

113TH CONGRESS
1ST SESSION

H. R. 2889

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 HOUSE OF REPRESENTATIVES

JULY 31, 2013

Mr. GEORGE MILLER of California (for himself, Ms. SCHAKOWSKY, Ms. KAPTUR, Mr. NADLER, Mr. LEWIS, Ms. MOORE, Ms. CLARKE, Mr. HINOJOSA, Mr. CONYERS, Mr. HOLT, Mr. POCAN, Ms. SLAUGHTER, Mr. HUFFMAN, Mr. CARTWRIGHT, Ms. BROWNLEY of California, Ms. NORTON, Ms. FRANKEL of Florida, and Mr. SABLAN) introduced the following bill; which was referred to the Committee on Education and the Workforce

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 **TITLE I—LOCAL COMMUNITY**
2 **JOBS**

3 **SEC. 101. STABILIZATION FUNDING FOR LOCAL JOBS.**

4 From the amount appropriated by section 111, the
5 Secretary of Labor, acting through the Employment and
6 Training Administration of the Department of Labor and
7 in consultation with the Secretary of Housing and Urban
8 Development, shall provide funds to States, units of gen-
9 eral local government, and community-based organizations
10 to save and create local jobs through the retention, res-
11 toration, or expansion of services needed by local commu-
12 nities.

13 **SEC. 102. ALLOTMENT FORMULA.**

14 (a) RESERVATIONS BY THE SECRETARY.—Of the
15 amount appropriated under section 111 for each fiscal
16 year, the Secretary may reserve—

17 (1) not more than 1 percent to administer this
18 title; and

19 (2) not more than 0.5 percent to award grants,
20 on a competitive basis, to Indian tribes for purposes
21 of this title.

22 (b) MAKING FUNDS AVAILABLE FOR ALLOTMENT BY
23 THE SECRETARY.—Of the amounts appropriated under
24 section 111 and not reserved under subsection (a), the

1 Secretary shall make available for allotment the amounts
2 for each fiscal year as follows:

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

6 (A) 25 percent by making available for al-
7 lotment to each entitlement community an
8 amount which bears the same ratio to the total
9 amount made available under this subpara-
10 graph as the population of the entitlement com-
11 munity bears to the total population of all enti-
12 tlement communities;

13 (B) 25 percent by making available for al-
14 lotment to each entitlement community an
15 amount which bears the same ratio to the total
16 amount made available under this subpara-
17 graph as the extent of poverty in the entitle-
18 ment community bears to the extent of poverty
19 in all entitlement communities; and

20 (C) 50 percent by making available for al-
21 lotment to each entitlement community in an
22 amount which bears the same ratio to the total
23 amount made available under this subpara-
24 graph as the number of unemployed individuals
25 in the entitlement community bears to the total

1 number of unemployed individuals in all entitle-
2 ment communities.

3 (2) Thirty percent to States, of which the Sec-
4 retary shall make available for allotment—

5 (A) 25 percent by making available for al-
6 lotment to each State an amount which bears
7 the same ratio to the total amount made avail-
8 able under this subparagraph as the population
9 of the State bears to the total population of all
10 States;

11 (B) 25 percent by making available for al-
12 lotment to each State in an amount which bears
13 the same ratio to the total amount made avail-
14 able under this subparagraph as the extent of
15 poverty in the State bears to the extent of pov-
16 erty in all States; and

17 (C) 50 percent by making available for al-
18 lotment to each State in an amount which bears
19 the same ratio to the total amount made avail-
20 able under this subparagraph as the number of
21 unemployed individuals in the State bears to
22 the total number of unemployed individuals in
23 all States.

24 (c) RESERVATION AND ALLOTMENTS BY STATES.—

1 (1) RESERVATION.—Of the amount of funds al-
2 lotted to a State under section 104(c)(2)(A) for each
3 fiscal year, a State may reserve not more than 2
4 percent for administrative purposes.

5 (2) ALLOTMENTS BY STATES.—

6 (A) IN GENERAL.—A State shall provide
7 all of the funds allotted to the State under sec-
8 tion 104(c)(2)(A) that are not reserved under
9 paragraph (1) as follows:

10 (i) Not more than 50 percent of the
11 funds to units of general local government
12 located in nonentitlement areas of the
13 State to continue to provide employee com-
14 pensation to employees employed by each
15 such unit, as of the date the State receives
16 the allotment under section 104(c)(2)(A),
17 in positions that—

18 (I) provide local services to the
19 public; and

20 (II) would otherwise be termi-
21 nated or reduced as a result of fiscal
22 constraints of such unit.

23 (ii) Not more than 50 percent of the
24 remainder of the funds (after allotting
25 funds under clause (i)) to community-

1 based organizations for each such organi-
2 zation to employ individuals newly hired or
3 employed under a contract entered into on
4 or after the date on which the State re-
5 ceives the allotment under section
6 104(c)(2)(A) to provide services or func-
7 tions that are not customarily provided by
8 a unit of general local government located
9 in a nonentitlement area of the State.

10 (iii) All of the remainder of the funds
11 (after allotting funds under clauses (i) and
12 (ii)) to units of general local government
13 located in nonentitlement areas of the
14 State for each such unit to provide em-
15 ployee compensation to individuals newly
16 hired to carry out the local public services
17 described in subclauses (I) and (II) of sec-
18 tion 103(c)(1)(B)(i) for the unit.

19 (B) ALLOTMENTS.—In allotting funds
20 under subparagraph (A) for a fiscal year, a
21 State shall—

22 (i) provide to each unit of general
23 local government and community-based or-
24 ganization located in a nonentitlement area
25 of a Congressional district of the State not

1 less than an amount of funds that bears
2 the same ratio to the total amount made
3 available to be allotted to the State under
4 subsection (b)(2) for such fiscal year as
5 the population of the nonentitlement area
6 of the Congressional district bears to the
7 total population of all nonentitlement areas
8 of the State;

9 (ii) if the total amount of funds allot-
10 ted by the Secretary to a State under sec-
11 tion 104(c)(2)(A) on behalf of units of
12 general local government and community-
13 based organizations located in the non-
14 entitlement area of a Congressional district
15 of the State is less than the amount to be
16 provided to the units and organizations
17 under clause (i) for such fiscal year, pro-
18 vide to the units and organizations an
19 amount of funds equal to the amount of
20 funds so allotted for such fiscal year; and

21 (iii) consult with local elected officials
22 from among units of general local govern-
23 ment located in nonentitlement areas of
24 such State in determining the method of

1 allotment of such funds under clauses (i)
2 and (ii).

3 (d) **RULE FOR PROVIDING FUNDS TO COMMUNITY-**
4 **BASED ORGANIZATIONS.**—In providing funds under this
5 title to community-based organizations, a unit of general
6 local government or State shall, to the extent practicable,
7 give priority to community-based organizations that will
8 provide services or functions in accordance with this title
9 to—

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

12 (2) units of general local government that have
13 an unemployment rate that is 2 percent higher than
14 the national unemployment rate.

15 **SEC. 103. USES OF FUNDS BY UNITS OF GENERAL LOCAL**
16 **GOVERNMENT AND COMMUNITY-BASED OR-**
17 **GANIZATIONS.**

18 (a) **ENTITLEMENT COMMUNITIES.**—Of the amount of
19 funds received under section 104(c)(1) for each fiscal year,
20 a unit of general local government that is an entitlement
21 community—

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

24 (2) may use up to 50 percent of the remainder
25 of such funds (after using the funds pursuant to

1 paragraph (1)) to continue to provide employee com-
2 pensation to employees employed by the unit, as of
3 the date the unit receives funds under section
4 104(c)(1), in positions that—

5 (A) provide local services to the public; and

6 (B) would otherwise be terminated or re-
7 duced as a result of fiscal constraints of such
8 unit;

9 (3) may provide up to 50 percent of the remain-
10 der of such funds (after using the funds pursuant to
11 paragraph (1) and (2)) to a community-based orga-
12 nization to employ individuals newly hired or em-
13 ployed under a contract entered into on or after the
14 date on which the unit receives funds under section
15 104(c)(1) to provide services or functions that are
16 not customarily provided by the unit, of which—

17 (A) not less than 93 percent shall be used
18 by the organization to provide employee com-
19 pensation to such individuals;

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

22 (C) not more than 2 percent may be used
23 by the organization for administrative purposes;
24 and

1 (4) shall use all of the remainder of such funds
2 (after using the funds pursuant to paragraphs (1)
3 through (3)), to the extent that the unit determines
4 that it has a need for additional employees, to pro-
5 vide employee compensation to individuals newly
6 hired by the unit to carry out the local public serv-
7 ices described in subclauses (I) and (II) of sub-
8 section (c)(1)(B)(i) for the unit.

9 (b) NONENTITLEMENT AREAS.—Of the amount of
10 funds received under section 104(c)(2)(B) for each fiscal
11 year—

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

14 (A) may use not more than 2 percent for
15 administrative purposes; and

16 (B) shall use all of the remainder of such
17 funds (after using the funds pursuant to sub-
18 paragraph (A)) to provide employee compensa-
19 tion to individuals described in clause (i) or (iii)
20 of section 102(c)(2)(A), as determined by the
21 State; and

22 (2) a community-based organization—

23 (A) shall use not less than 93 percent to
24 provide employee compensation to individuals
25 described in section 102(c)(2)(A)(ii);

1 (B) may use up to 5 percent for supportive
2 services; and

3 (C) may use up to 2 percent for adminis-
4 trative purposes.

5 (c) FUNDED POSITIONS; CONSULTATION BY CHIEF
6 EXECUTIVE OFFICERS.—

7 (1) FUNDED POSITIONS.—

8 (A) FULL-TIME, FULL-YEAR EMPLOY-
9 MENT.—

10 (i) IN GENERAL.—An individual hired
11 under this title by a unit of general local
12 government or community-based organiza-
13 tion shall fill a position that offers full-
14 time, full-year employment.

15 (ii) DEFINITIONS.—For purposes of
16 this subparagraph—

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

1 (II) the term “full-year”, when
2 used in relation to employment, means
3 a position that provides employment
4 for a 12-month period, except that in
5 the case of a position that provides a
6 service required by a unit or organiza-
7 tion for only the duration of a school
8 year, the term means a position that
9 provides employment for such dura-
10 tion.

11 (B) SERVICES FOR UNITS.—An individual
12 hired under this title—

13 (i) by a unit of general local govern-
14 ment, shall fill a position to assist the unit
15 in—

16 (I) restoring local public services
17 terminated on or after the date that is
18 5 years before the date of enactment
19 of this title;

20 (II) expanding existing local pub-
21 lic services; or

22 (III) retaining local public serv-
23 ices that would otherwise be reduced
24 as a result of the fiscal constraints of
25 such unit; or

1 (ii) by a community-based organiza-
2 tion, shall fill a position to provide services
3 or functions that are not customarily pro-
4 vided by a unit of general local govern-
5 ment.

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

13 **SEC. 104. STATEMENTS OF NEED; APPROVAL AND ALLOT-**
14 **MENT OF FUNDS.**

15 (a) SUBMISSION OF STATEMENTS; NOTICE OF AL-
16 LOTMENT AND INTENT.—

17 (1) IN GENERAL.—

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

1 ble to receive funds under this title for such fis-
2 cal year.

3 (B) SUBMISSION.—In order to receive
4 funds under this title for a fiscal year for which
5 funds are appropriated to carry out this title, a
6 unit of general local government, community-
7 based organization, or a State shall submit a
8 statement in accordance with paragraph (2) or
9 (3), as applicable, certifying the information de-
10 scribed in subsection (b) for such fiscal year.

11 (C) NOTICE OF INTENT.—

12 (i) IN GENERAL.—Seven days prior to
13 the submission of a statement under sub-
14 paragraph (B), a unit of general local gov-
15 ernment that is an entitlement community
16 or State shall publish public notice of the
17 intent to submit a statement under such
18 subparagraph, which includes a copy of the
19 statement.

20 (ii) INTERNET WEB SITE.—In pub-
21 lishing public notice under clause (i), a
22 unit of general local government or State
23 shall post the notice and information de-
24 scribed in such clause on a publicly avail-

1 able Internet Web site of the unit or State,
2 as applicable.

3 (2) ENTITLEMENT COMMUNITIES.—

4 (A) STATEMENTS FROM UNITS.—In order
5 to receive funds under this title for a fiscal year
6 for which funds are appropriated to carry out
7 this title, a unit of general local government
8 that is an entitlement community shall submit
9 to the Secretary, at such time and in such man-
10 ner as determined by the Secretary, a state-
11 ment that certifies the information described in
12 subsection (b)—

13 (i) with respect to such unit for such
14 fiscal year; and

15 (ii) with respect to the community-
16 based organizations the unit plans to fund,
17 using funds the unit receives under this
18 title, for such fiscal year.

19 (B) STATEMENTS FROM COMMUNITY-
20 BASED ORGANIZATIONS.—In order to receive
21 funds for a fiscal year from a unit of general
22 local government that is an entitlement commu-
23 nity receiving funds for such fiscal year under
24 this title, a community-based organization shall
25 submit to a unit of general local government

1 that is an entitlement community, at such time
2 and in such manner as determined by the unit,
3 a statement certifying the information described
4 in subsection (b) with respect to such organiza-
5 tion for such fiscal year.

6 (3) NONENTITLEMENT AREAS.—

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

17 (i) with respect to such unit for such
18 fiscal year; or

19 (ii) with respect to such organization
20 for such fiscal year.

21 (B) STATEMENTS FROM STATES.—After
22 reviewing the statements received under sub-
23 paragraph (A) for a fiscal year, a State shall
24 submit to the Secretary, at such time and in
25 such manner as determined by the Secretary, a

1 statement certifying the information described
2 in subsection (b) with respect to the units of
3 general local government and community-based
4 organizations that the State plans to fund,
5 using funds the State receives under this title,
6 for such fiscal year.

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

11 (1) The amount of funds requested by such
12 unit or organization.

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

15 (3) The job titles of, and the amount of em-
16 ployee compensation and the employers (units or or-
17 ganizations) for, the positions that will be filled by
18 the individuals.

19 (4) Whether the positions will—

20 (A) in the case of employment with a unit,
21 assist in retaining, restoring, or expanding an
22 existing local public service; or

23 (B) in the case of employment with an or-
24 ganization, provide services or functions that
25 are not customarily provided by a unit that is

1 an entitlement community, or a unit located in
2 a nonentitlement area of a State.

3 (5) The estimated date of hiring for the posi-
4 tions.

5 (6) A statement documenting the need for the
6 services to be carried out by the individuals hired for
7 the positions.

8 (7) In the case of a unit that desires to use
9 funds received under this title to continue to provide
10 employee compensation for existing employees of the
11 unit in accordance with section 102(c)(2)(A)(i) or
12 103(a)(2), a statement documenting the fiscal con-
13 straints of the unit that would result in the termi-
14 nation or reduction of the positions of such employ-
15 ees.

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

19 (9) An assurance by the unit or organization
20 that the unit or organization will comply with all
21 provisions of this title.

22 (10) An assurance by the unit or organization
23 that the unit or organization will comply with all ap-
24 plicable Federal, State, and local labor laws, includ-
25 ing laws concerning wages and hours, labor rela-

1 tions, family and medical leave, occupational safety
2 and health, and nondiscrimination.

3 (c) APPROVAL AND ALLOTMENT OF FUNDS.—

4 (1) ENTITLEMENT COMMUNITIES.—Within 30
5 days of receipt of a statement submitted under sub-
6 section (a)(2)(A) by unit of general local government
7 that is an entitlement community, the Secretary
8 shall allot to the unit the amount of funds requested
9 by the unit for a fiscal year, not to exceed the total
10 amount of funds available to be allotted under sec-
11 tion 102(b)(1) to the unit for such fiscal year.

12 (2) NONENTITLEMENT AREAS.—

13 (A) APPROVAL BY THE SECRETARY.—

14 Within 30 days of receipt of a statement sub-
15 mitted under subsection (a)(3)(B) by a State
16 with respect to a unit of general local govern-
17 ment located in a nonentitlement area, or a
18 community-based organization to provide serv-
19 ices or functions that are not customarily pro-
20 vided by a unit of general local government lo-
21 cated in a nonentitlement area, for a fiscal
22 year, the Secretary shall allot to the State the
23 amount of funds requested by the State for
24 such unit or organization for such fiscal year,
25 not to exceed the total amount of funds avail-

1 able to be allotted under section 102(b)(2) to
2 the State for such fiscal year.

3 (B) STATE ALLOTMENT OF FUNDS.—Not
4 later than 15 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 posts a notice of allotment
22 under subsection (a)(1)(A) for such unit, to the Sec-
23 retary a statement under subsection (a) that indi-
24 cates an intention to hire at least 1 individual under
25 this title for such fiscal year, shall be made available

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

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

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

15 (a) COMPLIANCE WITH LOCAL LAWS AND CON-
16 TRACTS.—In hiring individuals for positions funded under
17 this title, or using funds under this title to continue to
18 provide employee compensation for existing employees, a
19 unit of general local government or community-based or-
20 ganization shall comply with all applicable Federal, State,
21 and local laws, personnel policies and regulations, and col-
22 lective bargaining agreements, as if such individual was
23 hired, or such employee compensation was provided, with-
24 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 at least 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 a grant to each unit of general local govern-
19 ment and each community-based organization where
20 at least 15 percent of the individuals hired for a po-
21 sition under this title by such unit or organization
22 for a fiscal year are individuals described in sub-
23 section (b).

24 (2) AUTHORIZATION OF APPROPRIATIONS.—

25 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) at least 80 percent shall not be in a
2 bona fide executive, administrative, or profes-
3 sional capacity.

4 (2) DEFINITIONS.—For purposes of this sub-
5 section, the terms “bona fide executive”, “bona fide
6 administrative”; and “bona fide professional”, when
7 used in relation to capacity, shall have the meanings
8 given such terms under section 13(a)(1) of the Fair
9 Labor Standards Act of 1938 (29 U.S.C.
10 213(a)(1)).

11 (c) TOTAL AMOUNT OF COMPENSATION.—For each
12 fiscal year for which funds are appropriated to carry out
13 this title, each unit of general local government and each
14 community-based organization that receives funds under
15 this title for any such fiscal year shall use such funds to
16 provide an amount equal to the total amount of employee
17 compensation for individuals hired by such unit or organi-
18 zation, as appropriate, for such fiscal year under this title.

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

1 filled by such individuals beyond the period for which the
2 unit or organization receives funding under this title.

3 **SEC. 107. NONDISPLACEMENT.**

4 (a) NONDISPLACEMENT OF EXISTING EMPLOYEES.—

5 (1) IN GENERAL.—Except as provided under
6 section 102(c)(2)(A)(i) and 103(a)(2), a unit of gen-
7 eral local government or community-based organiza-
8 tion may not employ an individual for a position
9 funded under this title, if—

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

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

20 (i) has been laid off or partially dis-
21 placed (as such term is described in sub-
22 paragraph (A)); and

23 (ii) has not been offered by the unit
24 or organization, to be restored to the posi-

1 tion the employee had immediately prior to
2 being laid off or partially displaced.

3 (2) ELIMINATION OF POSITION.—For the pur-
4 poses of this subsection, a position shall be consid-
5 ered to have been eliminated by a unit of general
6 local government or community-based organization if
7 the position has remained unfilled and the unit or
8 organization has not sought to fill such position for
9 at least a period of one month.

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

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

22 **SEC. 108. REPORTING REQUIREMENTS.**

23 (a) ENTITLEMENT COMMUNITY.—A unit of general
24 local government that is an entitlement community that
25 receives funds under this title shall submit, every 90 days

1 during the period the unit receives such funds, to the Sec-
2 retary, a report that provides—

3 (1) the status of the unit’s compliance with the
4 statement submitted by the unit under section
5 104(a)(2)(A); and

6 (2) the status of the compliance of any commu-
7 nity-based organization that receives funds from the
8 unit pursuant to this title with the statement sub-
9 mitted by the organization under section
10 104(a)(2)(B).

11 (b) NONENTITLEMENT AREA.—

12 (1) UNITS AND ORGANIZATIONS.—A unit of
13 general local government located in a nonentitlement
14 area of a State that is receiving funds under this
15 title, or a community-based organization that is pro-
16 viding services in a nonentitlement area of such
17 State, shall submit, every 90 days during the period
18 the unit or organization receives funds from the
19 State pursuant to this title, to the State, a report
20 that provides the status of the compliance of the
21 unit or organization with the statements submitted
22 under section 104(a)(3)(A).

23 (2) STATES.—A State shall submit, every 90
24 days during the period the State receives funds

1 under this title, to the Secretary, a report containing
2 the information received under paragraph (1).

3 (c) POSTING OF REPORTS.—Upon receiving the re-
4 ports submitted under subsections (a) and (b)(2), the Sec-
5 retary shall post on a publicly accessible Web site of the
6 Department of Labor such reports.

7 **SEC. 109. AUDITING BY THE SECRETARY.**

8 The Secretary shall perform random, periodic audits
9 to determine compliance with this title.

10 **SEC. 110. DISPUTE RESOLUTIONS, WHISTLEBLOWER HOT-**
11 **LINE, AND ENFORCEMENT BY THE SEC-**
12 **RETARY.**

13 (a) ESTABLISHMENT OF ARBITRATION PROCE-
14 DURE.—

15 (1) IN GENERAL.—Each unit of general local
16 government that is an entitlement community and
17 each State that receives funding under this title
18 shall agree to the arbitration procedure described in
19 this subsection to resolve disputes described in sub-
20 sections (b) and (c).

21 (2) WRITTEN GRIEVANCES.—

22 (A) IN GENERAL.—If an employee (or an
23 employee representative) wishes to use the arbi-
24 tration procedure described in this subsection,
25 such party shall file a written grievance within

1 the time period required under subsection (b) or
2 (c), as applicable, simultaneously with the chief
3 executive officer of a unit or State involved in
4 the dispute and the Secretary.

5 (B) IN-PERSON MEETING.—Not later than
6 10 days after the date of the filing of the grievance,
7 the chief executive officer (or the designee
8 of the chief executive officer) shall have an in-
9 person meeting with the party to resolve the
10 grievance.

11 (3) ARBITRATION.—

12 (A) SUBMISSION.—If the grievance is not
13 resolved within the time period described in
14 paragraph (2)(B), a party, by written notice to
15 the other party involved, may submit such
16 grievance to binding arbitration before a quali-
17 fied arbitrator who is jointly selected and inde-
18 pendent of the parties.

19 (B) APPOINTMENT BY SECRETARY.—If the
20 parties cannot agree on an arbitrator within 5
21 days of submitting the grievance to binding ar-
22 bitration under subparagraph (A), one of the
23 parties may submit a request to the Secretary
24 to appoint a qualified and independent arbi-
25 trator. The Secretary shall appoint a qualified

1 and independent arbitrator within 15 days after
2 receiving the request.

3 (C) HEARING.—Unless the parties mutu-
4 ally agree otherwise, the arbitrator shall con-
5 duct a hearing on the grievance and issue a de-
6 cision not later than 30 days after the date
7 such arbitrator is selected or appointed.

8 (D) COSTS.—

9 (i) IN GENERAL.—Except as provided
10 in clause (ii), the cost of an arbitration
11 proceeding shall be divided evenly between
12 the parties to the arbitration.

13 (ii) EXCEPTION.—If a grievant pre-
14 vails under an arbitration proceeding, the
15 unit of general local government or State
16 involved in the dispute shall pay the cost
17 of such proceeding, including attorneys'
18 fees.

19 (b) DISPUTES CONCERNING THE ALLOTMENT OF
20 FUNDS.—

21 (1) IN GENERAL.—In the case of a dispute as
22 to whether—

23 (A) a unit of general local government that
24 is an entitlement community improperly re-
25 quested funds under this title by requesting

1 such funds for services or functions to be pro-
2 vided by a community-based organization that
3 are customarily provided by the unit; or

4 (B) a State improperly requested fund
5 under this title by requesting such funds for
6 services or functions to be provided by a com-
7 munity-based organization in a nonentitlement
8 area of the State that are customarily provided
9 by the unit located in such area,

10 an employee or employee representative of the unit
11 or State may file a grievance under subsection (a)
12 not later than 15 days after public notice of an in-
13 tent to submit a statement under section 104(a) is
14 published in accordance with paragraph (1)(C) of
15 such section.

16 (2) SECRETARIAL DUTIES.—Upon receiving a
17 copy of the grievance, the Secretary shall withhold
18 the funds subject to such grievance, unless and until
19 the grievance is resolved under subsection (a), by the
20 parties or an arbitrator in favor of providing such
21 funding.

22 (c) ALL OTHER DISPUTES.—

23 (1) IN GENERAL.—In the case of a dispute not
24 covered under subsection (b) concerning compliance
25 with the requirements of this title by a unit of gen-

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

16 (2) EXISTING GRIEVANCE PROCEDURES.—A
17 party to a dispute described in paragraph (1) may
18 use the existing grievance procedure of a unit or
19 State involved in such dispute, or the arbitration
20 procedure described in this subsection, to resolve
21 such dispute.

22 (d) PARTY DEFINED.—For purposes of subsections
23 (a), (b), and (c), the term “party” means an employee,
24 employee representative, unit of general local government,

1 or State, involved in a dispute described in subsection (b)
2 or (c).

3 (e) WHISTLEBLOWER HOTLINE; ENFORCEMENT BY
4 THE SECRETARY.—

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

12 (2) ENFORCEMENT BY THE SECRETARY.—

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

19 (i) withholding further funds under
20 this title to a noncompliant entity;

21 (ii) requiring the entity to make an
22 injured party whole; or

23 (iii) requiring the entity to repay to
24 the Secretary any funds received under

1 this title during any period of noncompli-
2 ance.

3 (B) DEFINITION.—For purposes of this
4 paragraph, the term “entity” means State, unit
5 of general local government, community-based
6 organization, or individual.

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

12 **SEC. 111. AUTHORIZATION OF APPROPRIATIONS AND AP-**
13 **PROPRIATIONS.**

14 There are authorized to be appropriated and there
15 are appropriated (in addition to any other amounts appro-
16 priated to carry out this title and out of any money in
17 the Treasury not otherwise appropriated) such amounts
18 as may be necessary to carry out this title, except for sec-
19 tion 105(c), for each fiscal year.

20 **SEC. 112. DEFINITIONS.**

21 In this title:

22 (1) IN GENERAL.—The terms “city”; “extent of
23 poverty”; “metropolitan city”; “urban county”;
24 “nonentitlement area”; “population”; and “State”
25 have the meanings given the terms in section 102 of

1 the Housing and Community Development Act of
2 1974 (42 U.S.C. 5302).

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

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

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

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

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

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

23 (6) INDIAN TRIBE.—The term “Indian tribe”
24 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 any city, county, town, township, par-
17 ish, village, or other general purpose political sub-
18 division of a State; Guam, the Northern Mariana Is-
19 lands, the Virgin Islands, and American Samoa, or
20 a general purpose political subdivision thereof; a
21 combination of such political subdivisions that is rec-
22 ognized by the Secretary; and the District of Colum-
23 bia.

1 subparagraph (B) of this paragraph, except
2 that the amount reserved under such subsection
3 (b) shall not exceed \$1,000,000 and such sub-
4 section (f) shall be applied by substituting 1
5 year for 2 years.

6 (B) Prior to allocating funds to States
7 under section 14001(d) of division A of Public
8 Law 111–5, the Secretary shall allocate 0.5
9 percent to the Secretary of the Interior for
10 schools operated or funded by the Bureau of In-
11 dian Affairs on the basis of the schools’ respec-
12 tive needs for activities consistent with this
13 heading under such terms and conditions as the
14 Secretary of the Interior may determine.

15 (2) RESERVATION.—A State that receives an
16 allocation of funds appropriated under this heading
17 may reserve not more than 2 percent for the admin-
18 istrative costs of carrying out its responsibilities with
19 respect to those funds.

20 (3) AWARDS TO LOCAL EDUCATIONAL AGEN-
21 CIES.—

22 (A) Except as specified in paragraph (2),
23 an allocation of funds to a State shall be used
24 only for awards to local educational agencies for
25 the support of elementary and secondary edu-

1 cation in accordance with paragraph (5) for the
2 2013–2014 school year.

3 (B) Funds used to support elementary and
4 secondary education shall be distributed
5 through a State’s primary elementary and sec-
6 ondary funding formula or based on local edu-
7 cational agencies’ relative shares of funds under
8 part A of title I of the Elementary and Sec-
9 ondary Education Act of 1965 (20 U.S.C. 6311
10 et seq.) for the most recent fiscal year for which
11 data are available.

12 (C) Subsections (a) and (b) of section
13 14002 of division A of Public Law 111–5 shall
14 not apply to funds appropriated under this
15 heading.

16 (4) COMPLIANCE WITH EDUCATION REFORM AS-
17 SURANCES.—For purposes of awarding funds appro-
18 priated under this heading, any State that had an
19 approved application for Phase II of the State Fiscal
20 Stabilization Fund that was submitted in accordance
21 with the application notice published in the Federal
22 Register on November 17, 2009 (74 Fed. Reg.
23 59142) shall be deemed to be in compliance with
24 subsection (b) and paragraphs (2) through (5) of

1 subsection (d) of section 14005 of division A of Pub-
2 lic Law 111–5.

3 (5) REQUIREMENT TO USE FUNDS TO RETAIN
4 OR CREATE EDUCATION JOBS.—Notwithstanding
5 section 14003(a) of division A of Public Law 111–
6 5, funds awarded to local educational agencies under
7 paragraph (3)—

8 (A) may be used only for compensation
9 and benefits and other expenses, such as sup-
10 port services, necessary to retain existing em-
11 ployees, to recall or rehire former employees,
12 and to hire new employees, in order to provide
13 early childhood, elementary, or secondary edu-
14 cational and related services; and

15 (B) may not be used for general adminis-
16 trative expenses or for other support services
17 expenditures as those terms were defined by the
18 National Center for Education Statistics in its
19 Common Core of Data as of the date of enact-
20 ment of this title.

21 (6) PROHIBITION ON USE OF FUNDS FOR
22 RAINY-DAY FUNDS OR DEBT RETIREMENT.—A State
23 that receives an allocation may not use such funds,
24 directly or indirectly, to—

1 (A) establish, restore, or supplement a
2 rainy-day fund;

3 (B) supplant State funds in a manner that
4 has the effect of establishing, restoring, or
5 supplementing a rainy-day fund;

6 (C) reduce or retire debt obligations in-
7 curred by the State; or

8 (D) supplant State funds in a manner that
9 has the effect of reducing or retiring debt obli-
10 gations incurred by the State.

11 (7) DEADLINE FOR AWARD.—The Secretary
12 shall award funds appropriated under this heading
13 not later than 45 days after the date of the enact-
14 ment of this Act to States that have submitted ap-
15 plications meeting the requirements applicable to
16 funds under this heading. The Secretary shall not
17 require information in applications beyond what is
18 necessary to determine compliance with applicable
19 provisions of law.

20 (8) ALTERNATE DISTRIBUTION OF FUNDS.—If,
21 within 30 days after the date of the enactment of
22 this Act, a Governor has not submitted an approv-
23 able application, the Secretary shall provide for
24 funds allocated to that State to be distributed to an-
25 other entity or other entities in the State (notwith-

1 standing section 14001(e) of division A of Public
2 Law 111–5) for support of elementary and sec-
3 ondary education, under such terms and conditions
4 as the Secretary may establish, provided that all
5 terms and conditions that apply to funds appro-
6 priated under this heading shall apply to such funds
7 distributed to such entity or entities. No distribution
8 shall be made to a State under this paragraph, how-
9 ever, unless the Secretary has determined (on the
10 basis of such information as may be available) that
11 the requirements of clauses (i), (ii), or (iii) of para-
12 graph 10(A) are likely to be met, notwithstanding
13 the lack of an application from the Governor of that
14 State.

15 (9) LOCAL EDUCATIONAL AGENCY APPLICA-
16 TION.—Section 442 of the General Education Provi-
17 sions Act shall not apply to a local educational agen-
18 cy that has previously submitted an application to
19 the State under title XIV of division A of Public
20 Law 111–5. The assurances provided under that ap-
21 plication shall continue to apply to funds awarded
22 under this heading.

23 (10) MAINTENANCE OF EFFORT.—

24 (A) Except as provided in paragraph (8),
25 the Secretary shall not allocate funds to a State

1 under paragraph (1) unless the Governor of the
2 State provides an assurance to the Secretary
3 that—

4 (i) for State fiscal year 2014, the
5 State will maintain State support for ele-
6 mentary and secondary education (in the
7 aggregate or on the basis of expenditures
8 per pupil) and for public institutions of
9 higher education (not including support for
10 capital projects or for research and devel-
11 opment or tuition and fees paid by stu-
12 dents) at not less than the level of such
13 support for each of the two categories, re-
14 spectively, for State fiscal year 2009;

15 (ii) for State fiscal year 2014, the
16 State will maintain State support for ele-
17 mentary and secondary education and for
18 public institutions of higher education (not
19 including support for capital projects or for
20 research and development or tuition and
21 fees paid by students) at a percentage of
22 the total revenues available to the State
23 that is equal to or greater than the per-
24 centage provided for each of the two cat-

1 egories, respectively, for State fiscal year
2 2010; or

3 (iii) in the case of a State in which
4 State tax collections for calendar year
5 2009 were less than State tax collections
6 for calendar year 2006, for State fiscal
7 year 2014 the State will maintain State
8 support for elementary and secondary edu-
9 cation (in the aggregate) and for public in-
10 stitutions of higher education (not includ-
11 ing support for capital projects or for re-
12 search and development or tuition and fees
13 paid by students)—

14 (I) at not less than the level of
15 such support for each of the two cat-
16 egories, respectively, for State fiscal
17 year 2006; or

18 (II) at a percentage of the total
19 revenues available to the State that is
20 equal to or greater than the percent-
21 age provided for each of the two cat-
22 egories, respectively, for State fiscal
23 year 2006.

24 (B) Section 14005(d)(1) and subsections

25 (a) through (c) of section 14012 of division A

1 of Public Law 111–5 shall not apply to funds
2 appropriated under this heading.

3 **TITLE III—LAW ENFORCEMENT**
4 **AND FIREFIGHTER JOBS**

5 **SEC. 301. APPROPRIATION.**

6 The following sums are appropriated, out of any
7 money in the Treasury not otherwise appropriated, and
8 for the following purposes, namely:

9 DEPARTMENT OF JUSTICE

10 COMMUNITY ORIENTED POLICING SERVICES

11 (INCLUDING TRANSFER OF FUNDS)

12 For an additional amount for “Community Oriented
13 Policing Services”, for grants under section 1701 of title
14 I of the 1968 Omnibus Crime Control and Safe Streets
15 Act (42 U.S.C. 3796dd) for hiring and rehiring of addi-
16 tional career law enforcement officers under part Q of
17 such title, notwithstanding subsection (i) of such section,
18 \$1,179,000,000, of which \$2,950,000 shall be transferred
19 to “State and Local Law Enforcement Activities, Salaries
20 and Expenses” for management, administration and over-
21 sight of such grants.

1 DEPARTMENT OF HOMELAND SECURITY
2 FEDERAL EMERGENCY MANAGEMENT AGENCY
3 FIREFIGHTER ASSISTANCE GRANTS

4 For an additional amount for “Firefighter Assistance
5 Grants” for necessary expenses for programs authorized
6 by section 34 of the Federal Fire Prevention and Control
7 Act of 1974 (15 U.S.C. 2229a), \$500,000,000: *Provided*,
8 That notwithstanding any provision under section
9 34(a)(1)(A) of such Act specifying that grants must be
10 used to increase the number of firefighters in fire depart-
11 ments, the Secretary of Homeland Security, in making
12 grants under section 34 of such Act for fiscal year 2014,
13 shall grant waivers from the requirements of subsections
14 (a)(1)(B), (c)(1), (c)(2), and (c)(4)(A) of such section:
15 *Provided further*, That section 34(a)(1)(E) of such Act
16 shall not apply with respect to funds appropriated in this
17 or any other Act making appropriations for fiscal year
18 2014 for grants under section 34 of such Act: *Provided*
19 *further*, That the Secretary of Homeland Security, in mak-
20 ing grants under section 34 of such Act, shall ensure that
21 funds appropriated under this or any other Act making
22 appropriations for fiscal year 2014 are made available for
23 the retention of firefighters and shall award grants not
24 later than 120 days after the date of enactment of this
25 Act: *Provided further*, That the Secretary may transfer

1 any unused funds under this heading to make grants for
2 programs authorized by section 33 of such Act (15 U.S.C.
3 2229) after notification to the Committees on Appropria-
4 tions of the Senate and the House of Representatives.

5 **TITLE IV—ON-THE-JOB**
6 **TRAINING**

7 **SEC. 401. APPROPRIATION.**

8 The following sums are appropriated, out of any
9 money in the Treasury not otherwise appropriated, and
10 for the following purposes, namely:

11 DEPARTMENT OF LABOR

12 EMPLOYMENT AND TRAINING ADMINISTRATION

13 TRAINING AND EMPLOYMENT SERVICES

14 For an additional amount for “Training and Employ-
15 ment Services” for activities under the Workforce Invest-
16 ment Act of 1998 (“WIA”), \$500,000,000 which shall be
17 available for obligation on the date of enactment of this
18 Act, *Provided*, That such funds shall be used solely for
19 on-the-job training (as such term is defined in section
20 101(31) of the WIA): *Provided further*, That
21 \$250,000,000 of such amount shall be for such on-the-
22 job training for individuals who reside in local areas
23 that—

1 (1) have a poverty rate of 12 percent or more
2 for each Public Use Microdata Area (PUMA) in
3 such local area; or

4 (2) have an unemployment rate that is 2 per-
5 cent higher than the national unemployment rate.

○