

112TH CONGRESS  
1ST SESSION

# H. R. 2828

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.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 26, 2011

Mr. GEORGE MILLER of California introduced the following bill; which was referred to the Committee on Education and the Workforce

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## 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 pursuant to section  
5 111, the Secretary, 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 to each entitlement commu-  
7 nity in an amount which bears the same ratio  
8 to the total amount made available under this  
9 subparagraph as the population of the entitle-  
10 ment community bears to the total population  
11 of all entitlement communities;

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

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

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

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

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

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

19           (c) RESERVATION AND ALLOTMENTS BY STATES.—

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

24                   (2) ALLOTMENTS BY STATES.—

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

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

12           (I) provide local services to the  
13 public; and

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

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

1 cated in a nonentitlement area of the State  
2 where such services or functions will be  
3 provided by the organization.

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

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

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

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

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

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

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

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

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

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

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

11 (a) ENTITLEMENT COMMUNITIES.—Of the amount of  
12 funds received under section 104(c)(1) for each fiscal year,  
13 a unit of general local government that is an entitlement  
14 community—

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

17 (2) may use up to 50 percent of the remainder  
18 of such funds (after using the funds pursuant to  
19 paragraph (1)) to continue to provide employee com-  
20 pensation to employees employed by the unit, as of  
21 the date of the enactment of this Act, in positions  
22 that—

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



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

4 (3) may provide up to 50 percent of the remain-  
5 der of such funds (after using the funds pursuant to  
6 paragraph (1) and (2)) to community-based organi-  
7 zation to employ individuals newly hired or employed  
8 under a contract entered into after the date of the  
9 enactment of this Act to provide services or func-  
10 tions that are not customarily provided by the unit,  
11 of which—

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

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

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

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

1       ices described in subclauses (I) and (II) of section  
2       103(c)(1)(B)(i) for the unit.

3       (b) NONENTITLEMENT AREAS.—Of the amount of  
4 funds received under section 104(c)(2)(B) for each fiscal  
5 year—

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

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

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

16          (2) a community-based organization—

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

20           (B) may use up to 5 percent for supportive  
21 services; and

22           (C) may use up to 2 percent for adminis-  
23 trative purposes.

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

1 (1) FUNDED POSITIONS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12                 (1) IN GENERAL.—

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

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

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

5 (C) NOTICE OF INTENT.—

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

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

21 (2) ENTITLEMENT COMMUNITIES.—

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

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

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

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

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

24 (3) NONENTITLEMENT AREAS.—

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

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

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

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



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

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

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

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

13 (4) Whether the positions will—

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

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

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

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

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

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

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

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

24           (c) APPROVAL AND ALLOTMENT OF FUNDS.—

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

9           (2) NONENTITLEMENT AREAS.—

10           (A) APPROVAL BY THE SECRETARY.—

11           Within 30 days of receipt of a statement sub-  
12 mitted under subsection (a)(3)(B) by a State  
13 with respect to a unit of general local govern-  
14 ment located in a nonentitlement area, or a  
15 community-based organization to provide serv-  
16 ices or functions that are not customarily pro-  
17 vided by a unit of general local government lo-  
18 cated in a nonentitlement area where such serv-  
19 ices or functions will be provided by the organi-  
20 zation, for a fiscal year, the Secretary shall  
21 allot to the State the amount of funds re-  
22 quested by the State for such unit or organiza-  
23 tion for such fiscal year, not to exceed the total  
24 amount of funds available to be allotted under

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

3 (B) STATE ALLOTMENT OF FUNDS.—Not  
4 later than 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 publishes a notice of allot-  
22 ment under subsection (a)(1)(A) for such unit, to  
23 the Secretary a statement under subsection (a) that  
24 indicates an intention to hire at least 1 individual  
25 under this title for such fiscal year, shall be made

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

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

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

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

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

6 (1) have been in receipt of unemployment com-  
7 pensation for 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 grants 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 Act for a fiscal year are individuals  
22 described in subsection (b).

23 (2) AUTHORIZATION OF APPROPRIATIONS.—

24 There are authorized to be appropriated

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

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

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

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

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

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

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

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

1 (B) 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 under this title.

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



1 **SEC. 107. NONDISPLACEMENT.**

2 (a) NONDISPLACEMENT OF EXISTING EMPLOYEES.—

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

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

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

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

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

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

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

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

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

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

18 (a) ENTITLEMENT COMMUNITY.—A unit of general  
19 local government that is an entitlement community that  
20 receives funds under this title shall submit, every 90 days  
21 during the period the unit receives such funds, to the Sec-  
22 retary, a report that provides—

23 (1) the status of the unit's compliance with the  
24 statement submitted by the unit under section  
25 104(a)(2)(A); and

1           (2) the status of the compliance of any commu-  
2           nity-based organization that receives funds from the  
3           unit pursuant to this title with the statement sub-  
4           mitted by the organization under section  
5           104(a)(2)(B).

6           (b) NONENTITLEMENT AREA.—

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

18          (2) STATES.—A State shall submit, every 90  
19          days during the period the State receives funds  
20          under this title, to the Secretary, a report containing  
21          the information received under paragraph (1).

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

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

2       The Secretary shall perform random, periodic audits  
3 to determine compliance with this title.

4 **SEC. 110. DISPUTE RESOLUTIONS, WHISTLEBLOWER HOT-**  
5 **LINE, AND ENFORCEMENT BY THE SEC-**  
6 **RETARY.**

7       (a) ESTABLISHMENT OF ARBITRATION PROCE-  
8 DURE.—

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

15           (2) WRITTEN GRIEVANCES.—

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

24           (B) IN-PERSON MEETING.—Not later than  
25 10 days after the date of the filing of the griev-  
26 ance, the chief executive officer (or the designee

1 of the chief executive officer) shall have an in-  
2 person meeting with the party to resolve the  
3 grievance.

4 (3) ARBITRATION.—

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

12 (B) APPOINTMENT BY SECRETARY.—If the  
13 parties cannot agree on an arbitrator within 5  
14 days of submitting the grievance to binding ar-  
15 bitration under subparagraph (A), one of the  
16 parties may submit a request to the Secretary  
17 to appoint a qualified and independent arbi-  
18 trator. The Secretary shall appoint a qualified  
19 and independent arbitrator within 15 days after  
20 receiving the request.

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

1 (D) COSTS.—

2 (i) IN GENERAL.—Except as provided  
3 in clause (ii), the cost of an arbitration  
4 proceeding shall be divided evenly between  
5 the parties to the arbitration.

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

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

1 the Secretary shall withhold the funds subject to such  
2 grievance, unless and until the grievance is resolved under  
3 subsection (a), by the parties or an arbitrator in favor of  
4 providing such funding.

5 (c) ALL OTHER DISPUTES.—

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

24 (2) EXISTING GRIEVANCE PROCEDURES.—A  
25 party to a dispute described in paragraph (1) may

1 use the existing grievance procedure of a unit or  
2 State involved in such dispute, or the arbitration  
3 procedure described in this subsection, to resolve  
4 such dispute.

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

10 (e) WHISTLEBLOWER HOTLINE; ENFORCEMENT BY  
11 THE SECRETARY.—

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

19 (2) ENFORCEMENT BY THE SECRETARY.—

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



1 (i) withholding further funds under  
2 this title to a noncompliant entity;

3 (ii) requiring the entity to make an  
4 injured party whole; or

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

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

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

18 **SEC. 111. APPROPRIATION.**

19 There are appropriated such amounts as may be nec-  
20 essary to carry out this title for each fiscal year.

21 **SEC. 112. DEFINITIONS.**

22 In this title:

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (10) UNIT OF GENERAL LOCAL GOVERN-  
15 MENT.—The term “unit of general local govern-  
16 ment” means 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           (11) VETERAN.—The term “veteran” has the  
 2           meaning given such term in section 101 of the  
 3           Workforce Investment Act (29 U.S.C. 2801).

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

7           **TITLE II—EDUCATION JOBS**  
 8                                   **FUND**

9           **SEC. 201. EDUCATION JOBS FUNDS.**

10          There are authorized to be appropriated and there  
 11          are appropriated out of any money in the Treasury not  
 12          otherwise obligated for necessary expenses for an Edu-  
 13          cation Jobs Fund, \$23,000,000,000: *Provided*, That the  
 14          amount under this heading shall be administered under  
 15          the terms and conditions of sections 14001 through 14013  
 16          and title XV of division A of the American Recovery and  
 17          Reinvestment Act of 2009 (Public Law 111–5) except as  
 18          follows:

19                   (1) ALLOCATION OF FUNDS.—

20                           (A) Funds appropriated under this heading  
 21                           shall be available only for allocation by the Sec-  
 22                           retary of Education (in this heading referred to  
 23                           as the Secretary) in accordance with sub-  
 24                           sections (a), (b), (d), (e), and (f) of section  
 25                           14001 of division A of Public Law 111–5 and

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 2011–2012 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 Act.

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 2011, 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 2011, 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 2011 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 2010,  
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 2010 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 2010 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.

○