Public Law 94-444
94th Congress

An Act

Oct. 1, 1976
[H.R. 12987]

To authorize appropriations for carrying out title VI of the Comprehensive Employment and Training Act of 1973, and for other purposes.

Emergency Jobs Programs Extension Act of 1976.
29 USC 801 note.
29 USC 961.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency Jobs Programs Extension Act of 1976".

SEC. 2. Title VI of the Comprehensive Employment and Training Act of 1973 is amended by striking out section 601 and inserting in lieu thereof the following:

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 601. There are authorized to be appropriated such sums as may be necessary for fiscal year 1976, and for the period beginning July 1, 1976, and ending September 30, 1976, and for fiscal year 1977, for carrying out the provisions of this title.".

29 USC 843.
Funds, use restrictions.

SEC. 3. (a)(1) Section 203(b) of the Comprehensive Employment and Training Act of 1973 is amended to read as follows:

"(b) Notwithstanding the provisions of section 208(a)(7) of this Act, not less than 85 per centum of the funds allocated in accordance with the provisions of this title which are used by an eligible applicant for public service employment programs under this title shall be expended only for wages and employment benefits to persons employed in public service jobs pursuant to this title, and the remainder of such funds may be used for administrative costs, including rental costs (within such reasonable limitations as the Secretary may prescribe with respect to the rental of space), and to obtain necessary supplies, equipment, and materials.".

29 USC 962.

(2) Section 602(b) of the Comprehensive Employment and Training Act of 1973 is amended to read as follows:

"(b) Notwithstanding the provisions of section 208(a)(7) of this Act, not less than 85 per centum of the funds allocated in accordance with the provisions of this title which are used by an eligible applicant for public service employment programs under this title shall be expended only for wages and employment benefits to persons employed in public service jobs pursuant to this title, and the remainder of such funds may be used for administrative costs, including rental costs (within such reasonable limitations as the Secretary may prescribe with respect to the rental of space), and to obtain necessary supplies, equipment, and materials.".

29 USC 984.

(b) Section 704 of the Comprehensive Employment and Training Act of 1973 is amended by inserting at the end thereof the following new subsection:

Financial records, maintenance and availability.

"(d) Financial records of a prime sponsor relating to public service employment programs assisted under this Act and records of the names, addresses, positions, and salaries of all persons employed in public service jobs assisted under this Act shall be maintained and made available to the public.".

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

SEC. 4. (a)(1) With respect to appropriations made by the Emergency Supplemental Appropriations Act of 1976 (Public Law 94-266, enacted April 15, 1976) for the purpose of carrying out activities authorized by title II of the Comprehensive Employment and Training Act of 1973— 29 USC 842 note. *Ante*, p. 362. 29 USC 841.

(A) notwithstanding any other provision of law, funds made available under section 202(b) of the Comprehensive Employment and Training Act of 1973 may be used in any areas qualifying under title VI of such Act to provide a continuation of public service employment activities under both title II and title VI of such Act; and 29 USC 842. 29 USC 861.

(B) in order to enable persons employed in public service jobs financially assisted under title VI of such Act to be transferred to jobs financially assisted under title II of such Act, the Secretary of Labor is authorized to waive the provision of section 205(a) of such Act requiring a thirty-day period of unemployment. Waiver. 29 USC 845.

(2) The provisions of paragraph (1) of this subsection shall be deemed to have taken effect on the date of enactment of the Emergency Supplemental Appropriations Act of 1976. Persons transferred after such date from jobs financially assisted under title VI of the Comprehensive Employment and Training Act of 1973 to jobs financially assisted under title II of such Act, using funds made available under the Emergency Supplemental Appropriations Act of 1976, shall after the date of enactment of this Act be considered to be public service jobholders financially assisted under such title VI. Effective date.

(b) Subsection (b) of section 603 of the Comprehensive Employment and Training Act of 1973 is amended by adding at the end of such subsection the following new sentences: "In distributing funds available for the discretionary use of the Secretary of Labor under this subsection, the Secretary is authorized to utilize such funds to assure a continuation of public service employment activities supported under this Act. In distributing such funds under this subsection to prime sponsors, the Secretary shall base allocations upon the public service employment activities sustained within the jurisdicton of each unit of general local government within the area served by each such prime sponsor in accordance with subsection (c) of this section.". 29 USC 963.

SEC. 5. (a) Title VI of the Comprehensive Employment and Training Act of 1973 is further amended by adding at the end thereof the following new sections:

"RESERVATION OF FUNDS; EMPLOYMENT OF LONG-TERM UNEMPLOYED, LOW-INCOME PERSONS

"SEC. 607. (a) Each prime sponsor, in accordance with regulations which the Secretary shall prescribe, shall reserve out of any allocation which it receives under this title from appropriations for fiscal year 1977 such amount as will be sufficient, when added to funds available for use under title II of this Act during such fiscal year, to enable the prime sponsor to sustain throughout such fiscal year the number of public service jobholders supported under this title and title II of this Act on June 30, 1976. 29 USC 967. 29 USC 841.

"(b) The amount of each prime sponsor's allocation under this title remaining after funds are reserved for the purpose described in subsection (a) of this section shall be used to provide public service jobs for eligible unemployed persons (as described in section 608) in proj- *Post*, p. 1478.

ects and activities carried out by project applicants (as defined in section 701(a)(15) of this Act). Such projects and jobs shall not exceed twelve months in duration and shall provide employment consistent with the aim of maintaining average federally supported wage rates for public service jobholders (adjusted on a regional and area basis) as set forth under section 209(b) of this Act.

Post, p. 1479. Time limitation.

29 USC 849.

Vacancies.

"(c) Vacancies occurring after June 30, 1976, in jobs supported under this title and the Emergency Supplemental Appropriations Act of 1976 (Public Law 94-266) to which subsection (a) of this section is applicable shall be filled as follows:

Ante, p. 362.

"(1) Fifty per centum of such vacancies shall be filled in accordance with the provisions of section 608.

Infra.

"(2) Fifty per centum of such vacancies shall be filled in accordance with the provisions of this title (other than the provisions of this section, except for this paragraph, and of sections 608 and 609) except that a prime sponsor may give preference in filling such vacancies to unemployed public health and safety personnel in public health and safety positions for which they are qualified.

Post, p. 1479.

"ELIGIBILITY OF LONG-TERM UNEMPLOYED, LOW-INCOME PERSONS

29 USC 968.

"SEC. 608. (a) In filling public service jobs with financial assistance available for the purposes of subsections (b) and (c)(1) of section 607, each prime sponsor shall determine that any person to be employed in any such public service job (1) is an individual—

Ante, p. 1477.

"(A) who has been receiving unemployment compensation for fifteen or more weeks;

"(B) who is not eligible for such benefits and has been unemployed for fifteen or more weeks;

"(C) who has exhausted unemployment compensation benefits; or

"(D) who is, or whose family is, receiving aid to families with dependent children provided under a State plan approved under part A of title IV of the Social Security Act;

42 USC 601.

and (2) is not a member of a household which has current gross family income, adjusted to an annualized basis (exclusive of unemployment compensation and other public payments which such individual will be disqualified from receiving by reason of employment under this title) at a rate exceeding 70 per centum of the lower living standard income level.

"(b) For purposes of this section, the term 'lower living standard income level' means that income level (adjusted for regional and metropolitan and urban and rural differences and family size) determined annually by the Secretary based upon the most recent 'lower living standard budget' issued by the Bureau of Labor Statistics of the Department of Labor.

"Lower living standard income level."

"(c) In filling public service jobs, each prime sponsor shall take reasonable steps, which such sponsor shall determine, to insure that funds provided in accordance with subsections (b) and (c)(1) of section 607 shall be equitably allocated for jobs among the categories of eligible persons described in section 608(a) in light of the composition of the population of unemployed eligible persons served by the prime sponsor.

Funds, equitable allocation.

Ante, p. 1477.

"(d) In providing public service jobs and determining hours of work for eligible persons with financial assistance provided in accordance with subsections (b) and (c)(1) of section 607, each prime sponsor shall take into account the household support obligations of the

Job applicants, household support obligations, consideration.

men and women applying for such jobs, and shall give special consideration to such alternative working arrangements as flexible hours of work, shared time, and part-time jobs, for eligible persons, particularly for parents of young children and for older persons.

"(e) The Secretary, through the affiliated State employment security agencies, shall take steps to inform the recipients of unemployment compensation benefits of any available public service jobs for which such recipients may be eligible, but such notification shall clearly state that such notification is designed only to inform, and in no way to coerce, such recipients with respect to the availability of such jobs.

Available jobs, notification.

"APPROVAL OF PROJECTS

"SEC. 609. (a) In order for a project application submitted by a project applicant to be approved by the prime sponsor for financial assistance provided in accordance with subsection (b) of section 607, copies of such application shall have been submitted at the time of such application to the prime sponsor's planning council established under section 104, for the purpose of affording such council an opportunity to submit comments and recommendations with respect to that application to the prime sponsor. No member of a prime sponsor's planning council shall cast a vote on any matter in connection with a project in which that member (or any organization with which that member is associated) has a direct interest.

Applications. 29 USC 969. *Ante*, p. 1477. 29 USC 814.

"(b) Consistent with procedures established by the prime sponsor in accordance with regulations which the Secretary shall prescribe, the prime sponsor shall not disapprove a project application submitted by a project applicant unless it has first considered any comments and recommendations made by the prime sponsor's planning council and unless it has provided such applicant and the planning council with a written statement of its reasons for such disapproval.".

Disapproval.

(b)(1) Section 701(a) of the Comprehensive Employment and Training Act of 1973 is amended by adding at the end thereof the following new paragraph:

29 USC 981.

"(15) 'project applicants' includes States and agencies thereof, units of general local government and agencies thereof or combinations or associations of such governmental units when the primary purpose of such combinations or associations is to assist such governmental units to provide public services, special purpose political subdivisions having the power to levy taxes and spend funds or serving such special purpose within an area served by one or more units of general local government, local educational agencies as defined in section 801(f) of the Elementary and Secondary Education Act of 1965, institutions of higher education as defined in section 1201(a) of the Higher Education Act of 1965, community-based organizations as defined in paragraph (1) of this subsection, community development corporations, nonprofit groups and organizations serving Indians or Native Hawaiians, and other nonprofit private organizations or institutions engaged in public service.".

"Project applicants."

20 USC 881. 20 USC 1141.

(2) The last sentence of section 606 of the Comprehensive Employment and Training Act of 1973 is amended to read as follows: "In reallocating any such funds, the Secretary shall give priority first to other areas within the same State and then to areas within other

Funds, reallocation. 29 USC 966.

States, taking into account the number of eligible unemployed individuals (as described in section 608) in such areas.".

Ante, p. 1478.

(3) Section 605 of the Comprehensive Employment and Training Act of 1973 is amended by inserting after "projects and activities" a comma and the following: "including projects and activities to be carried out by project applicants as defined in section 701(a)(15) of this Act,".

29 USC 965.

Ante, p. 1479.

(c) Section 702 of the Comprehensive Employment and Training Act of 1973 is amended by adding at the end thereof the following new subsection:

29 USC 982.

"(c) The Secretary shall not, by regulation or otherwise, impose any quota or limitation on the number or percentage of persons hired under title II or VI, or both, of this Act who were former employees of public employers under this Act and who held jobs supported under title II or VI of this Act on June 30, 1976, or who are hired to fill vacancies under the provisions of section 607(c)(2). Any person who, between June 30, 1976, and the date of enactment of this Act, was laid off from a job supported under title II or VI of this Act by reason of such a quota or limitation may be reinstated by the prime sponsor without regard to the provisions of section 607(c). Nothing in this subsection shall be construed to relieve any prime sponsor from complying with section 205(c)(8) of this Act.".

29 USC 841, 861.

Ante, p. 1478.

29 USC 845.

Restriction.

29 USC 965.

(d) Section 605 of the Comprehensive Employment and Training Act of 1973 is amended by inserting "(a)" after such section designation and by adding at the end thereof the following new subsection:

"(b) No funds for public service employment programs under this Act may be used to provide public services, through a private or nonprofit organization or institution, which are customarily provided by a State, a political subdivision, or a local educational agency in the area served by the project.".

SEC. 6. (a) Title II of the Emergency Jobs and Unemployment Assistance Act of 1974 is amended by adding at the end thereof the following new part:

"PART B—REIMBURSEMENT FOR UNEMPLOYMENT BENEFITS PAID ON BASIS OF PUBLIC SERVICE EMPLOYMENT

"PAYMENTS TO STATES

26 USC 3304 note.

"SEC. 220. (a) Each State shall be paid by the United States with respect to each individual—

"(1) who receives compensation with respect to any benefit year, and

"(2) whose base period wages for such benefit year include public service wages,

an amount which bears the same ratio to the total amount of compensation paid to such individual with respect to such benefit year for weeks of unemployment which begin on or after January 1, 1976, as the amount of the public service wages included in the individual's base period wages bears to the total amount of the individual's base period wages.

Payment methods.

"(b) Each State shall be paid, either in advance or by way of reimbursement, as may be determined by the Secretary, the sum that the Secretary estimates is payable to such State under this part for each calendar month. The sum shall be reduced or increased by the amount

which the Secretary finds that his estimate for an earlier calendar month was greater or less than the sum which should have been paid to the State. Estimates shall be made on the basis of reports made by the State to the Secretary as prescribed by the Secretary.

"(c) The Secretary shall, from time to time, certify to the Secretary of the Treasury the sum payable to each State under this part. The Secretary of the Treasury, prior to audit and settlement by the General Accounting Office, shall pay the State in accordance with the certification from funds for carrying out the purposes of this part. **Certification.**

"(d) Money paid to a State under this part may be used solely for the purpose of paying compensation. Money so paid which is not used for such purpose shall be returned, at the time specified by the Secretary, to the Treasury of the United States and credited to current applicable appropriations, funds, or accounts from which payments to States under this part may be made. **Unused funds, return to Treasury.**

"(e) In the case of any political subdivision of a State which has in effect an unemployment compensation program which provides for the payment of compensation on the basis of services performed in its employ, such political subdivision shall be entitled to payments under this part in the same manner and to the same extent as if such political subdivision were a State. **Political subdivision, eligibility for payments.**

"STATE LAW PROVISIONS

"SEC. 221. (a) The unemployment compensation law of any State may provide that any organization which elects to make payments (in lieu of contributions) into the State unemployment compensation fund— **26 USC 3304 note.**

"(1) shall not be liable to make such payments after the date of the enactment of this section with respect to any compensation to the extent that such State is entitled to payments with respect to such compensation under this part; and

"(2) shall receive credit against payments required to be made after such date of enactment for any such payments made on or before such date of enactment to the extent that such payments were made with respect to compensation for which the State is entitled to receive payments under this part.

"(b) The unemployment compensation law of any State may, without being deemed to violate the standards set forth in section 3303(a) of the Internal Revenue Code of 1954, provide for appropriate adjustments, as may be determined by the Secretary, in the account of any employer who has paid public service wages to reflect the payments to which such State is entitled under this part with respect to compensation attributable to such wages. **Adjustments.** **26 USC 3303.**

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 222. There are hereby authorized to be appropriated for purposes of this part such sums as may be necessary. **26 USC 3304 note.**

"DEFINITIONS

"SEC. 223. As used in this part, the term— **26 USC 3304 note.**

"(1) 'State' means the States of the United States, the District of Columbia, Puerto Rico, and the Virgin Islands;

"(2) 'compensation' means cash benefits payable to individuals with respect to their unemployment, except that such term shall not include special unemployment assistance payable under part A;

"(3) 'public service job' means any public service job funded with assistance provided under the Comprehensive Employment and Training Act of 1973;

29 USC 801 note.

"(4) 'public service wages' means remuneration for services performed in a public service job to the extent that such remuneration is paid with funds provided under the Comprehensive Employment and Training Act of 1973;

"(5) 'benefit year' means the benefit year as defined by the applicable State unemployment compensation law;

"(6) 'base period' means the base period as defined by the applicable State unemployment compensation law for the benefit year; and

"(7) 'Secretary' means the Secretary of Labor."

26 USC 3304 note.

(b) Title II of such Act is further amended—

(1) by inserting after the heading of such title the following:

"PART A—SPECIAL UNEMPLOYMENT ASSISTANCE";

(2) by striking out "this title" each place it appears and inserting in lieu thereof "this part"; and

29 USC 850.

(3) by striking out "the title" in section 210(a) and inserting in lieu thereof "this title".

Effective date. 29 USC 3304 note.

(c) The amendments made by this section shall take effect on October 1, 1976, with respect to compensation paid for weeks of unemployment beginning after December 31, 1975.

29 USC 845.

SEC. 7. Section 205(c)(24) of the Comprehensive Employment and Training Act of 1973 is amended by striking out "job category" in both places where that term occurs in such clause and inserting in lieu thereof "promotional line".

29 USC 962.

SEC. 8. (a) Section 602(e) of the Comprehensive Employment and Training Act of 1973 is amended by striking out "Indian tribes on Federal or State reservations" and inserting in lieu thereof "Indian tribes, bands, and groups qualified under section 302(c)(1) of this Act".

29 USC 872.

29 USC 963.

(b) Section 603(a) of the Comprehensive Employment and Training Act of 1973 is amended by redesignating paragraphs (1) and (2) thereof as paragraphs (2) and (3), respectively, and by inserting immediately after "(a)" the following: "(1) The Secretary shall reserve an amount equal to not less than 2 per centum of the amounts appropriated under section 601 for any fiscal year to enable Indian tribes, bands, and groups which are designated as eligible applicants under this title to carry out public service employment programs.".

29 USC 861.

(c) Section 603(a)(2) of such Act, as redesignated by subsection (b) of this section, is amended by inserting after "per centum" the following: "of the remainder".

Ante, p. 1476.

SEC. 9. (a) Section 704 of the Comprehensive Employment and Training Act of 1973 (as amended by section 3(b) of this Act) is further amended by adding at the end thereof the following new subsection:

"(e) Notwithstanding any other provision of law, funds allocated by a prime sponsor or an Indian tribe, band, or group for the employ-

ment of individuals under this Act may be expended in conjunction with funds from any other public or private source, but funds allocated under this Act may only be expended in accordance with the requirements of this Act.".

(b) The heading of such section 704 is amended to read as follows: 29 USC 984.

"SPECIAL PROVISIONS".

SEC. 10. Section 311 of the Comprehensive Employment and Training Act of 1973 is amended by adding at the end thereof the following new subsection: 29 USC 881.

"(e) The Secretary is authorized to undertake projects (either directly or by grant or contract) for the purpose of demonstrating the feasibility of providing relocation assistance to unemployed workers residing in areas of substantial unemployment who would otherwise be eligible for public service employment under this Act. Such assistance shall be in such form and amount as the Secretary deems appropriate for demonstration purposes, except that he shall use as a general guideline the form and amount of relocation assistance available under chapter 2 of title II of the Trade Act of 1974.". Relocation assistance. 19 USC 2271.

SEC. 11. Section 704 of the Comprehensive Employment and Training Act of 1973 (as amended by sections 3(b) and 9 of this Act) is further amended by adding at the end thereof the following new subsection: *Ante*, pp. 1476, 1482.

"(f) Notwithstanding any other provision of law, employment and training services furnished under this Act in connection with weatherization projects authorized under section 222(a)(12) of the Economic Opportunity Act of 1964 may include work on such projects for the near poor, including families having incomes which do not exceed 125 per centum of the poverty line as established by section 625 of the Economic Opportunity Act of 1964.". 42 USC 2809. 42 USC 2971d.

SEC. 12. (a) Section 104(b) of the Emergency Jobs and Unemployment Assistance Act of 1974 is amended by— 38 USC 2002 note.

(1) striking out "by this Act" after "amended"; and

(2) inserting at the end of such subsection the following new sentence: "They shall also report to such committees on the same subjects not later than ninety days after the date of enactment of the Emergency Jobs Programs Extension Act of 1976.". Report to congressional committees.

(b) Title I of the Comprehensive Employment and Training Act of 1973 is amended by—

(1) inserting at the end of section 105(a)(3) the following "and (E) provides such arrangements as may be appropriate to promote maximum feasible use of apprenticeship or other on-job training opportunities available under section 1787 of title 38, United States Code;"; and 29 USC 815.

(2) striking out in section 106(b)(5) "provide special emphasis" and inserting in lieu thereof "take affirmative action". 29 USC 816.

SEC. 13. (a)(1) The Congress finds and declares that— 29 USC 952 note.

(A) the reliable and comprehensive measurement of employment and unemployment is vital to assessing the Nation's economic well-being and the utilization of its work force, and is an important determinant of public policies toward job creation, education, training, assistance for the jobless, and other labor market programs;

(B) the allocation of billions of dollars of Federal funds on the basis of unemployment data is increasing, making even more crucial the timely, accurate, and uniform measurement of the labor force;

(C) the formulation of public policies to promote the most effective use of our human resources is hindered by inadequate information on the utilization and effect of education and training programs;

(D) in order for governmental and private sector policy decisions to have maximum effect upon reducing unemployment and strengthening the labor force, an accurate and precise system for measuring employment and unemployment and its impacts on particular segments of the potential work force is essential;

(E) the current method of data collection and the form of its presentation, at national, regional, and subregional levels, may not fully reflect unemployment and employment trends, and may produce incomplete and, therefore, misleading conclusions, thus impairing the validity and utility of this critical economic indicator;

(F) it is critical to retain public confidence in the procedures, concepts, and methodology of collecting, analyzing, and presenting employment and unemployment statistics; and

(G) objectivity is a necessity in considering reform of statistical processes.

(2) It is the purpose of this section to establish a National Commission on Employment and Unemployment Statistics to have responsibility for examining the procedures, concepts, and methodology involved in employment and unemployment statistics and suggesting ways and means of improving them.

National Commission on Employment and Unemployment Statistics. Establishment. Membership.

(b)(1) There shall be established a National Commission on Employment and Unemployment Statistics (hereinafter in this section referred to as the "Commission") which shall consist of nine members appointed by the President, by and with the advice and consent of the Senate. Seven of the members shall be selected on the basis of their knowledge of and experience in the procedures, methodology, or use of employment and unemployment statistics, and shall be broadly representative of labor, business and finance, education and training, economics and statistics, and State and local government. Two of the members shall be selected from the general public. The membership of the Commission shall be generally representative of significant segments of the labor force, including women and minority groups. Any vacancy in the Commission shall not affect its powers as long as there continues to be at least five members; and any such vacancy may be filled in the same manner as the original appointment is made.

Vacancies.

Advisory members.

(2) Except when six members of the Commission shall vote to hold an executive session for a particular purpose, the Secretary of Labor, the Secretary of Commerce, the Commissioner of Labor Statistics, the Director of the Bureau of the Census, the Director of the Office of Management and Budget, the Chairman of the National Commission for Manpower Policy, the Chairman of the Council of Economic Advisers, and a majority and a minority member each of the Joint Economic Committee, of the Committee on Labor and Public Welfare of the Senate, and of the Committee on Education and Labor of the House of Representatives, or in each case a designee, shall assist and participate in the hearings, deliberations, and other activities of the Commission on an advisory basis.

(3) The President shall designate a Chairman from among the appointed members of the Commission. **Chairman.**

(4) The Chairman, with the concurrence of the Commission, shall appoint an executive director, who shall be the chief executive officer of the Commission and shall perform such duties as are prescribed by the chairman or the Commission. The executive director may appoint, with the concurrence of the Chairman, such professional, technical, and clerical staff as are necessary to carry out the provisions of this section. The executive director and staff shall be appointed without regard to the provisions of title 5, United States Code, governing appointments to the competitive service, governing appointments to the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate of GS-18 of the General Schedule under section 5332 of such title. The executive director, with the concurrence of the Chairman, may obtain temporary and intermitten services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code. The Commission may utilize such staff, with or without reimbursement, from the Department of Labor, the Department of Commerce, and such other appropriate Federal agencies as may be available to assist the Commission in carrying out its responsibilities.

Executive director, appointment.

5 USC 101 *et seq.*

5 USC 5101 *et seq.*, 5331.

5 USC 5332 note.

Experts and consultants.

(5) The Commission shall determine its own internal procedures, including the constituting of a quorum.

(6) The Commission is authorized to accept and utilize voluntary and uncompensated services notwithstanding the provisions of section 665(b) of title 31, United States Code.

(7) Members of the Commission who are not officers or employees of the Federal Government shall be paid compensation at a rate of not to exceed the per diem equivalent of the rate for GS-18 of the General Schedule under section 5332 of title 5, United States Code, when engaged in the work of the Commission, including traveltime; and while serving away from their homes or regular places of business, shall be allowed travel expenses including per diem in lieu of subsistence, in the same manner as such expenses are authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently.

Compensation.

5 USC 5332 note.

(c) The Commission shall— **Duties.**

(1) identify the needs of the Nation for labor force statistics and assess the extent to which current procedures, concepts, and methodology in the collection, analysis, and presentation of such statistics constitute a comprehensive, reliable, timely, and consistent system of measuring employment and unemployment and indicating trends therein; and

(2) conduct or provide (through contract with institutions, organizations, and individuals, or appropriate Federal or State agencies, or otherwise) for such studies, hearings, research, or other activities as it deems necessary to enable it to formulate appropriate recommendations.

The Commission or, on the authorization of the Commission, any subcommittee or members thereof, may, for the purposes of carrying out the provisions of this section, hold such hearings, take such testimony, and sit and act at such times and places as the Commission deems advisable. Any member authorized by the Commission may administer oaths or affirmations to witnesses appearing before the Commission or any subcommittee or members thereof. **Hearings.**

Report to President and Congress.

(d)(1) The Commission shall make a report of its findings and recommendations to the President and the Congress within eighteen months after the date of appointment of the first five members of the Commission.

(2) In preparing its report, the Commission shall consider the following:

(A) The methodology of collection of employment and unemployment data at all levels, including National, regional, State, and local statistics.

(B) The methodology of analysis of such data, including its relevance and application.

(C) The methodology of presentation of employment and unemployment statistics, including the dissemination, current utilization, and application of such statistics.

(D) Alternative methods of such collection, analysis, and presentation.

(E) The need for additional special statistical surveys (including longitudinal studies) and reports on a continuing basis.

(F) The need for additional data and analysis on job vacancies, job turnover, job matching, discouraged workers, part-time workers, youth, minorities, women, and other labor force participants.

(G) Accuracy and uniformity of seasonal adjustments in all categories of labor force statistics.

(H) Methods of achieving current, accurate, and uniform employment and unemployment statistics on a State and local basis, including their use as a determinant of the allocation of Federal assistance.

(I) The need for, and methods to obtain, data relating employment status and earnings, economic hardship, and family support obligations.

(J) The extent to which employment and earnings data assist in determining the impact of public programs and policies upon persons who are economically disadvantaged, unemployed, or underemployed.

(K) The availability of and need for periodic information on education and training enrollments and completions in the public and private sectors.

(L) Statistical indicators of the relationship between education and training and subsequent employment, earnings, and unemployment experience.

(M) The value and usefulness of other statistics regarding employment and unemployment, such as those obtained through operation of the unemployment insurance system.

(N) The availability of and need for current and projected occupational information, particularly on a local basis, to assist youths and adults in making training, education, and career choices.

(O) Such other matters as the Commission deems appropriate or necessary, including such matters as are suggested by the President or by the Congress that the Commission deems appropriate.

Draft regulations and legislation.

(3) The Commission's report shall contain its findings and recommendations, including a feasible schedule for their implementation, cost estimates, and any appropriate draft regulations and legislation to implement such recommendations.

(4) The Commission may make such interim reports or recommendations as it may deem desirable.

(e) Upon submission of the Commission's final report, the Secretary of Labor shall take steps to ascertain the views of each affected executive agency and, within six months after the report's submission, shall make an interim report to the Congress on— Report to Congress.

(1) the desirability, feasibility, and cost of implementing each of the Commission's recommendations, and the actions taken or planned with respect to their implementation; and

(2) recommendations with respect to any legislation proposed by the Commission, the need for any alternative or additional legislation to implement the Commission's recommendations, and any other proposals to strengthen and improve the measurement of employment and unemployment.

Within two years after submission of the Commission's final report, the Secretary shall submit a final report to the Congress detailing the actions taken with respect to the recommendations of the Commission, together with any further recommendations deemed appropriate.

(f) (1) Each department, agency, and instrumentality of the Federal Government is authorized and directed to cooperate fully with the Commission in furnishing appropriate information to assist the Commission in carrying out its functions under this section.

(2) The head of each department, agency, or instrumentality of the Federal Government is authorized to provide such support and services to the Commission, upon request of the Chairman, as may be agreed between the head of the department, agency, or instrumentality and the Chairman.

(g) The Commission shall cease to exist one hundred and eighty days after submission of its final report as required under subsection (d) (1) of this section. Termination.

(h) (1) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section. Appropriation authorization.

(2) Notwithstanding any other provision of law, any funds appropriated to carry out this section which are not obligated prior to the end of the fiscal year for which such funds were appropriated shall remain available for obligation during the succeeding fiscal year.

SEC. 14. (a) Section 202 of the Comprehensive Employment and Training Act of 1973 is amended by adding at the end thereof the following new subsection: 29 USC 842.

"(c) Whenever the Secretary allocates any funds available under subsection (b) of this section through a distribution based upon a formula, he shall, not later than 30 days prior to such allocation, publish in the Federal Register for comment the specific formula upon which such distribution is based, the rationale supporting the selection of the formula, and the proposed distribution to each prime sponsor. After consideration of comments received under the preceding sentence, the Secretary shall publish final allocations.". Publication in Federal Register.

(b) Section 603 of such Act is amended by adding at the end thereof the following new subsection: 29 USC 963.

"(d) Whenever the Secretary allocates any funds available under subsection (b) of this section through a distribution based upon a formula, he shall, not later than 30 days prior to such allocation, publish in the Federal Register the specific formula upon which such distribution is based, the rationale behind the selection of the formula, and the proposed distribution for each prime sponsor. After consideration of comments received under the preceding sentence, the Secretary shall publish final allocations.". Publication in Federal Register.

Public service employment programs, study. 29 USC 953 note. 29 USC 951. 29 USC 841, 861. Report to Congress.

SEC. 15. (a) The National Commission for Manpower Policy, established under title V of the Comprehensive Employment and Training Act of 1973, shall conduct a study of the net employment effects of the public service employment programs authorized by title II and title VI of the Comprehensive Employment and Training Act of 1973.

(b) The National Commission for Manpower Policy shall prepare and submit to the Congress not later than March 31, 1978, a report on the study required by this section, together with such recommendations, including recommendations for legislation, as such Commission deems advisable.

Appropriation authorization.

(c) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

Approved October 1, 1976.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 94-1019 (Comm. on Education and Labor) and No. 94-1514 (Comm. of Conference).
SENATE REPORT No. 94-883 (Comm. on Labor and Public Welfare).
CONGRESSIONAL RECORD, Vol. 122 (1976):
Apr. 30, considered and passed House.
Aug. 9, 10, considered and passed Senate, amended.
Sept. 17, House agreed to conference report.
Sept. 22, Senate agreed to conference report.