  
24 ernmental entity’ means any agency of a State or  
25 local government.

1           (4) NONPROFIT ENTITY.—The term ‘nonprofit  
2           entity’ means an organization—

3                   (A) described in section 501(c) of the In-  
4           ternal Revenue Code of 1986; and

5                   (B) exempt from taxation under section  
6           501(a) of such Code.

7   **SEC. 4. APPLICATIONS BY STATES.**

8           (a) IN GENERAL.—Each State desiring to conduct,  
9           or to continue to conduct, a community works progress  
10          program under this Act shall submit an annual application  
11          to the Secretary at such time and in such manner as the  
12          Secretary shall require. Such application shall include—

13                   (1) identification of the State agency or agen-  
14          cies that will administer the program and be the  
15          grant recipient of funds for the State,

16                   (2) a description of the procedure under which  
17          governmental and nonprofit entities will solicit the  
18          State agency or agencies administering the program  
19          for funds to conduct a community works progress  
20          project,

21                   (3) a description of each type of project to be  
22          conducted under the program, including a descrip-  
23          tion of the types and duration of training and work  
24          experience to be provided to participants in each  
25          such project,

1           (4) a comprehensive description of the objec-  
2           tives and performance goals for each project to be  
3           conducted under the program,

4           (5) an estimate of the number of participants  
5           necessary for each proposed project, the length of  
6           time that the services of such participants will be re-  
7           quired, and the support services that will be required  
8           for such participants,

9           (6) a description of a plan for managing and  
10          funding each project,

11          (7) a description of the basic standards of work  
12          requirements, sanitation, and safety for each project  
13          and the manner in which such standards will be en-  
14          forced,

15          (8) a description of a plan to assign partici-  
16          pants to projects as near to the homes of such par-  
17          ticipants as is reasonable and practicable or to pro-  
18          vide appropriate transportation for participants,

19          (9) a description of how the program will offer  
20          participants flexibility in scheduling hours to be  
21          worked,

22          (10) an assurance that the State or local ad-  
23          ministering agency described in part D of title IV of  
24          the Social Security Act located within the State or  
25          unit of general local government, as the case may

1 be, will seek court-ordered enrollment in projects of  
2 a noncustodial parent who is not employed and who  
3 is at least 2 months in arrears in the payment of  
4 court ordered child support,

5 (11) an assurance that, prior to the placement  
6 of a participant in a project, the governmental or  
7 nonprofit entity conducting the project will consult  
8 with any local labor organization representing em-  
9 ployees in the area who are engaged in the same or  
10 similar work as that proposed to be carried out by  
11 such project,

12 (12) a description of any formal job training or  
13 job search arrangements to be made available to the  
14 participants in cooperation with State agencies,

15 (13) an assurance that each project will be co-  
16 ordinated with other federally assisted education  
17 programs, training programs, social service pro-  
18 grams, and other appropriate programs,

19 (14) an assurance that each project will partici-  
20 pate in cooperative efforts among community-based  
21 agencies, local educational agencies, and local gov-  
22 ernment agencies (as defined in paragraphs (3),  
23 (11), and (12), respectively, of section 101 of the  
24 National and Community Service Act of 1990), busi-

1 nesses, and State agencies, to develop and provide  
2 supportive services,

3 (15) a description of fiscal control, accounting,  
4 audit, and debt collection procedures to assure the  
5 proper disbursement of, and accounting for, funds re-  
6 ceived under this Act,

7 (16) a projection of the amount each govern-  
8 mental or nonprofit entity conducting a project  
9 under this Act intends to spend on such project on  
10 an annual basis and in the aggregate,

11 (17) procedures for the preparation and sub-  
12 mission to the State of an annual report by each  
13 governmental or nonprofit entity conducting a  
14 project that shall include—

15 (A) a description of activities conducted  
16 under the project during the program year;

17 (B) characteristics of the participants in  
18 the project; and

19 (C) the extent to which the project ex-  
20 ceeded or failed to meet relevant performance  
21 standards, and

22 (18) such other information that the Secretary  
23 determines appropriate.

24 (b) CONSIDERATION OF APPLICATIONS.—In review-  
25 ing all applications received from States desiring to con-

1 duct or continue to conduct a community works progress  
2 program under this Act, the Secretary shall consider—

3 (1) the unemployment rate for the area in  
4 which each project will be conducted,

5 (2) the proportion of the population receiving  
6 public assistance in each area in which a project will  
7 be conducted,

8 (3) the per capita income for each area in  
9 which a project will be conducted,

10 (4) the degree of involvement and commitment  
11 demonstrated by public officials in each area in  
12 which a project will be conducted,

13 (5) the State's history of success with offering  
14 job opportunities training programs to individuals  
15 receiving general welfare benefits or aid to families  
16 with dependent children under part A of title IV of  
17 the Social Security Act,

18 (6) the likelihood that a project will be success-  
19 ful,

20 (7) the contribution that a project is likely to  
21 make toward improving the quality of life of resi-  
22 dents of the area in which the project will be con-  
23 ducted,

24 (8) geographic distribution,

1           (9) the extent to which each project will encour-  
2           age team approaches to work on real, identifiable  
3           projects,

4           (10) the extent to which private and community  
5           agencies will be involved in projects, and

6           (11) such other criteria as the Secretary deems  
7           appropriate.

8           (c) MODIFICATION TO APPLICATIONS.—If changes in  
9           labor market conditions, costs, or other factors require  
10          substantial deviation from the terms of an application ap-  
11          proved by the Secretary, the State shall submit a modifica-  
12          tion of such application to the Secretary.

13       **SEC. 5. PARTICIPATION IN PROJECTS.**

14          (a) IN GENERAL.—To be eligible to participate in a  
15          project under this Act, an individual shall be—

16               (1) receiving, eligible to receive, or have ex-  
17               hausted unemployment compensation under an un-  
18               employment compensation law of a State or of the  
19               United States,

20               (2) receiving, eligible to receive, or at risk of be-  
21               coming eligible to receive, aid to families with de-  
22               pendent children under part A of title IV of the So-  
23               cial Security Act,

1           (3) a noncustodial parent of a child who is re-  
2           ceiving aid to families with dependent children under  
3           part A of title IV of the Social Security Act,

4           (4) a noncustodial parent who is not employed  
5           and is at least 2 months in arrears in payment of  
6           court ordered child support, or

7           (5) an individual who—

8                 (A) is not receiving unemployment com-  
9                 pensation under an unemployment compensa-  
10                tion law of a State or of the United States;

11               (B) if under the age of 20 years, has grad-  
12               uated from high school or has the equivalent of  
13               a high school education;

14               (C) has resided in the State in which the  
15               project is located for a period of at least 60  
16               consecutive days prior to the placement of such  
17               individual in such project;

18               (D) has been unemployed for a period of at  
19               least 35 workdays prior to the placement of  
20               such individual in such project;

21               (E) does not reside in the same dwelling  
22               place with more than 1 individual who is a par-  
23               ticipant under a project that is the subject of  
24               a grant award under this Act; and

25               (F) is a citizen of the United States.

1 (b) MANDATORY PARTICIPATION.—

2 (1) IN GENERAL.—Except as provided in para-  
3 graph (2), in any State conducting a program, an  
4 individual who has been participating in the job op-  
5 portunities and basic skills training program under  
6 part F of title IV of the Social Security Act for at  
7 least 2 years and has not found employment shall be  
8 required to participate in a project.

9 (2) WAIVER OF REQUIREMENT.—A State agen-  
10 cy administering a program may waive the require-  
11 ment under paragraph (1) in the case of any individ-  
12 ual who is completing educational or vocational  
13 training under the job opportunities and basic skills  
14 training program under part F of title IV of the So-  
15 cial Security Act and such waiver may continue for  
16 a period of 3 months after the completion of such  
17 educational or vocational training.

18 **SEC. 6. HOURS AND COMPENSATION.**

19 (a) DETERMINATION OF COMPENSATION.—

20 (1) IN GENERAL.—Except as provided in para-  
21 graph (2), the Secretary shall, based on the initial  
22 and annual reports submitted by the advisory com-  
23 mittee established under paragraph (3), determine—

24 (A) the hourly wage rate or rates for deter-  
25 mining the minimum number of hours a partici-

1           part in a community works progress project  
2           who is receiving unemployment compensation  
3           under an unemployment compensation law of a  
4           State or of the United States must agree to  
5           work on a monthly basis under subsection  
6           (b)(2)(A);

7           (B) the hourly wage rate or rates for de-  
8           termining the minimum number of hours a par-  
9           ticipant in a project who is receiving aid to  
10          families with dependent children under part A  
11          of title IV of the Social Security Act must agree  
12          to work on a monthly basis under subsection  
13          (b)(2)(B);

14          (C) the compensation to be paid to a par-  
15          ticipant in a project under subsection (c)(1);  
16          and

17          (D) the hourly wage rate or rates to be  
18          paid under subsection (c)(2) to a participant in  
19          a project who accepts an offer to work hours in  
20          addition to the number of hours determined  
21          under subsection (b)(2).

22          (2) LIMITATION.—Any determination made by  
23          the Secretary under paragraph (1) shall not result  
24          in a participant receiving on an hourly basis an

1 amount below the Federal minimum wage or the ap-  
2 plicable State minimum wage, whichever is greater.

3 (3) ADVISORY COMMITTEE ON HOURS AND COM-  
4 PENSATION.—

5 (A) ESTABLISHMENT.—The Secretary  
6 shall establish an advisory committee (hereafter  
7 referred to in this section as the “Committee”)  
8 for the purpose of assisting the Secretary in  
9 matters described in paragraph (1).

10 (B) COMPOSITION.—The Committee shall  
11 be composed of individuals appointed by the  
12 Secretary representing—

13 (i) the Department of Health and  
14 Human Services;

15 (ii) the business community;

16 (iii) labor organizations;

17 (iv) individuals who are likely to be  
18 participants in a program;

19 (v) State and local governments; and

20 (vi) other individuals or groups deter-  
21 mined appropriate by the Secretary.

22 (C) REPORT.—Within 90 days after the  
23 date of the enactment of this Act and on each  
24 anniversary of such date, the Committee shall  
25 submit a report to the Secretary containing the

1 Committee's findings and conclusions with re-  
2 spect to the matters described in paragraph (1).

3 (D) COMPENSATION.—

4 (i) IN GENERAL.—Members of the  
5 Committee shall serve without compensa-  
6 tion.

7 (ii) EXPENSES REIMBURSED.—While  
8 away from their homes or regular places of  
9 business on the business of the Committee,  
10 the members of the Committee may be al-  
11 lowed travel expenses, including per diem  
12 in lieu of subsistence, as authorized by sec-  
13 tion 5703 of title 5, United States Code,  
14 for persons employed intermittently in  
15 Government service.

16 (iii) SUPPORT.—The Secretary shall  
17 supply such necessary office facilities, of-  
18 fice supplies, support services, and related  
19 expenses as necessary to carry out the  
20 functions of the Committee.

21 (E) APPLICATION OF THE ACT.—The pro-  
22 visions of the Federal Advisory Committee Act  
23 (5 U.S.C. App.) shall not apply with respect to  
24 the Committee.

1 (b) WORK REQUIREMENTS RELATED TO PARTICIPA-  
2 TION.—

3 (1) IN GENERAL.—

4 (A) MAXIMUM HOURS.—In order to assure  
5 that each individual participating in a project  
6 will have time to seek alternative employment  
7 or to participate in an alternative employability  
8 enhancement activity, no individual may work  
9 as a participant in a project under this Act for  
10 more than 32 hours per week.

11 (B) REQUIRED JOB SEARCH ACTIVITY.—  
12 Individuals participating in a project who are  
13 not receiving aid to families with dependent  
14 children under part A of title IV of the Social  
15 Security Act or unemployment compensation  
16 under an unemployment compensation law of a  
17 State or of the United States shall be required  
18 to participate in job search activities deter-  
19 mined appropriate by the Secretary.

20 (2) ADDITIONAL REQUIREMENTS RELATED TO  
21 NUMBER OF HOURS WORKED.—

22 (A) INDIVIDUALS RECEIVING UNEMPLOY-  
23 MENT COMPENSATION.—Except as provided in  
24 paragraph (1)(A), individuals who are receiving  
25 unemployment compensation under an unem-

1           employment compensation law of a State or of the  
2           United States shall agree to work as partici-  
3           pants in a project on a monthly basis the num-  
4           ber of hours determined by dividing—

5                   (i) the lowest amount of monthly un-  
6                   employment compensation any individual  
7                   in the State is eligible to receive, by

8                   (ii) an hourly wage rate determined  
9                   appropriate by the Secretary under sub-  
10                  section (a)(1)(A).

11           (B) INDIVIDUALS RECEIVING AFDC.—Ex-  
12           cept as provided in paragraph (1)(A), individ-  
13           uals who are receiving aid to families with de-  
14           pendent children under part A of title IV of the  
15           Social Security Act shall work as participants  
16           in a community works progress project on a  
17           monthly basis the number of hours determined  
18           by dividing—

19                   (i) the lowest amount of monthly as-  
20                   sistance any family is eligible to receive  
21                   under such part in the State, by

22                   (ii) an hourly wage rate determined  
23                   appropriate by the Secretary under sub-  
24                  section (a)(1)(B).

25           (c) COMPENSATION FOR PARTICIPANTS.—

1 (1) IN GENERAL.—

2 (A) INDIVIDUALS RECEIVING UNEMPLOY-  
3 MENT COMPENSATION OR AFDC.—Each partici-  
4 pant in a project who is receiving unemploy-  
5 ment compensation under an unemployment  
6 compensation law of a State or of the United  
7 States or aid to families with dependent chil-  
8 dren under part A of title IV of the Social Se-  
9 curity Act and who worked the number of hours  
10 determined under subsection (b)(2) shall be  
11 compensated for participation in such project  
12 on a monthly basis a bonus amount determined  
13 appropriate by the Secretary under subsection  
14 (a)(1)(C). Such amount shall be paid from  
15 grant funds awarded to the State and shall be  
16 in addition to any such benefit received by such  
17 participant.

18 (B) INDIVIDUALS NOT RECEIVING UNEM-  
19 PLOYMENT COMPENSATION OR AFDC.—Each  
20 participant in a project who is not described in  
21 subparagraph (A) shall be paid for each hour  
22 worked as a participant on such project an  
23 amount determined appropriate by the Sec-  
24 retary under subsection (a)(1)(C).

1           (2) COMPENSATION FOR ADDITIONAL WORK  
2 HOURS.—If an individual who is receiving unemploy-  
3 ment compensation under an unemployment com-  
4 pensation law of a State or of the United States or  
5 an individual who is receiving aid to families with  
6 dependent children under part A of title IV of the  
7 Social Security Act accepts an offer to work hours  
8 in addition to the number of hours determined under  
9 subsection (b)(2), such individual shall be paid for  
10 each such additional hour an amount determined ap-  
11 propriate by the Secretary under subsection  
12 (a)(1)(D). Such amount shall be paid from grant  
13 funds awarded to the State and shall be in addition  
14 to any such benefit received by such participant.

15           (3) ALTERNATIVE COMPENSATION METHODS.—  
16 The Secretary may approve any application submit-  
17 ted by a State under this Act which provides for an  
18 alternative to the method of compensation for par-  
19 ticipants in a project set forth in this Act if such al-  
20 ternative method is based on an individual partici-  
21 pant's skill level, education, or responsibility on the  
22 project, and such alternative method—

23                   (A) does not reduce the amount received  
24                   by any participant on an hourly basis below the

1 Federal minimum wage or the applicable State  
2 minimum wage, whichever is greater; and

3 (B)(i) in the case of an individual receiving  
4 unemployment compensation under an unem-  
5 ployment law of a State or of the United  
6 States, results in a weekly payment which  
7 would be greater than the weekly amount the  
8 participant receives as such compensation; or

9 (ii) in the case of an individual receiving  
10 aid to families with dependent children under  
11 part A of title IV of the Social Security Act, re-  
12 sults in a monthly payment which would be  
13 greater than the monthly amount the family of  
14 the participant receives as such aid.

15 (4) PAYMENTS OF AFDC AND UNEMPLOYMENT  
16 COMPENSATION.—Any State agency responsible for  
17 making a payment of benefits to a participant in a  
18 project under part A of title IV of the Social Secu-  
19 rity Act or under an unemployment compensation  
20 law of a State or of the United States may transfer  
21 such payment to the governmental or nonprofit en-  
22 tity conducting such project and such payment shall  
23 be made by such entity to such participant in con-  
24 junction with any payment of compensation made  
25 under paragraphs (1), (2), or (3).

1           (5) TREATMENT OF COMPENSATION OR BENE-  
2           FITS UNDER OTHER PROGRAMS.—

3           (A) HIGHER EDUCATION ACT OF 1965.—In  
4           determining any grant, loan, or other form of  
5           assistance for an individual under any program  
6           under the Higher Education Act of 1965, the  
7           Secretary of Education shall not take into con-  
8           sideration the compensation and benefits re-  
9           ceived by such individual under this section for  
10          participation in a project.

11          (B) RELATIONSHIP TO OTHER FEDERAL  
12          BENEFITS.—Notwithstanding any other provi-  
13          sion of law, any compensation or benefits re-  
14          ceived by an individual under this section for  
15          participation in a community works progress  
16          project shall be excluded from any determina-  
17          tion of income for the purposes of determining  
18          eligibility for benefits under section 402, title  
19          XVI, and title XIX of the Social Security Act,  
20          or any other Federal or federally assisted pro-  
21          gram which is based on need.

22          (6) SUPPORTIVE SERVICES.—Each participant  
23          in a project conducted under this Act shall be eligi-  
24          ble to receive, out of grant funds awarded to the  
25          State agency administering such project, assistance

1 to meet necessary costs of transportation, child care,  
2 vision testing, eyeglasses, uniforms and other work  
3 materials.

4 **SEC. 7. ADDITIONAL PROGRAM REQUIREMENTS.**

5 (a) NONDUPLICATION AND NONDISPLACEMENT.—

6 (1) NONDUPLICATION.—

7 (A) IN GENERAL.—Amounts from a grant  
8 provided under this Act shall be used only for  
9 a project that does not duplicate, and is in ad-  
10 dition to, an activity otherwise available in the  
11 State or unit of general local government in  
12 which the project is carried out.

13 (B) NONPROFIT ENTITY.—Amounts from  
14 a grant provided to a State under this Act shall  
15 not be provided to a nonprofit entity to conduct  
16 activities that are the same or substantially  
17 equivalent to activities provided by a State or  
18 local government agency in which such entity  
19 resides, unless the requirements of paragraph  
20 (2) are met.

21 (2) NONDISPLACEMENT.—

22 (A) IN GENERAL.—A governmental or non-  
23 profit entity shall not displace any employee or  
24 position, including partial displacement such as  
25 reduction in hours, wages, or employment bene-

1 fits, as a result of the use by such entity of a  
2 participant in a project funded by a grant  
3 under this Act.

4 (B) LIMITATION ON SERVICES.—

5 (i) DUPLICATION OF SERVICES.—A  
6 participant in a project funded by a grant  
7 under this Act shall not perform any serv-  
8 ices or duties or engage in activities that  
9 would otherwise be performed by any em-  
10 ployee as part of the assigned duties of  
11 such employee.

12 (ii) SUPPLANTATION OF HIRING.—A  
13 participant in a project funded by a grant  
14 under this Act shall not perform any serv-  
15 ices or duties or engage in activities that  
16 will supplant the hiring of other workers.

17 (iii) DUTIES FORMERLY PERFORMED  
18 BY ANOTHER EMPLOYEE.—A participant  
19 in a project funded by a grant under this  
20 Act shall not perform services or duties  
21 that have been performed by or were as-  
22 signed to any presently employed worker,  
23 employee who recently resigned or was dis-  
24 charged, employee who is subject to a re-  
25 duction in force, employee who is on leave

1 (terminal, temporary, vacation, emergency,  
2 or sick), or employee who is on strike or  
3 who is being locked out.

4 (b) FAILURE TO MEET REQUIREMENTS.—The Sec-  
5 retary may suspend or terminate payments under this Act  
6 for a project if the Secretary determines that the govern-  
7 mental or nonprofit entity conducting such project has  
8 materially failed to comply with this Act, the application  
9 submitted under this Act, or any other terms and condi-  
10 tions of a grant under this Act agreed to by the State  
11 agency administering the project and the Secretary.

12 (c) GRIEVANCE PROCEDURE.—

13 (1) IN GENERAL.—Each State conducting a  
14 community works progress program under this Act  
15 shall establish and maintain a procedure for the fil-  
16 ing and adjudication of grievances from participants  
17 in any project conducted under such program, labor  
18 organizations, and other interested individuals con-  
19 cerning such program, including grievances regard-  
20 ing proposed placements of such participants in  
21 projects conducted under such program.

22 (2) DEADLINE FOR GRIEVANCES.—Except for a  
23 grievance that alleges fraud or criminal activity, a  
24 grievance under this paragraph shall be filed not  
25 later than 1 year after the date of the alleged occur-

1       rence of the event that is the subject of the grievance.  
2

3           (3) DEADLINE FOR HEARING AND DECISION.—

4           (A) HEARING.—A hearing conducted  
5       under this paragraph on any grievance shall be  
6       conducted not later than 30 days after the fil-  
7       ing of such grievance.

8           (B) DECISION.—A decision on any grievance shall be made not later than 60 days after  
9       the filing of such grievance.  
10

11          (4) ARBITRATION.—

12          (A) IN GENERAL.—In the event of a deci-  
13       sion on a grievance that is adverse to the party  
14       who filed such grievance, or 60 days after the  
15       filing of such grievance if no decision has been  
16       reached, such party shall have the right to de-  
17       mand an arbitration by a sole arbitrator. Such  
18       demand for an arbitration shall be made to the  
19       American Arbitration Association (hereafter re-  
20       ferred to in this subsection as the “Associa-  
21       tion”) within 30 days after a decision on a  
22       grievance that is adverse to the party who filed  
23       such grievance has been reached, or 90 days  
24       after the filing of such grievance if no decision  
25       has been reached. Upon receipt of such a de-

1 mand for arbitration, the Association shall serve  
2 notice on the parties to the arbitration and, ex-  
3 cept as provided in subparagraph (B), conduct  
4 the arbitration according to the Commercial Ar-  
5 bitration Rules of the Association in effect at  
6 the time of the filing of the demand for arbitra-  
7 tion.

8 (B) SPECIAL RULES FOR ARBITRATION  
9 PROCEEDING.—

10 (i) DEADLINE FOR PROCEEDING.—An  
11 arbitration hearing shall commence not  
12 later than 45 days after the appointment  
13 of the sole arbitrator.

14 (ii) DEADLINE FOR DECISION.—A de-  
15 cision concerning a grievance subject to an  
16 arbitration proceeding shall be made not  
17 later than 30 days after the date such ar-  
18 bitration hearing closes.

19 (iii) COST.—

20 (I) IN GENERAL.—Except as pro-  
21 vided in subclause (II), the cost of an  
22 arbitration proceeding shall be divided  
23 evenly between the parties to the arbi-  
24 tration.

1 (II) EXCEPTION.—If a partici-  
2 pant, labor organization, or other in-  
3 terested individual described in para-  
4 graph (1) prevails under an arbitra-  
5 tion proceeding, the State, govern-  
6 mental entity, or nonprofit entity  
7 which is a party to such grievance  
8 shall pay the total cost of such pro-  
9 ceeding and the attorney’s fees of  
10 such participant, labor organization,  
11 or individual, as the case may be.

12 (5) PROPOSED PLACEMENT.—If a grievance is  
13 filed regarding a proposed placement of a partici-  
14 pant in a project conducted under this Act, such  
15 placement shall not be made unless it is consistent  
16 with the resolution of the grievance pursuant to this  
17 subsection.

18 (6) REMEDIES.—Remedies for a grievance filed  
19 under this subsection include—

20 (A) prohibition of the placement described  
21 in paragraph (5); and

22 (B) in the case of an individual who has  
23 been displaced from employment—

1 (i) reinstatement of the individual to  
2 the position held by such individual prior  
3 to displacement;

4 (ii) payment of lost wages and bene-  
5 fits of the individual;

6 (iii) reestablishment of other relevant  
7 terms, conditions, and privileges of employ-  
8 ment of the individual; and

9 (iv) such equitable relief as is nec-  
10 essary to correct any violation of this Act  
11 or to make the individual whole.

12 (7) ENFORCEMENT.—Suits to enforce an arbi-  
13 tration award under this subsection may be brought  
14 in any district court of the United States having ju-  
15 risdiction over the parties without regard to the  
16 amount in controversy and without regard to the  
17 citizenship of the parties.

18 (d) TESTING AND EDUCATION REQUIREMENTS.—

19 (1) TESTING.—Except as provided in para-  
20 graph (3), each participant in a project shall be test-  
21 ed for basic reading and writing competence prior to  
22 employment under such project.

23 (2) EDUCATION REQUIREMENT.—

24 (A) FAILURE TO SATISFACTORILY COM-  
25 PLETE TEST.—Participants who fail to com-

1           plete satisfactorily the basic competency test re-  
2           quired in paragraph (1) shall be furnished  
3           counseling and instruction.

4           (B) LIMITED-ENGLISH.—Participants with  
5           limited-English speaking ability may be fur-  
6           nished such instruction as the governmental or  
7           nonprofit entity conducting the project deems  
8           appropriate.

9           (3) PARTICIPANTS IN JOBS PROGRAM.—Any in-  
10          dividual who is a participant in the job opportunities  
11          and basic skills training program under part F of  
12          title IV of the Social Security Act shall not be re-  
13          quired to be tested under paragraph (1) if such indi-  
14          vidual has been tested under such program so long  
15          as such test is adequate to ensure appropriate place-  
16          ment of the individual in a project.

17          (e) COMPLETION OF PROJECTS.—

18           (1) IN GENERAL.—A governmental or nonprofit  
19           entity conducting a project under this Act shall com-  
20           plete such project within the 2-year period beginning  
21           on a date determined appropriate by such entity, the  
22           State agency administering the project, and the Sec-  
23           retary.

24           (2) MODIFICATION.—The period referred to in  
25           paragraph (1) may be modified in the discretion of

1 the Secretary upon application by the State in which  
2 a project is being conducted.

3 **SEC. 8. EVALUATIONS AND REPORTS.**

4 (a) BY THE STATES.—Each State conducting a com-  
5 munity works progress program under this Act shall con-  
6 duct ongoing evaluations of the effectiveness of such pro-  
7 gram (including the effectiveness of such program in meet-  
8 ing the goals and objectives described in the application  
9 approved by the Secretary) and, for each year in which  
10 such program is conducted, shall submit an annual report  
11 to the Secretary concerning the results of such evaluations  
12 at such time, and in such manner, as the Secretary shall  
13 require. The report shall incorporate information from an-  
14 nual reports submitted to the State by governmental and  
15 nonprofit entities conducting projects under the program.  
16 The report shall include an analysis of the interaction, if  
17 any, of project participants with employees that are not  
18 participating in the project. Up to 3 percent of the amount  
19 granted to a State may be used to conduct the evaluations  
20 required under this subsection.

21 (b) BY THE SECRETARY.—The Secretary shall sub-  
22 mit an annual report to the Congress concerning the effec-  
23 tiveness of the community works progress programs con-  
24 ducted under this Act. Such report shall analyze the re-  
25 ports received by the Secretary under subsection (a).

1 **SEC. 9. FUNDING.**

2 (a) IN GENERAL.—There are authorized to be appro-  
3 priated such sums as may be necessary to carry out the  
4 purposes of this Act.

5 (b) LIMITATIONS ON COSTS.—

6 (1) ADMINISTRATIVE EXPENSES.—Not more  
7 than 10 percent of the amount of each grant award-  
8 ed to a State may be used for administrative ex-  
9 penses.

10 (2) COMPENSATION AND SUPPORTIVE SERV-  
11 ICES.—Not less than 70 percent of the amount of  
12 each grant awarded to a State may be used to pro-  
13 vide compensation and supportive services to project  
14 participants.

15 (3) WAIVER OF COST LIMITATIONS.—The limi-  
16 tations under paragraphs (1) and (2) may be waived  
17 as determined appropriate by the Secretary.

18 **SEC. 10. INTERDEPARTMENTAL TASK FORCE.**

19 (a) IN GENERAL.—Not later than 60 days after the  
20 date of the enactment of this Act, the Secretary, in con-  
21 sultation with the Secretary of Health and Human Serv-  
22 ices, the Secretary of Housing and Urban Development,  
23 the Secretary of Education, and the Secretary of Agri-  
24 culture shall establish a task force to identify any Federal  
25 funds that may be directed for use in the community  
26 works progress programs under this Act and to identify

1 any modifications to existing policies or procedures that  
2 would facilitate the implementation of such programs.

3 (b) MEMBERSHIP.—The task force shall consist of at  
4 least 5 members and shall include 1 representative from  
5 each of the following agencies:

6 (1) the Department of Labor;

7 (2) the Department of Health and Human  
8 Services;

9 (3) the Department of Housing and Urban De-  
10 velopment;

11 (4) the Department of Education; and

12 (5) the Department of Agriculture.

13 (c) REPORT.—Not later than 180 days after the date  
14 of the enactment of this Act, the task force shall submit  
15 a report to the Secretary, the Secretary of Health and  
16 Human Services, the Secretary of Housing and Urban De-  
17 velopment, the Secretary of Education, the Secretary of  
18 Agriculture, and the Congress that includes any findings  
19 and recommendations of the task force.

20 (d) ACTION ON RECOMMENDATIONS.—The Sec-  
21 retary, the Secretary of Health and Human Services, the  
22 Secretary of Housing and Urban Development, the Sec-  
23 retary of Education, and the Secretary of Agriculture shall  
24 take such actions as may be necessary to carry out the  
25 recommendations of the task force.



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