

112TH CONGRESS
1ST SESSION

H. R. 2914

To create an emergency jobs program that will fund 2,242,000 positions during fiscal years 2012 and 2013.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 14, 2011

Ms. SCHAKOWSKY (for herself, Ms. BASS of California, Mrs. CHRISTENSEN, Mr. CICILLINE, Mr. COHEN, Mr. CONYERS, Mr. CUMMINGS, Ms. DELAURO, Ms. EDWARDS, Mr. ELLISON, Ms. FUDGE, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. HOLT, Mr. HONDA, Mr. JACKSON of Illinois, Ms. JACKSON LEE of Texas, Mr. JOHNSON of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KILDEE, Mr. KUCINICH, Mr. LARSON of Connecticut, Ms. LEE of California, Mr. McDERMOTT, Mr. NADLER, Ms. NORTON, Mr. OLVER, Mr. RANGEL, Ms. RICHARDSON, Mr. SCOTT of Virginia, Mr. SERRANO, Mr. STARK, Ms. WOOLSEY, Mr. FILNER, Ms. BROWN of Florida, Ms. ROYBAL-ALLARD, Ms. CLARKE of New York, Ms. WATERS, and Mr. COURTNEY) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committees on Natural Resources, Agriculture, the Judiciary, Science, Space, and Technology, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To create an emergency jobs program that will fund 2,242,000 positions during fiscal years 2012 and 2013.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Emergency Jobs to
3 Restore the American Dream Act”.

4 **SEC. 2. TABLE OF CONTENTS.**

5 The table of contents of this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

TITLE I—SCHOOL IMPROVEMENT CORPS

- Sec. 101. Purpose.
- Sec. 102. Definitions.

Subtitle A—Grants for Modernization, Renovation, or Repair of Public School
Facilities

- Sec. 111. Purpose.
- Sec. 112. Allocation of funds.
- Sec. 113. Allowable uses of funds.
- Sec. 114. Priority projects.

Subtitle B—Grants for Maintenance Costs

- Sec. 115. Allocation to States.
- Sec. 116. Allowable uses of funds.

Subtitle C—General Provisions

- Sec. 121. Supplement, not supplant.
- Sec. 122. Prohibition regarding State aid.
- Sec. 123. Maintenance of effort.
- Sec. 124. Special rules on contracting.
- Sec. 125. Use of American iron, steel, and manufactured goods.
- Sec. 126. Labor standards; compliance with existing statutes.
- Sec. 127. Charter schools.
- Sec. 128. Green schools.
- Sec. 129. Reporting.
- Sec. 130. Special rules.
- Sec. 131. Promotion of employment experiences.
- Sec. 132. Availability of funds.
- Sec. 133. Alternate distribution of funds.

TITLE II—STUDENT JOBS CORPS

- Sec. 201. Student Jobs Corps.

TITLE III—PARK IMPROVEMENT CORPS

- Sec. 301. Appropriation of additional funds for Public Lands Corps.

TITLE IV—NEIGHBORHOOD HEROES CORPS

- Sec. 401. Teacher Corps.

- Sec. 402. Appropriation of additional funds for Community Oriented Policing Services.
- Sec. 403. Firefighters Corps.

TITLE V—HEALTH CARE CORPS

- Sec. 501. Purpose.
- Sec. 502. Health care and long-term care providers.
- Sec. 503. Supplement, not supplant.

TITLE VI—COMMUNITY CORPS

- Sec. 601. Purpose.
- Sec. 602. Community Corps.
- Sec. 603. Application.
- Sec. 604. Activities of the Community Corps.
- Sec. 605. Hiring and preferences.
- Sec. 606. Additional requirements for States and units of general local government.
- Sec. 607. Employment status and compensation.
- Sec. 608. Nondisplacement of existing employees.
- Sec. 609. Dispute resolutions, whistleblower hotline, and enforcement by the Secretary.
- Sec. 610. Definitions.

TITLE VII—CHILD DEVELOPMENT CORPS

- Sec. 701. Purpose.
- Sec. 702. Child Development Corps.

TITLE VIII—GENERAL PROVISIONS

- Sec. 801. General requirements for entities receiving funding under this Act.
- Sec. 802. Reporting.
- Sec. 803. Hiring and preferences.
- Sec. 804. Flexibility on hiring.
- Sec. 805. Nondisplacement.
- Sec. 806. Employment status and compensation in new programs.
- Sec. 807. Dispute resolutions, whistleblower hotline, and enforcement by the Secretary.
- Sec. 808. Termination.

1 **TITLE I—SCHOOL**
 2 **IMPROVEMENT CORPS**

3 **SEC. 101. PURPOSE.**

4 It is the purpose of this title to provide for the cre-
 5 ation of 400,000 construction jobs for the purpose of mod-
 6 ernizing, renovating, or repairing public school facilities;

1 and 250,000 maintenance jobs for the purpose of main-
2 taining and improving public school facilities.

3 **SEC. 102. DEFINITIONS.**

4 In this title:

5 (1) The term “Bureau-funded school” has the
6 meaning given such term in section 1141 of the
7 Education Amendments of 1978 (25 U.S.C. 2021).

8 (2) The term “charter school” has the meaning
9 given such term in section 5210 of the Elementary
10 and Secondary Education Act of 1965 (20 U.S.C.
11 7221i).

12 (3) The term “CHPS Criteria” means the
13 green building rating program developed by the Col-
14 laborative for High Performance Schools.

15 (4) The term “Energy Star” means the Energy
16 Star program of the United States Department of
17 Energy and the United States Environmental Pro-
18 tection Agency.

19 (5) The term “Green Globes” means the Green
20 Building Initiative environmental design and rating
21 system referred to as Green Globes.

22 (6) The term “LEED Green Building Rating
23 System” means the United States Green Building
24 Council Leadership in Energy and Environmental

1 Design green building rating standard referred to as
2 LEED Green Building Rating System.

3 (7) The term “local educational agency”—

4 (A) has the meaning given such term in
5 section 9101 of the Elementary and Secondary
6 Education Act of 1965 (20 U.S.C. 7801);

7 (B) includes any public charter school that
8 constitutes a local educational agency under
9 State law; and

10 (C) includes the Recovery School District
11 of Louisiana.

12 (8) The term “outlying area”—

13 (A) means the United States Virgin Is-
14 lands, Guam, American Samoa, and the Com-
15 monwealth of the Northern Mariana Islands;
16 and

17 (B) includes the Republic of Palau.

18 (9) The term “public school facilities” means
19 existing public elementary or secondary school facili-
20 ties, including public charter school facilities and
21 other existing facilities planned for adaptive reuse as
22 public charter school facilities.

23 (10) The term “Secretary” means the Secretary
24 of Education.

1 (11) The term “State” means each of the 50
2 States, the District of Columbia, and the Common-
3 wealth of Puerto Rico.

4 **Subtitle A—Grants for Moderniza-**
5 **tion, Renovation, or Repair of**
6 **Public School Facilities**

7 **SEC. 111. PURPOSE.**

8 Grants under this subtitle shall be for the purpose
9 of modernizing, renovating, or repairing public school fa-
10 cilities (including early learning facilities, as appropriate),
11 based on the need of the facilities for such improvements,
12 to ensure that public school facilities are safe, healthy,
13 high-performing, and technologically up-to-date.

14 **SEC. 112. ALLOCATION OF FUNDS.**

15 (a) RESERVATION.—

16 (1) IN GENERAL.—From the amount appro-
17 priated to carry out this subtitle for each fiscal year
18 pursuant to section 132(a)(1), the Secretary shall
19 reserve 2 percent of such amount, consistent with
20 the purpose described in section 132(a)(1)—

21 (A) to provide assistance to the outlying
22 areas; and

23 (B) for payments to the Secretary of the
24 Interior to provide assistance to Bureau-funded
25 schools.

1 (2) USE OF RESERVED FUNDS.—In each fiscal
2 year, the amount reserved under paragraph (1) shall
3 be divided between the uses described in subpara-
4 graphs (A) and (B) of such paragraph in the same
5 proportion as the amount reserved under section
6 1121(a) of the Elementary and Secondary Edu-
7 cation Act of 1965 (20 U.S.C. 6331(a)) is divided
8 between the uses described in paragraphs (1) and
9 (2) of such section 1121(a) in such fiscal year.

10 (3) DISTRESSED AREAS AND NATURAL DISAS-
11 TERS.—From the amount appropriated to carry out
12 this subtitle for each fiscal year pursuant to section
13 132(a), the Secretary shall reserve 5 percent of such
14 amount for grants to—

15 (A) local educational agencies serving geo-
16 graphic areas with significant economic distress,
17 to be used consistent with the purpose de-
18 scribed in section 111 and the allowable uses of
19 funds described in section 113;

20 (B) local educational agencies serving geo-
21 graphic areas recovering from a natural dis-
22 aster; and

23 (C) local educational agencies serving geo-
24 graphic areas that contain a military installa-
25 tion selected for closure under the base closure

1 and realignment process pursuant to the De-
2 fense Base Closure and Realignment Act of
3 1990 (part A of title XXIX of Public Law 101–
4 510; 10 U.S.C. 2687 note).

5 (b) ALLOCATION TO STATES.—

6 (1) STATE-BY-STATE ALLOCATION.—Of the
7 amount appropriated to carry out this subtitle for
8 each fiscal year pursuant to section 132(a)(1), and
9 not reserved under subsection (a), each State shall
10 be allocated an amount in proportion to the amount
11 received by all local educational agencies in the State
12 under part A of title I of the Elementary and Sec-
13 ondary Education Act of 1965 (20 U.S.C. 6311 et
14 seq.) for the previous fiscal year relative to the total
15 amount received by all local educational agencies in
16 every State under such part for such fiscal year.

17 (2) STATE ADMINISTRATION.—A State may re-
18 serve up to 1 percent of its allocation under para-
19 graph (1) to carry out its responsibilities under this
20 subtitle, which include—

21 (A) providing technical assistance to local
22 educational agencies;

23 (B) developing an online, publicly search-
24 able database that includes an inventory of pub-
25 lic school facilities in the State, including for

1 each such facility, its design, condition, mod-
2 ernization, renovation and repair needs, utiliza-
3 tion, energy use, and carbon footprint; and

4 (C) creating voluntary guidelines for high-
5 performing school buildings, including guide-
6 lines concerning the following:

7 (i) Site location, storm water manage-
8 ment, outdoor surfaces, outdoor lighting,
9 and transportation, including public transit
10 and pedestrian and bicycle accessibility.

11 (ii) Outdoor water systems, land-
12 scaping to minimize water use, including
13 elimination of irrigation systems for land-
14 scaping, and indoor water use reduction.

15 (iii) Energy efficiency (including min-
16 imum and superior standards, such as for
17 heating, ventilation, and air conditioning
18 systems), use of alternative energy sources,
19 commissioning, and training.

20 (iv) Use of durable, sustainable mate-
21 rials, including life-cycle cost effectiveness,
22 and waste reduction.

23 (v) Indoor environmental quality, such
24 as day lighting in classrooms, lighting
25 quality, indoor air quality (including with

1 reference to reducing the incidence and ef-
2 fects of asthma and other respiratory ill-
3 nesses), acoustics, and thermal comfort.

4 (vi) Operations and management,
5 such as use of energy-efficient equipment,
6 indoor environmental management plan,
7 maintenance plan, and pest management.

8 (3) GRANTS TO LOCAL EDUCATIONAL AGEN-
9 CIES.—From the amount allocated to a State under
10 paragraph (1), each eligible local educational agency
11 in the State shall receive an amount in proportion
12 to the amount received by such local educational
13 agency under part A of title I of the Elementary and
14 Secondary Education Act of 1965 (20 U.S.C. 6311
15 et seq.) for the previous fiscal year relative to the
16 total amount received by all local educational agen-
17 cies in the State under such part for such fiscal
18 year, except that no local educational agency that re-
19 ceived funds under such part for such fiscal year
20 shall receive a grant of less than \$5,000 in any fiscal
21 year under this subtitle.

22 (4) SPECIAL RULE.—Section 1122(c)(3) of the
23 Elementary and Secondary Education Act of 1965
24 (20 U.S.C. 6332(c)(3)) shall not apply to paragraph
25 (1) or (3).

1 (c) SPECIAL RULES.—

2 (1) DISTRIBUTIONS BY SECRETARY.—The Sec-
3 retary shall make and distribute the reservations
4 and allocations described in subsections (a) and (b)
5 not later than 90 days after an appropriation of
6 funds for this subtitle is made.

7 (2) DISTRIBUTIONS BY STATES.—A State shall
8 make and distribute the allocations described in sub-
9 section (b)(3) within 60 days of receiving such funds
10 from the Secretary.

11 **SEC. 113. ALLOWABLE USES OF FUNDS.**

12 (a) IN GENERAL.—A local educational agency receiv-
13 ing a grant under this subtitle shall use the grant for mod-
14 ernization, renovation, or repair of public school facilities
15 (including early learning facilities and charter schools, as
16 appropriate), including—

17 (1) repair, replacement, or installation of roofs,
18 including extensive, intensive or semi-intensive green
19 roofs, electrical wiring, water supply and plumbing
20 systems, sewage systems, storm water runoff sys-
21 tems, lighting systems, building envelope, windows,
22 ceilings, flooring, or doors, including security doors;

23 (2) repair, replacement, or installation of heat-
24 ing, ventilation, or air conditioning systems, includ-

1 ing insulation, and conducting indoor air quality as-
2 sessments;

3 (3) compliance with fire, health, seismic, and
4 safety codes, including professional installation of
5 fire and life safety alarms, and modernizations, ren-
6 ovations, and repairs that ensure that schools are
7 prepared for emergencies, such as improving build-
8 ing infrastructure to accommodate security measures
9 and installing or upgrading technology to ensure
10 that schools are able to respond to emergencies such
11 as acts of terrorism, campus violence, and natural
12 disasters;

13 (4) retrofitting necessary to increase the energy
14 efficiency and water efficiency of public school facili-
15 ties;

16 (5) modifications necessary to make facilities
17 accessible in compliance with the Americans with
18 Disabilities Act of 1990 (42 U.S.C. 12101 et seq.)
19 and section 504 of the Rehabilitation Act of 1973
20 (29 U.S.C. 794);

21 (6) abatement, removal, or interim controls of
22 asbestos, polychlorinated biphenyls, mold, mildew,
23 lead-based hazards, including lead-based paint haz-
24 ards, or a proven carcinogen;

1 (7) measures designed to reduce or eliminate
2 human exposure to classroom noise and environ-
3 mental noise pollution;

4 (8) modernization, renovation, or repair nec-
5 essary to reduce the consumption of coal, electricity,
6 land, natural gas, oil, or water;

7 (9) installation or upgrading of educational
8 technology infrastructure;

9 (10) modernization, renovation, or repair of
10 science and engineering laboratories, libraries, and
11 career and technical education facilities, and im-
12 provements to building infrastructure to accommo-
13 date bicycle and pedestrian access;

14 (11) installation or upgrading of renewable en-
15 ergy generation and heating systems, including
16 solar, photovoltaic, wind, biomass (including wood
17 pellet and woody biomass), waste-to-energy, and
18 solar-thermal and geothermal systems, and for en-
19 ergy audits;

20 (12) measures designed to reduce or eliminate
21 human exposure to airborne particles such as dust,
22 sand, and pollens;

23 (13) creating greenhouses, gardens (including
24 trees), and other facilities for environmental, sci-

1 entific, or other educational purposes, or to produce
2 energy savings;

3 (14) modernizing, renovating, or repairing
4 physical education facilities for students, including
5 upgrading or installing recreational structures made
6 from post-consumer recovered materials in accord-
7 ance with the comprehensive procurement guidelines
8 prepared by the Administrator of the Environmental
9 Protection Agency under section 6002(e) of the
10 Solid Waste Disposal Act (42 U.S.C. 6962(e));

11 (15) other modernization, renovation, or repair
12 of public school facilities to—

13 (A) improve teachers' ability to teach and
14 students' ability to learn;

15 (B) ensure the health and safety of stu-
16 dents and staff;

17 (C) make them more energy efficient; or

18 (D) reduce class size; and

19 (16) required environmental remediation related
20 to modernization, renovation, or repair described in
21 paragraphs (1) through (15).

22 (b) ADMINISTRATIVE COSTS.—A local educational
23 agency receiving a grant under this title may not use more
24 than 1 percent of such grant funds for administrative
25 costs.

1 **SEC. 114. PRIORITY PROJECTS.**

2 In selecting a project under section 113, a local edu-
3 cational agency may give priority to projects involving the
4 abatement, removal, or interim controls of asbestos, poly-
5 chlorinated biphenyls, mold, mildew, lead-based hazards,
6 including lead-based paint hazards, or a proven car-
7 cinogen.

8 **Subtitle B—Grants for**
9 **Maintenance Costs**

10 **SEC. 115. ALLOCATION TO STATES.**

11 (a) STATE-BY-STATE ALLOCATION.—Of the amount
12 appropriated to carry out this subtitle for each fiscal year
13 pursuant to section 132(a)(2), each State shall be allo-
14 cated an amount in proportion to the amount received by
15 all local educational agencies in the State under part A
16 of title I of the Elementary and Secondary Education Act
17 of 1965 (20 U.S.C. 6311 et seq.) for the previous fiscal
18 year relative to the total amount received by all local edu-
19 cational agencies in every State under such part for such
20 fiscal year.

21 (b) GRANTS TO LOCAL EDUCATIONAL AGENCIES.—
22 From the amount allocated to a State under subsection
23 (a), each eligible local educational agency in the State
24 shall receive an amount in proportion to the amount re-
25 ceived by such local educational agency under part A of
26 title I of the Elementary and Secondary Education Act

1 of 1965 (20 U.S.C. 6311 et seq.) for the previous fiscal
2 year relative to the total amount received by all local edu-
3 cational agencies in the State under such part for such
4 fiscal year.

5 **SEC. 116. ALLOWABLE USES OF FUNDS.**

6 (a) **REQUIRED USE OF FUNDS.**—A local educational
7 agency receiving a grant under this subtitle shall use the
8 grant for payment of maintenance costs, including routine
9 repairs classified as current expenditures under State or
10 local law.

11 (b) **ADMINISTRATIVE COSTS.**—A local educational
12 agency receiving a grant under this subtitle may not use
13 more than 1 percent of such grant funds for administra-
14 tive costs.

15 **Subtitle C—General Provisions**

16 **SEC. 121. SUPPLEMENT, NOT SUPPLANT.**

17 A local educational agency receiving a grant under
18 this title shall use such Federal funds only to supplement
19 and not supplant the amount of funds that would, in the
20 absence of such Federal funds, be available for moderniza-
21 tion, renovation, repair, maintenance, and construction of
22 public school facilities.

23 **SEC. 122. PROHIBITION REGARDING STATE AID.**

24 A State shall not take into consideration payments
25 under this title in determining the eligibility of any local

1 educational agency in that State for State aid, or the
2 amount of State aid, with respect to free public education
3 of children.

4 **SEC. 123. MAINTENANCE OF EFFORT.**

5 (a) IN GENERAL.—A local educational agency may
6 receive a grant under this title for any fiscal year only
7 if either the combined fiscal effort per student or the ag-
8 gregate expenditures of the agency and the State involved
9 with respect to the provision of free public education by
10 the agency for the preceding fiscal year was not less than
11 90 percent of the combined fiscal effort or aggregate ex-
12 penditures for the second preceding fiscal year.

13 (b) WAIVER.—The Secretary shall waive the require-
14 ments of this section if the Secretary determines that a
15 waiver would be equitable due to—

16 (1) exceptional or uncontrollable circumstances,
17 such as a natural disaster; or

18 (2) a precipitous decline in the financial re-
19 sources of the local educational agency.

20 **SEC. 124. SPECIAL RULES ON CONTRACTING.**

21 (a) LOCAL EDUCATIONAL AGENCY REQUIRE-
22 MENTS.—

23 (1) IN GENERAL.—Each local educational agen-
24 cy receiving a grant under this title shall ensure
25 that, if the agency carries out modernization, ren-

1 ovation, repair, maintenance, or construction
2 through a contract, the process for any such con-
3 tract ensures the maximum number of qualified bid-
4 ders, including local, small, minority, and women-
5 and veteran-owned businesses, through full and open
6 competition.

7 (2) REVIEW OF APPLICATIONS.—In reviewing
8 awarding contracts under paragraph (1), a local
9 educational agency shall give preference to busi-
10 nesses that demonstrate—

11 (A) current and past compliance with Fed-
12 eral and State labor laws, including laws con-
13 cerning wage and hour, labor relations, family
14 and medical leave, occupational safety and
15 health, and living wage standards; and

16 (B) terms and conditions of employment
17 including payment of living wage; availability of
18 sick, vacation and retirement benefits; and ex-
19 istence of grievance procedures and labor-man-
20 agement committees.

21 (b) CERTIFICATION BY BUSINESSES.—Any business
22 competing for a contract with a local educational agency
23 receiving funds under this title shall certify to the local
24 educational agency that the business has a record of com-
25 pliance and is currently in compliance with Federal, State,

1 and local labor and workplace laws, including statutes con-
2 cerning wage and hour, labor relations, family and medical
3 leave, occupational safety and health, and living wage
4 standards.

5 **SEC. 125. USE OF AMERICAN IRON, STEEL, AND MANUFAC-**
6 **TURED GOODS.**

7 (a) IN GENERAL.—None of the funds appropriated
8 or otherwise made available by this title may be used for
9 a project for the modernization, renovation, repair, main-
10 tenance, or construction of a public school facility unless
11 all of the iron, steel, and manufactured goods used in the
12 project are produced in the United States.

13 (b) EXCEPTIONS.—Subsection (a) shall not apply in
14 any case or category of cases in which the Secretary finds
15 that—

16 (1) applying subsection (a) would be incon-
17 sistent with the public interest;

18 (2) iron, steel, and the relevant manufactured
19 goods are not produced in the United States in suffi-
20 cient and reasonably available quantities and of a
21 satisfactory quality; or

22 (3) inclusion of iron, steel, and manufactured
23 goods produced in the United States will increase
24 the cost of the overall project by more than 25 per-
25 cent.

1 (c) PUBLICATION OF JUSTIFICATION.—If the Sec-
2 retary determines that it is necessary to waive the applica-
3 tion of subsection (a) based on a finding under subsection
4 (b), the Secretary shall publish in the Federal Register
5 a detailed written justification of the determination.

6 (d) CONSTRUCTION.—This section shall be applied in
7 a manner consistent with United States obligations under
8 international agreements.

9 **SEC. 126. LABOR STANDARDS; COMPLIANCE WITH EXIST-**
10 **ING STATUTES.**

11 (a) IN GENERAL.—The grant programs under this
12 subtitle are applicable programs (as that term is defined
13 in section 400 of the General Education Provisions Act
14 (20 U.S.C. 1221)) subject to section 439 of such Act (20
15 U.S.C. 1232b).

16 (b) COMPLIANCE WITH EXISTING STATUTES.—Each
17 local educational agency receiving a grant under this title
18 shall comply with all applicable Federal, State, and local
19 health, safety, labor, and civil rights laws.

20 **SEC. 127. CHARTER SCHOOLS.**

21 A local educational agency receiving a grant under
22 this title may reserve an amount of that grant for charter
23 schools within its jurisdiction for modernization, renova-
24 tion, repair, and construction, or maintenance of charter

1 school facilities (including early learning facilities, as ap-
2 propriate).

3 **SEC. 128. GREEN SCHOOLS.**

4 (a) IN GENERAL.—A local educational agency receiv-
5 ing a grant under this title shall, to the maximum extent
6 practicable, use such funds for public school moderniza-
7 tion, renovation, repair, or construction or maintenance
8 that are certified, verified, or consistent with any applica-
9 ble provisions of—

10 (1) the LEED Green Building Rating System;

11 (2) Energy Star;

12 (3) the CHPS Criteria;

13 (4) Green Globes; or

14 (5) an equivalent program adopted by the
15 State, or another jurisdiction with authority over the
16 local educational agency, that includes a verifiable
17 method to demonstrate compliance with such pro-
18 gram.

19 (b) RULE OF CONSTRUCTION.—Nothing in this sec-
20 tion shall be construed to prohibit a local educational
21 agency from using sustainable, domestic hardwood lumber
22 as ascertained through the forest inventory and analysis
23 program of the Forest Service of the Department of Agri-
24 culture under the Forest and Rangeland Renewable Re-
25 sources Research Act of 1978 (16 U.S.C. 1641 et seq.)

1 for public school modernization, renovation, repairs, or
2 construction.

3 (c) TECHNICAL ASSISTANCE.—The Secretary, in con-
4 sultation with the Secretary of Energy and the Adminis-
5 trator of the Environmental Protection Agency, shall pro-
6 vide outreach and technical assistance to States and local
7 educational agencies concerning the best practices in
8 school modernization, renovation, repair, and construc-
9 tion, including those related to student academic achieve-
10 ment, student and staff health, energy efficiency, and envi-
11 ronmental protection.

12 **SEC. 129. REPORTING.**

13 (a) REPORTS BY LOCAL EDUCATIONAL AGENCIES.—
14 Local educational agencies receiving a grant under this
15 title shall annually compile a report describing the projects
16 for which such funds were used, including—

17 (1) the number and identity of public schools in
18 the agency, including the number of charter schools,
19 and for each school, the total number of students,
20 and the number of students counted under section
21 1113(a)(5) of the Elementary and Secondary Edu-
22 cation Act of 1965 (20 U.S.C. 6313(a)(5));

23 (2) the total amount of funds received by the
24 local educational agency under this title, and for
25 each public school in the agency, including each

1 charter school, the amount of such funds expended,
2 and the types of modernization, renovation, repair,
3 or construction projects for which such funds were
4 used;

5 (3) the number of students impacted by such
6 projects, including the number of students so im-
7 pacted who are counted under section 1113(a)(5) of
8 the Elementary and Secondary Education Act of
9 1965 (20 U.S.C. 6313(a)(5));

10 (4) the number of public schools in the agency
11 with a metro-centric locale code of 41, 42, or 43 as
12 determined by the National Center for Education
13 Statistics and the percentage of funds received by
14 the agency under subtitle A or subtitle B of this title
15 that were used for projects at such schools;

16 (5) the number of public schools in the agency
17 that are eligible for schoolwide programs under sec-
18 tion 1114 of the Elementary and Secondary Edu-
19 cation Act of 1965 (20 U.S.C. 6314) and the per-
20 centage of funds received by the agency under sub-
21 title A or subtitle B of this title that were used for
22 projects at such schools;

23 (6) for each project—

24 (A) the cost;

1 (B) the standard described in section
2 128(a) with which the use of the funds com-
3 plied or, if the use of funds did not comply with
4 a standard described in section 128(a), the rea-
5 son such funds were not able to be used in com-
6 pliance with such standards and the agency’s
7 efforts to use such funds in an environmentally
8 sound manner; and

9 (C) any demonstrable or expected benefits
10 as a result of the project (such as energy sav-
11 ings, improved indoor environmental quality,
12 student and staff health, including the reduc-
13 tion of the incidence and effects of asthma and
14 other respiratory illnesses, and improved cli-
15 mate for teaching and learning);

16 (7) the total number and amount of contracts
17 awarded, and the number and amount of contracts
18 awarded to local, small, minority, women, and vet-
19 eran-owned businesses; and

20 (8) the total number of jobs created by funding
21 under this title by—

22 (A) the local educational agency; and

23 (B) contractors who performed work for
24 the local educational agency under this title.

1 (b) AVAILABILITY OF REPORTS.—A local educational
2 agency shall—

3 (1) submit the report described in subsection
4 (a) to the State educational agency, which shall com-
5 pile such information and report it annually to the
6 Secretary; and

7 (2) make the report described in subsection (a)
8 publicly available, including on the agency’s Web
9 site.

10 (c) REPORTS BY SECRETARY.—Not later than March
11 31 of each fiscal year, the Secretary shall submit to the
12 Committee on Education and the Workforce of the House
13 of Representatives and the Committee on Health, Edu-
14 cation, Labor and Pensions of the Senate, and make avail-
15 able on the Department of Education’s Web site, a report
16 on grants made under this subtitle, including the informa-
17 tion from the reports described in subsection (b)(1).

18 **SEC. 130. SPECIAL RULES.**

19 Notwithstanding any other provision of this subtitle,
20 none of the funds authorized by this title may be—

21 (1) used to employ workers in violation of sec-
22 tion 274A of the Immigration and Nationality Act
23 (8 U.S.C. 1324a); or

1 (2) distributed to a local educational agency
2 that does not have a policy that requires a criminal
3 background check on all employees of the agency.

4 **SEC. 131. PROMOTION OF EMPLOYMENT EXPERIENCES.**

5 The Secretary of Education, in consultation with the
6 Secretary of Labor, shall work with recipients of funds
7 under this subtitle to promote appropriate opportunities
8 to gain employment experience working on modernization,
9 renovation, repair, maintenance, and construction projects
10 funded under this subtitle for—

11 (1) participants in a YouthBuild program (as
12 defined in section 173A of the Workforce Investment
13 Act of 1998 (29 U.S.C. 2918a));

14 (2) individuals enrolled in the Job Corps pro-
15 gram carried out under subtitle C of title I of the
16 Workforce Investment Act of 1998 (29 U.S.C. 2881
17 et seq.);

18 (3) individuals enrolled in a junior or commu-
19 nity college (as defined in section 312(f) of the
20 Higher Education Act of 1965 (20 U.S.C. 1088(f))
21 certificate or degree program relating to projects de-
22 scribed in section 128(a); and

23 (4) participants in preapprenticeship programs
24 that have direct linkages with apprenticeship pro-
25 grams that are registered with the Department of

1 Labor or a State Apprenticeship Agency under the
2 National Apprenticeship Act of 1937 (29 U.S.C. 50
3 et seq.).

4 **SEC. 132. AVAILABILITY OF FUNDS.**

5 (a) AUTHORIZATION AND APPROPRIATION.—There
6 are authorized to be appropriated, and there are appro-
7 priated, for each of fiscal years 2012 and 2013—

8 (1) to carry out subtitle A (in addition to any
9 other amounts appropriated to carry out such title
10 and out of any money in the Treasury not otherwise
11 appropriated), \$40,000,000,000; and

12 (2) to carry out subtitle B (in addition to any
13 other amounts appropriated to carry out such title
14 and out of any money in the Treasury not otherwise
15 appropriated), \$10,000,000,000.

16 (b) PROHIBITION ON EARMARKS.—None of the funds
17 appropriated under this section may be used for a Con-
18 gressional earmark as defined in clause 9(d) of rule XXI
19 of the Rules of the House of Representatives for the 112th
20 Congress.

21 (c) SUNSET.—The authority to award grants under
22 this title shall expire at the end of fiscal year 2013.

23 **SEC. 133. ALTERNATE DISTRIBUTION OF FUNDS.**

24 If, within 30 days after the date of the enactment
25 of this Act, a local educational agency has submitted to

1 the Secretary a certification that they are refusing funds
2 they are eligible to receive under this title, the Secretary
3 shall provide for funds allocated to that local educational
4 agency to be distributed to another entity or other entities
5 in the State, under such terms and conditions as the Sec-
6 retary may establish, provided that all terms and condi-
7 tions that apply to funds appropriated under this section
8 shall apply to such funds distributed to such entity or enti-
9 ties.

10 **TITLE II—STUDENT JOBS CORPS**

11 **SEC. 201. STUDENT JOBS CORPS.**

12 (a) PURPOSE.—It is the purpose of this section to
13 provide for an additional 250,000 part-time work-study
14 jobs through the Federal Work-Study Program under part
15 C of title IV of the Higher Education Act of 1965 (20
16 U.S.C. 2751 et seq.).

17 (b) APPROPRIATION OF ADDITIONAL AMOUNTS.—
18 There are authorized to be appropriated, and there are
19 hereby appropriated, out of amounts in the Treasury not
20 otherwise appropriated, to the Secretary of Education
21 \$425,000,000 for each of the fiscal years 2012 and 2013
22 for grants to institutions of higher education under part
23 C of title IV of the Higher Education Act of 1965 (20
24 U.S.C. 2751 et seq.) for payments to students partici-

1 pating in work-study programs in accordance with such
2 part.

3 (c) RELATION TO OTHER FUNDS.—Amounts appro-
4 priated by subsection (b) are in addition to amounts ap-
5 propriated pursuant to the authorization of appropriations
6 in section 441(b) of the Higher Education Act of 1965
7 (20 U.S.C. 2751(b)) and amounts otherwise made avail-
8 able by any other Act for the Federal Work-Study pro-
9 gram under part C of such Act of 1965.

10 (d) MATCHING FUNDS NOT REQUIRED.—Notwith-
11 standing section 443(b)(5) of the Higher Education Act
12 of 1965 (20 U.S.C. 2753(b)(5)) or an agreement made
13 pursuant to such section 443, an institution of higher edu-
14 cation shall not be required to provide matching funds for
15 any funds made available to the institution by this section.

16 **TITLE III—PARK IMPROVEMENT**
17 **CORPS**

18 **SEC. 301. APPROPRIATION OF ADDITIONAL FUNDS FOR**
19 **PUBLIC LANDS CORPS.**

20 (a) PURPOSE.—It is the purpose of this section to
21 provide for the creation of an additional 100,000 positions
22 in the Public Lands Corps established under section 204
23 of the Public Lands Corps Act of 1993 (16 U.S.C. 1723).

24 (b) APPROPRIATION OF ADDITIONAL APPROPRIA-
25 TIONS.—

1 (1) FOREST SERVICE.—There are authorized to
2 be appropriated, and there are hereby appropriated,
3 out of amounts in the Treasury not otherwise appro-
4 priated, to the Secretary of Agriculture
5 \$125,000,000 for each of fiscal years 2012 and
6 2013—

7 (A) to carry out the Public Lands Corps
8 established in the Department of Agriculture
9 under section 204 of the Public Lands Corps
10 Act of 1993 (16 U.S.C. 1723);

11 (B) to support qualified youth or conserva-
12 tion corps to perform conservation projects re-
13 ferred to in subsection (d) of such section; and

14 (C) to support resource assistants selected
15 under section 206 of such Act (16 U.S.C.
16 1725).

17 (2) DEPARTMENT OF THE INTERIOR.—There
18 are authorized to be appropriated, and there are
19 hereby appropriated, out of amounts in the Treasury
20 not otherwise appropriated, to the Secretary of the
21 Interior \$125,000,000 for each of fiscal years 2012
22 and 2013—

23 (A) to carry out the Public Lands Corps
24 established in the Department of the Interior

1 under section 204 of the Public Lands Corps
2 Act of 1993 (16 U.S.C. 1723);

3 (B) to support qualified youth or conserva-
4 tion corps to perform conservation projects re-
5 ferred to in subsection (d) of such section; and

6 (C) to support resource assistants selected
7 under section 206 of such Act (16 U.S.C.
8 1725).

9 (c) RELATION TO OTHER FUNDS FOR PUBLIC LANDS
10 CORPS.—Amounts appropriated by subsection (b) are in
11 addition to amounts appropriated pursuant to the author-
12 ization of appropriations in section 211 of the Public
13 Lands Corps Act of 1993 (16 U.S.C. 1730) and amounts
14 allocated to the Public Lands Corps through other Federal
15 programs or projects.

16 (d) EXPEDITED OBLIGATION OF FUNDS.—Not later
17 than 90 days after the date of the enactment of this Act,
18 the Secretary of Agriculture and the Secretary of the Inte-
19 rior shall commence obligation of the funds appropriated
20 by subsection (b) for fiscal year 2012 by utilizing the pool
21 of remaining applications for fiscal year 2011 assistance
22 under the Public Lands Corps Act of 1993 (16 U.S.C.
23 1721 et seq.). If the number of fiscal year 2011 applica-
24 tions is insufficient to use the entire amount of the addi-
25 tional funds appropriated for fiscal year 2012, the Secre-

1 taries shall announce an open solicitation process for new
2 applications for assistance.

3 (e) WAIVER OF COST-SHARING REQUIREMENTS.—
4 The cost-sharing requirements of sections 206(b) and 210
5 of the Public Lands Corps Act of 1993 (16 U.S.C. 1725,
6 1730) shall not apply with respect to the expenditure of
7 amounts appropriated by subsection (b).

8 **TITLE IV—NEIGHBORHOOD**
9 **HEROES CORPS**

10 **SEC. 401. TEACHER CORPS.**

11 (a) PURPOSE.—It is the purpose of this section to
12 provide for the retention, rehiring, and hiring of 300,000
13 education jobs.

14 (b) AUTHORIZATION AND APPROPRIATION.—There
15 are authorized to be appropriated and there are appro-
16 priated out of any money in the Treasury not otherwise
17 obligated for necessary expenses for a Teacher Corps,
18 \$20,000,000,000 for each of fiscal years 2012 and 2013:
19 *Provided*, That the amount under this section shall be ad-
20 ministered under the terms and conditions of sections
21 14001 through 14013 and title XV of division A of the
22 American Recovery and Reinvestment Act of 2009 (Public
23 Law 111–5) except as follows:

24 (1) ALLOCATION OF FUNDS.—

1 (A) Funds appropriated under this section
2 shall be available only for allocation by the Sec-
3 retary of Education (in this section referred to
4 as the Secretary) in accordance with sub-
5 sections (a), (b), (d), (e), and (f) of section
6 14001 of division A of Public Law 111–5 and
7 subparagraph (B) of this paragraph, except
8 that the amount reserved under such subsection
9 (b) shall not exceed \$4,000,000 and such sub-
10 section (f) shall be applied by substituting one
11 year for two years.

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

21 (2) RESERVATION.—A State that receives an
22 allocation of funds appropriated under this section
23 may reserve not more than 1 percent for the admin-
24 istrative costs of carrying out its responsibilities with
25 respect to those funds.

1 (3) AWARDS TO LOCAL EDUCATIONAL AGEN-
2 CIES.—

3 (A) Except as specified in paragraph (2),
4 an allocation of funds to a State shall be used
5 only for awards to local educational agencies for
6 the support of elementary and secondary edu-
7 cation in accordance with paragraph (5) for the
8 2011–2012 and 2012–2013 school years.

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

18 (C) Subsections (a) and (b) of section
19 14002 of division A of Public Law 111–5 shall
20 not apply to funds appropriated under this sec-
21 tion.

22 (4) COMPLIANCE WITH EDUCATION REFORM AS-
23 SURANCES.—For purposes of awarding funds appro-
24 priated under this section, any State that has an ap-
25 proved application for Phase II of the State Fiscal

1 Stabilization Fund that was submitted in accordance
2 with the application notice published in the Federal
3 Register on November 17, 2009 (74 Fed. Reg.
4 59142) shall be deemed to be in compliance with
5 subsection (b) and paragraphs (2) through (5) of
6 subsection (d) of section 14005 of division A of Pub-
7 lic Law 111–5.

8 (5) REQUIREMENT TO USE FUNDS TO RETAIN
9 OR CREATE EDUCATION JOBS.—Notwithstanding
10 section 14003(a) of division A of Public Law 111–
11 5, funds awarded to local educational agencies under
12 paragraph (3)—

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

20 (B) may not use more than 1 percent of
21 such grant funds for administrative costs.

22 (6) PROHIBITION ON USE OF FUNDS FOR
23 RAINY-DAY FUNDS OR DEBT RETIREMENT.—A State
24 that receives an allocation may not use such funds,
25 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) SUPPLEMENT, NOT SUPPLANT.—Funds
12 made available under this section shall be used to
13 supplement, not supplant, the amount of funds that
14 would, in the absence of the Federal funds made
15 available under this section, be made available from
16 local, State, and Federal sources to provide com-
17 pensation and other expenses such as support serv-
18 ices, necessary to retain existing employees, to recall
19 or rehire former employees, and to hire new employ-
20 ees, in order to provide early childhood, elementary,
21 or secondary educational and related services.

22 (8) DEADLINE FOR AWARD.—The Secretary
23 shall award funds appropriated under this section
24 not later than 45 days after the date of the enact-
25 ment of this Act to States that have submitted ap-

1 plications meeting the requirements applicable to
2 funds under this section. The Secretary shall not re-
3 quire information in applications beyond what is
4 necessary to determine compliance with applicable
5 provisions of law.

6 (9) ALTERNATE DISTRIBUTION OF FUNDS.—If,
7 within 30 days after the date of the enactment of
8 this Act, a Governor has not submitted an approv-
9 able application, the Secretary shall provide for
10 funds allocated to that State to be distributed to an-
11 other entity or other entities in the State (notwith-
12 standing section 14001(e) of division A of Public
13 Law 111–5) for support of elementary and sec-
14 ondary education, under such terms and conditions
15 as the Secretary may establish, provided that all
16 terms and conditions that apply to funds appro-
17 priated under this section shall apply to such funds
18 distributed to such entity or entities. No distribution
19 shall be made to a State under this paragraph, how-
20 ever, unless the Secretary has determined (on the
21 basis of such information as may be available) that
22 the requirements of paragraph (11) are likely to be
23 met, notwithstanding the lack of an application from
24 the Governor of that State.

1 (10) LOCAL EDUCATIONAL AGENCY APPLICA-
2 TION.—Section 442 of the General Education Provi-
3 sions Act shall not apply to a local educational agen-
4 cy that has previously submitted an application to
5 the State under title XIV of division A of Public
6 Law 111–5. The assurances provided under that ap-
7 plication shall continue to apply to funds awarded
8 under this section.

9 (11) MAINTENANCE OF EFFORT.—

10 (A) IN GENERAL.—Subject to subpara-
11 graph (B), a local educational agency may re-
12 ceive a grant under this title for any fiscal year
13 only if either the combined fiscal effort per stu-
14 dent or the aggregate expenditures of the agen-
15 cy and the State involved with respect to the
16 provision of free public education by the agency
17 for the preceding fiscal year was not less than
18 90 percent of the combined fiscal effort or ag-
19 gregate expenditures for the second preceding
20 fiscal year.

21 (B) WAIVER.—The Secretary shall waive
22 the requirements of this section if the Secretary
23 determines that a waiver would be equitable due
24 to—

- 1 (i) exceptional or uncontrollable cir-
2 cumstances, such as a natural disaster; or
3 (ii) a precipitous decline in the finan-
4 cial resources of the local educational agen-
5 cy.

6 (C) ARRA PROVISION NOT APPLICABLE.—
7 Section 14005(d)(1) and subsections (a)
8 through (c) of section 14012 of division A of
9 Public Law 111–5 shall not apply to funds ap-
10 propriated under this section.

11 **SEC. 402. APPROPRIATION OF ADDITIONAL FUNDS FOR**
12 **COMMUNITY ORIENTED POLICING SERVICES.**

13 (a) PURPOSE.—It is the purpose of this section to
14 provide for the hiring and rehiring of an additional 40,000
15 State, local, and tribal career law enforcement officers
16 through the Community Oriented Policing Services pro-
17 gram under part Q of title I of the Omnibus Crime Control
18 and Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.).

19 (b) AUTHORIZATION AND APPROPRIATION OF ADDI-
20 TIONAL AMOUNTS.—There are authorized to be appro-
21 priated, and there are hereby appropriated, out of
22 amounts in the Treasury not otherwise appropriated, to
23 the Attorney General \$5,000,000,000 for each of the fiscal
24 years 2012 and 2013 for grants under section 1701(b)(1)
25 and (2) of title I of the Omnibus Crime Control and Safe

1 Streets Act of 1968 (42 U.S.C. 3796dd(b)(1) and (2)) for
2 hiring and rehiring of additional career law enforcement
3 officers under part Q of such title, notwithstanding sub-
4 section (i) of such section.

5 (c) RELATION TO OTHER FUNDS FOR COPS.—
6 Amounts appropriated by subsection (b) are in addition
7 to amounts appropriated pursuant to the authorization of
8 appropriations in section 1001(a)(11) of the Omnibus
9 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
10 3793(a)(11)) and amounts otherwise made available for
11 grants under section 1701 of such Act (42 U.S.C. 3796dd)
12 by any other Act.

13 (d) EXPEDITED OBLIGATION OF FUNDS.—Not later
14 than 90 days after the date of the enactment of this Act,
15 the Attorney General shall commence obligation of the
16 funds appropriated by subsection (b) for fiscal year 2012
17 by utilizing the pool of applicants who submitted applica-
18 tions for fiscal year 2011 grants under part Q of title I
19 of the Omnibus Crime Control and Safe Streets Act of
20 1968 (42 U.S.C. 3796dd et seq.) but did not receive fund-
21 ing under such part for such fiscal year for hiring and
22 rehiring of additional career law enforcement officers. If
23 the number of such fiscal year 2011 applicants is insuffi-
24 cient to use the entire amount of the additional funds ap-
25 propriated for fiscal year 2012, the Attorney General shall

1 announce an open solicitation process for new applications
2 for grants, to be submitted in accordance with the require-
3 ments of section 1702 of such Act (42 U.S.C. 3796dd-
4 1).

5 (e) WAIVER OF CERTAIN REQUIREMENTS.—Notwith-
6 standing any other provision of law, subsection (g) of sec-
7 tion 1701 of the Omnibus Crime Control and Safe Streets
8 Act of 1968 (42 U.S.C. 3796dd(g)) and subsection (c) of
9 section 1704 of such Act (42 U.S.C. 3796dd-3(c)) shall
10 not apply with respect to grants awarded using any funds
11 made available under this section.

12 **SEC. 403. FIREFIGHTERS CORPS.**

13 (a) PURPOSE.—It is the purpose of this section to
14 provide for the hiring and rehiring of an additional 12,000
15 firefighters through section 34 of the Federal Fire Preven-
16 tion and Control Act of 1974 (15 U.S.C. 2229a).

17 (b) AMENDMENT AUTHORIZING FUNDS.—Section
18 34(i) of the Federal Fire Prevention and Control Act of
19 1974 (15 U.S.C. 2229a(i)) is amended—

20 (1) in paragraph (6) by striking “and”;

21 (2) in paragraph (7) by striking the period at
22 the end and inserting a semicolon; and

23 (3) by adding at the end the following:

24 “(8) \$1,200,000,000 for fiscal year 2012; and

25 “(9) \$1,200,000,000 for fiscal year 2013.”.

1 (c) APPROPRIATION.—

2 (1) IN GENERAL.—There is hereby appro-
3 priated out of any money in the Treasury not other-
4 wise appropriated \$1,200,000,000 for each of the
5 fiscal years 2012 and 2013 to carry out section 34
6 of the Federal Fire Prevention and Control Act of
7 1974 (15 U.S.C. 2229a).

8 (2) LIMITATION.—None of the funds made
9 available under paragraph (1) of this Act may be
10 used to enforce the requirements of subparagraphs
11 (A), (B), or (E) of subsection (a)(1) or paragraphs
12 (1), (2), or (4)(A) of subsection (c) of such section
13 34.

14 (d) EXPEDITED OBLIGATION OF FUNDS.—Not later
15 than 90 days after the date of the enactment of this Act,
16 the Secretary of Homeland Security shall commence obli-
17 gation of the funds appropriated by subsection (c) for fis-
18 cal year 2012 by utilizing the pool of applicants who sub-
19 mitted applications for fiscal year 2011 grants under sec-
20 tion 34 of the Federal Fire Prevention and Control Act
21 of 1974 but did not receive funding under such section
22 for such fiscal year for hiring and rehiring of additional
23 firefighters. If the number of such fiscal year 2011 appli-
24 cants is insufficient to use the entire amount of the addi-
25 tional funds appropriated for fiscal year 2012, the Sec-

1 retary of Homeland Security shall announce an open solie-
 2 itation process for new applications for grants, to be sub-
 3 mitted in accordance with the requirements of such section
 4 34.

5 **TITLE V—HEALTH CARE CORPS**

6 **SEC. 501. PURPOSE.**

7 It is the purpose of this title to provide for the cre-
 8 ation of a grant to hire at least 40,000 health care and
 9 long-term care professionals to expand access to care.

10 **SEC. 502. HEALTH CARE AND LONG-TERM CARE PRO-** 11 **VIDERS.**

12 Part D of title III of the Public Health Service Act
 13 is amended by inserting after subpart III (42 U.S.C. 254I
 14 et seq.) the following:

15 **“Subpart IV—Hiring and Retaining Additional** 16 **Health Care and Long-Term Care Professionals**

17 **“SEC. 338N. HIRING AND RETAINING ADDITIONAL HEALTH** 18 **CARE AND LONG-TERM CARE PROFES-** 19 **SIONALS.**

20 “(a) IN GENERAL.—The Secretary may provide fi-
 21 nancial assistance to health care or long-term care pro-
 22 viders to pay all or part of the costs of hiring and retaining
 23 health care or long-term care professionals in addition to
 24 the professionals who, but for such assistance, would be
 25 hired and retained.

1 “(b) ELIGIBLE ASSISTANCE RECIPIENTS.—Health
2 care and long-term care providers eligible for assistance
3 under subsection (a) include the following:

4 “(1) A health care or long-term care provider
5 serving a health professional shortage area des-
6 ignated under section 332.

7 “(2) A Federally qualified health center (as de-
8 fined in section 1861(aa) of the Social Security Act).

9 “(3) A rural health clinic.

10 “(4) A health care or long-term care provider
11 that receives payment under title XVIII of the Social
12 Security Act or under a State plan or State child
13 health plan under title XIX or XXI, respectively, of
14 such Act.

15 “(5) A public hospital.

16 “(6) A public health agency.

17 “(7) A nursing home or long-term care facility.

18 “(8) An intermediate care or developmentally
19 disabled facility.

20 “(9) A critical access hospital.

21 “(10) A school-based health center.

22 “(11) A university or college mental health fa-
23 cility.

24 “(12) An Indian health program or facility op-
25 erated by an Indian tribe or tribal organization.

1 “(13) A correctional facility.

2 “(c) ELIGIBLE HEALTH PROFESSIONALS.—Health
3 care and long-term care professionals who may be hired
4 or retained using assistance provided under this section
5 include the following:

6 “(1) Dentists.

7 “(2) Certified nurse midwives.

8 “(3) Psychologists.

9 “(4) Licensed clinical social workers.

10 “(5) Licensed professional counselors.

11 “(6) Marriage and family therapists.

12 “(7) Nurse practitioners, including those spe-
13 cializing in psychiatry.

14 “(8) Nurses, including advanced practice
15 nurses.

16 “(9) Physicians, including osteopathic physi-
17 cians.

18 “(10) Physician assistants, including those spe-
19 cializing in psychiatry.

20 “(11) Psychiatric nurse specialists.

21 “(12) Registered dental hygienists.

22 “(13) Community health workers.

23 “(14) Occupational and physical therapists.

24 “(15) Optometrists.

25 “(16) Certified nursing assistants.

1 “(17) Direct care workers.

2 “(d) APPLICATION PROCESS.—

3 “(1) IN GENERAL.—The Secretary shall—

4 “(A) not later than 60 days after the date
5 of the enactment of this section, solicit applica-
6 tions for financial assistance under this section;

7 “(B) require that any such application be
8 submitted—

9 “(i) not later than 90 days after the
10 date of the enactment of this section; and

11 “(ii) in such manner and containing
12 such information as the Secretary may re-
13 quire; and

14 “(C) not later than 120 days after the date
15 of the enactment of this section, determine
16 which such applications will be approved and
17 provide notice of such determination to the ap-
18 plicants.

19 “(2) COMPLIANCE WITH LABOR AND WORK-
20 PLACE LAWS.—As a condition on eligibility for fi-
21 nancial assistance under this section, an application
22 under paragraph (1) shall demonstrate to the Sec-
23 retary’s satisfaction that the applicant has a record
24 of compliance, and is currently in compliance, with

1 Federal, State, and local labor and workplace laws,
2 including Federal, State, and local laws—

3 “(A) relevant to hiring and retaining
4 health care or long-term care professionals,
5 such as laws—

6 “(i) requiring background checks in
7 connection with hiring;

8 “(ii) requiring such professionals to be
9 licensed or certified; or

10 “(iii) limiting the scope of practice;

11 “(B) concerning wage and hour, labor rela-
12 tions, family and medical leave, occupational
13 safety and health, or living wage standards; or

14 “(C) concerning other terms and condi-
15 tions of employment such as the availability of
16 sick, vacation, and retirement benefits and the
17 existence of grievance procedures and labor-
18 management committees.

19 “(e) AUTHORIZATION AND APPROPRIATION OF ADDI-
20 TIONAL AMOUNTS.—To carry out this section, there are
21 authorized to be appropriated, and there are hereby appro-
22 priated to the Department of Health and Human Services,
23 out of amounts in the Treasury not otherwise appro-
24 priated, \$4,000,000,000 for each of fiscal years 2012 and
25 2013.”.

1 **SEC. 503. SUPPLEMENT, NOT SUPPLANT.**

2 A health care or long-term care provider receiving a
3 grant under this title shall use such Federal funds only
4 to supplement and not supplant the amount of funds that
5 would, in the absence of such Federal funds, be available
6 for hiring and retaining health care or long-term care pro-
7 fessionals.

8 **TITLE VI—COMMUNITY CORPS**

9 **SEC. 601. PURPOSE.**

10 It is the purpose of this title to provide for the cre-
11 ation of an additional 750,000 jobs through funding to
12 States and units of general local government to establish
13 and administer a Community Corps.

14 **SEC. 602. COMMUNITY CORPS.**

15 (a) FUNDING.—There are authorized to be appro-
16 priated and there are appropriated out of any money in
17 the Treasury not otherwise obligated for necessary ex-
18 penses to the Secretary of Labor, in consultation with the
19 Secretary of Housing and Urban Development, to provide
20 to States and units of general local government to estab-
21 lish and administer a Community Corps, \$30,000,000,000
22 for each of fiscal years 2012 and 2013.

23 (b) ALLOTMENT FORMULA.—

24 (1) RESERVATIONS BY THE SECRETARY.—Of
25 the amount appropriated under subsection (a) for
26 each fiscal year, the Secretary may reserve—

1 (A) not more than 1 percent to administer
2 this title;

3 (B) not more than 0.5 percent to award
4 grants, on a competitive basis, to Indian tribes
5 for purposes of this title.

6 (2) MAKING FUNDS AVAILABLE FOR ALLOT-
7 MENT BY THE SECRETARY.—Of the amounts appro-
8 priated under subsection (a) and not reserved under
9 paragraph (1) of this subsection, the Secretary shall
10 allot the amounts for each fiscal year as follows:

11 (A) Seventy percent to entitlement commu-
12 nities, of which the Secretary shall allot—

13 (i) 25 percent by allotting to each en-
14 titlement community an amount which
15 bears the same ratio to the total amount to
16 be allotted under this clause as the popu-
17 lation of the entitlement community bears
18 to the total population of all entitlement
19 communities;

20 (ii) 25 percent by allotting each enti-
21 tlement community an amount which bears
22 the same ratio to the total amount to be
23 allotted under this clause as the extent of
24 poverty in the entitlement community

1 bears to the extent of poverty in all entitle-
2 ment communities; and

3 (iii) 50 percent by allotting to each
4 entitlement community in an amount
5 which bears the same ratio to the total to
6 be allotted under this clause as the number
7 of unemployed individuals in the entitle-
8 ment community bears to the total number
9 of unemployed individuals in all entitle-
10 ment communities.

11 (B) Thirty percent to States, of which the
12 Secretary shall allot—

13 (i) 25 percent by allotting to each
14 State an amount which bears the same
15 ratio to the total amount to be allotted
16 under this clause as the population of the
17 State bears to the total population of all
18 States;

19 (ii) 25 percent by allotting to each
20 State an amount which bears the same
21 ratio to the total amount to be allotted
22 under this clause as the extent of poverty
23 in the State bears to the extent of poverty
24 in all States; and

1 (iii) 50 percent by allotting to each
2 State an amount which bears the same
3 ratio to the total amount to be allotted
4 under this clause as the number of unem-
5 ployed individuals in the State bears to the
6 total number of unemployed individuals in
7 all States.

8 (3) RESERVATION AND ALLOTMENTS BY
9 STATES.—

10 (A) RESERVATION.—Of the amount of
11 funds allotted to a State under paragraph
12 (2)(B) for each fiscal year, a State may reserve
13 not more than 50 percent to carry out a State-
14 wide Community Corps.

15 (B) ALLOTMENTS BY STATES.—A State
16 shall provide all of the funds allotted to the
17 State under paragraph (2)(B) that are not re-
18 served under subparagraph (A) to units of gen-
19 eral local government located in nonentitlement
20 areas of the State to employ individuals under
21 the Community Corps program, of which the
22 State shall allot—

23 (i) 25 percent to each such unit in an
24 amount which bears the same ratio to the
25 total amount made available under this

1 clause as the population of the unit bears
2 to the total population of all such units;

3 (ii) 25 percent to each such unit in an
4 amount which bears the same ratio to the
5 total amount made available under this
6 clause as the extent of poverty in the unit
7 bears to the extent of poverty in such
8 units; and

9 (iii) 50 percent to each such unit in
10 an amount which bears the same ratio to
11 the total amount made available under this
12 clause as the number of unemployed indi-
13 viduals in the unit bears to the total num-
14 ber of unemployed individuals in all such
15 units.

16 (4) REALLOCATION.—If a State or entitlement
17 community does not apply for an allotment under
18 this section for any fiscal year, or if a State's or en-
19 titlement community's application is not approved,
20 the Secretary shall reallocate such amount to the re-
21 maining States or entitlement in accordance with
22 paragraph (2).

23 **SEC. 603. APPLICATION.**

24 (a) IN GENERAL.—Each State or entitlement com-
25 munity desiring to establish a Community Corps under

1 this title shall submit an application to the Secretary at
2 such time, in such manner, and containing such informa-
3 tion as the Secretary may require.

4 (b) FISCAL YEAR 2012 REQUIREMENTS.—For fiscal
5 year 2012—

6 (1) application requirements shall be released
7 by Secretary within 30 days of enactment of this
8 Act;

9 (2) States and entitlement communities desiring
10 to receive funds under this title for such fiscal year
11 shall submit to the Secretary an application within
12 60 days of the date of enactment of this Act; and

13 (3) the first allotments under this title shall be
14 awarded by the Secretary not later than 90 days
15 after the date of enactment of this Act.

16 **SEC. 604. ACTIVITIES OF THE COMMUNITY CORPS.**

17 (a) CONSULTATION.—A chief executive officer of a
18 unit of general local government shall consult with the
19 local community and labor organizations representing em-
20 ployees of such unit in determining the Community Corps
21 positions that should be funded under this title for such
22 unit for each fiscal year.

23 (b) ACTIVITIES.—Each Community Corps funded
24 under this title shall employ individuals to carry out 1
25 or more of the following activities.

1 (1) ENERGY AUDITS AND CONSERVATION UP-
2 GRADES.—Perform energy audits of private homes
3 and offer to weatherize them and install attic and
4 crawl-space insulation, low-flow plumbing fixtures,
5 and low-energy lighting fixtures. Provide home-
6 owners with objective information concerning the
7 cost and benefits of more complicated conservation
8 upgrades the homeowners could contract with pri-
9 vate firms to install.

10 (2) RECYCLING AND DEMANUFACTURING.—Col-
11 lect categories of recyclables that currently are
12 under-collected (such as electronic components and
13 household paints and chemicals) and perform initial
14 demanufacturing work to reclaim reusable materials.

15 (3) URBAN LAND RECLAMATION AND ADDRESS-
16 ING BLIGHT.—Address the needs of distressed, fore-
17 closure-affected, and natural-disaster affected areas.
18 For vacant or foreclosed buildings, conduct mainte-
19 nance, board up, or tear down, where appropriate.
20 Salvage materials for recycling. Reclaim vacant land
21 in urban areas for use as neighborhood parks and
22 gardens. Test for the presence of hazardous mate-
23 rials, undertake necessary clean-up work, construct
24 park and/or garden facilities, and establish mainte-
25 nance programs involving the local community. For

1 community gardens, operate model plantings to pro-
2 mote the project, involve local residents in the work,
3 and provide instruction in urban gardening and
4 farming.

5 (4) RURAL CONSERVATION WORK.—In collabo-
6 ration with activities under the Park Improvement
7 Corps under title III, perform conservation work.
8 Repair and upgrade trail systems in parklands. Con-
9 struct shelters, bathrooms and recreational facilities.
10 Undertake watercourse cleaning and reclamation
11 projects. With proper training, conduct emergency
12 work in cases of floods or wildfires, or other natural
13 disasters.

14 (5) PUBLIC PROPERTY MAINTENANCE AND
15 BEAUTIFICATION.—Under the direction of public en-
16 tities that own public property (including building
17 interiors and exteriors and landscapes, and including
18 community centers, playgrounds, and libraries), con-
19 duct maintenance, beautification, and other improve-
20 ment projects. Where appropriate, collaborate with
21 projects funded under title I of this Act (School Im-
22 provement Corps).

23 (6) HOUSING REHABILITATION.—

24 (A) IN GENERAL.—Make improvements in
25 privately owned rental housing units necessary

1 to improve such units so that they comply with
2 the housing quality standards applicable to
3 units assisted under section 8(o) of the United
4 States Housing Act of 1937 (42 U.S.C.
5 1437f(o)), but only if the owner of the unit en-
6 ters into an agreement sufficient to ensure that
7 the owner—

8 (i) pays the cost of materials used in
9 the renovation work; and

10 (ii) charges rent for the unit, during
11 the 5-year period beginning upon comple-
12 tion of the rehabilitation pursuant to this
13 paragraph, in an amount not exceeding the
14 fair market rental established under sec-
15 tion 8(e) of such Act for a dwelling unit of
16 the same size located in the same market
17 area.

18 (B) FREE OF CHARGE.—The Community
19 Corps shall provide all labor required for any
20 rehabilitation pursuant to this paragraph free
21 of charge, except in the case of any major re-
22 pairs that the Corps lacks the capacity to per-
23 form.

24 (7) NEW HOUSING CONSTRUCTION.—Construct
25 new homes on abandoned land in poorer commu-

1 nities or the rehabilitate abandoned properties for
2 use as residences, using the self-help homeowner
3 participation model employed by Habitat for Hu-
4 manity International under which prospective home-
5 owners contribute a significant amount of sweat eq-
6 uity in the construction or rehabilitation of the
7 home. Participating homeowners shall be selected on
8 the basis of inability to otherwise purchase a home
9 in the regular housing market and willingness and
10 capability to assume the responsibilities of homeown-
11 ership. Construction materials shall be included in
12 the cost of homeownership, but all construction labor
13 shall be furnished free of charge by the Community
14 Corps.

15 (8) OTHER COMMUNITY IMPROVEMENT ACTIVI-
16 TIES.—Other community improvement activities as
17 authorized by the Secretary.

18 **SEC. 605. HIRING AND PREFERENCES.**

19 (a) IN GENERAL.—In hiring individuals for a Com-
20 munity Corps position under this title, a State or unit of
21 general local may only employ unemployed individuals, ex-
22 cept in a case of a position (including a managerial posi-
23 tion) for which no qualified unemployed individual has ap-
24 plied.

1 (b) PRIORITIES IN RECRUITMENT AND HIRING.—In
2 recruiting and hiring unemployed individuals for positions
3 funded under this title, States and units of general local
4 government shall target recruitment efforts and prioritize
5 hiring with respect to individuals who are—

6 (1) unemployed individuals who have exhausted
7 their entitlement to unemployment compensation;

8 (2) unemployed veterans of the Armed Forces
9 and unemployed members of the reserve components
10 of the Armed Forces;

11 (3) unemployed individuals, who immediately
12 before employment in the Community Corps, are eli-
13 gible for unemployment compensation payable under
14 any State law or Federal unemployment compensa-
15 tion law, including any additional compensation or
16 extended compensation under such laws;

17 (4) unemployed individuals who are not eligible
18 to receive unemployment compensation because they
19 do not have sufficient wages to meet the minimum
20 qualifications for such compensation; or

21 (5) unemployed young people, including those
22 who have not previously been employed.

23 (c) STATE EMPLOYMENT AGENCIES.—In hiring for
24 Community Corps positions under this title, a State or
25 unit of general local government shall utilize, among other

1 methods, a State or local employment agencies, such as
2 a one-stop career center or one-stop partner.

3 (d) NOTICE.—Each listing for a position for a Com-
4 munity Corps shall be posted on a State or local employ-
5 ment web site.

6 **SEC. 606. ADDITIONAL REQUIREMENTS FOR STATES AND**
7 **UNITS OF GENERAL LOCAL GOVERNMENT.**

8 (a) ADMINISTRATIVE EXPENSES.—Each State or
9 unit of general local government receiving an allotment
10 under section 602 may not use more than 5 percent of
11 the allotment for administrative purposes.

12 (b) COMPLIANCE WITH LOCAL LAWS AND CON-
13 TRACTS.—In hiring individuals for positions funded under
14 this title, or using administrative funds under this title
15 to continue to provide employee compensation for existing
16 employees, a State or unit of general local government
17 shall comply with all applicable Federal, State, and local
18 laws, personnel policies and regulations, and collective bar-
19 gaining agreements, as if such individual were hired, or
20 such employee compensation was provided, without assist-
21 ance under this title.

22 (c) COORDINATION.—To the maximum extent prac-
23 ticable, each State or unit of general local government re-
24 ceiving an allotment under section 602, shall—

1 (1) integrate education and job skills training,
2 including basic skills instruction and secondary edu-
3 cation services;

4 (2) coordinate to the maximum extent feasible
5 with pre-apprenticeship and apprenticeship pro-
6 grams; and

7 (3) provide jobs in sectors where job growth is
8 most likely, as determined by the Secretary, and in
9 which career advancement opportunities exist to
10 maximize long-term, sustainable employment for in-
11 dividuals after employment funded under this Act
12 ends.

13 (d) SUPPLEMENT, NOT SUPPLANT.—A State or unit
14 of general local government receiving funding under this
15 title shall use such Federal funds only to supplement and
16 not supplant the amount of funds that would, in the ab-
17 sence of such Federal funds, be available to pay the cost
18 of employing individuals to perform the types of work au-
19 thorized under this title.

20 **SEC. 607. EMPLOYMENT STATUS AND COMPENSATION.**

21 (a) EMPLOYEE STATUS.—

22 (1) IN GENERAL.—An individual hired for a po-
23 sition funded under this title shall—

1 (A) be considered an employee of the State
2 or unit of general local government by which
3 such individual was hired;

4 (B) receive the same employee compensa-
5 tion, have the same rights (including health in-
6 surance benefits and paid holidays and vaca-
7 tions) and responsibilities and job classifica-
8 tions, and be subject to the same job standards,
9 employer policies, and collective bargaining
10 agreements as if such individual was hired with-
11 out assistance under this title; and

12 (C) fill a position that offers full-time, full-
13 year employment.

14 (2) DEFINITIONS.—For purposes of this sub-
15 section—

16 (A) the term “full-time” when used in rela-
17 tion to employment has the meaning already es-
18 tablished or, if the meaning has not been estab-
19 lished, determined to be appropriate for pur-
20 poses of this title, by the State or unit of gen-
21 eral local government hiring an individual under
22 this title; and

23 (B) the term “full-year” when used in rela-
24 tion to employment means a position that pro-
25 vides employment for a 12-month period, except

1 that in the case of a position that provides a
2 service required by a State or unit of general
3 local government for only the duration of a
4 school year, the term means a position that pro-
5 vides employment for such duration.

6 (b) LIMIT ON NUMBER OF EXECUTIVE, ADMINISTRA-
7 TIVE, OR PROFESSIONAL POSITIONS.—

8 (1) UNITS.—Of the total number of positions
9 funded under this title for a fiscal year for each
10 State or unit of general local government—

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

14 (B) at least 80 percent shall not be in a
15 bona fide executive, administrative, or profes-
16 sional capacity.

17 (2) DEFINITIONS.—For purposes of this sub-
18 section, the terms “bona fide executive”, “bona fide
19 administrative”, and “bona fide professional” when
20 used in relation to capacity shall have the meanings
21 given such terms under section 13(a)(1) of the Fair
22 Labor Standards Act of 1938 (29 U.S.C.
23 213(a)(1)).

24 (c) TOTAL AMOUNT OF COMPENSATION.—For each
25 fiscal year for which funds are appropriated to carry out

1 this title, each State or unit of general local government
2 that receives funds under this title for any such fiscal year
3 shall use such funds to provide an amount equal to the
4 total amount of employee compensation for individuals
5 hired under this title.

6 (d) LIMIT ON PERIOD OF EMPLOYMENT.—Notwith-
7 standing any agreement or other provision of law (other
8 than those provisions of law pertaining to civil rights in
9 employment), a State or unit of general local government
10 shall not be obligated to employ the individuals hired
11 under this title or retain the positions filled by such indi-
12 viduals beyond the period for which the State or unit re-
13 ceives funding under this title.

14 **SEC. 608. NONDISPLACEMENT OF EXISTING EMPLOYEES.**

15 (a) IN GENERAL.—A State or unit of general local
16 government may not employ an individual for a position
17 funded under this title, if—

18 (1) employing such individual will result in the
19 layoff or partial displacement (such as a reduction
20 in hours, wages, or employee benefits) of an existing
21 employee of the unit; or

22 (2) such individual will perform the same or
23 substantially similar work that had previously been
24 performed by an employee of the unit who—

1 (A) has been laid off or partially displaced
2 (as such term is described in paragraph (1));
3 and

4 (B) has not been offered by the unit, to be
5 restored to the position the employee had imme-
6 diately prior to being laid off or partially dis-
7 placed.

8 (b) **ELIMINATION OF POSITION.**—For the purposes
9 of this subsection, a position shall be considered to have
10 been eliminated by a State or unit of general local govern-
11 ment if the position has remained unfilled and the unit
12 has not sought to fill such position for at least a period
13 of one month.

14 (c) **PROMOTIONAL OPPORTUNITIES.**—An individual
15 may not be hired for a position funded under this title
16 in a manner that infringes upon the promotional opportu-
17 nities of an existing employee (as of the date of such hir-
18 ing) of a unit receiving funding under this title.

19 **SEC. 609. DISPUTE RESOLUTIONS, WHISTLEBLOWER HOT-**
20 **LINE, AND ENFORCEMENT BY THE SEC-**
21 **RETARY.**

22 (a) **ESTABLISHMENT OF ARBITRATION PROCE-**
23 **DURE.**—

24 (1) **IN GENERAL.**—Each unit of general local
25 government that is an entitlement community and

1 each State that receives funding under this title
2 shall agree to the arbitration procedure described in
3 this subsection to resolve disputes described in sub-
4 sections (b) and (c).

5 (2) WRITTEN GRIEVANCES.—

6 (A) IN GENERAL.—If an employee (or an
7 employee representative) wishes to use the arbi-
8 tration procedure described in this subsection,
9 such party shall file a written grievance within
10 the time period required under subsection (b) or
11 (c), as applicable, simultaneously with the chief
12 executive officer of a unit or State involved in
13 the dispute and the Secretary.

14 (B) IN-PERSON MEETING.—Not later than
15 10 days after the date of the filing of the griev-
16 ance, the chief executive officer (or the designee
17 of the chief executive officer) shall have an in-
18 person meeting with the party to resolve the
19 grievance.

20 (3) ARBITRATION.—

21 (A) SUBMISSION.—If the grievance is not
22 resolved within the time period described in
23 paragraph (2)(B), a party, by written notice to
24 the other party involved, may submit such
25 grievance to binding arbitration before a quali-

1 fied arbitrator who is jointly selected and inde-
2 pendent of the parties.

3 (B) APPOINTMENT BY SECRETARY.—If the
4 parties cannot agree on an arbitrator within 5
5 days of submitting the grievance to binding ar-
6 bitration under subparagraph (A), one of the
7 parties may submit a request to the Secretary
8 to appoint a qualified and independent arbi-
9 trator. The Secretary shall appoint a qualified
10 and independent arbitrator within 15 days after
11 receiving the request.

12 (C) HEARING.—Unless the parties mutu-
13 ally agree otherwise, the arbitrator shall con-
14 duct a hearing on the grievance and issue a de-
15 cision not later than 30 days after the date
16 such arbitrator is selected or appointed.

17 (D) COSTS.—

18 (i) IN GENERAL.—Except as provided
19 in clause (ii), the cost of an arbitration
20 proceeding shall be divided evenly between
21 the parties to the arbitration.

22 (ii) EXCEPTION.—If a grievant pre-
23 vails under an arbitration proceeding, the
24 unit of general local government or State
25 involved in the dispute shall pay the cost

1 of such proceeding, including attorneys'
2 fees.

3 (b) DISPUTES CONCERNING THE ALLOTMENT OF
4 FUNDS.—In the case where a dispute arises as to whether
5 a unit of general local government that is an entitlement
6 community or State has improperly requested funds for
7 services, an employee or employee representative of the
8 unit or State may file a grievance under subsection (a)
9 not later than 15 days after public notice of an intent to
10 submit an application under section 603 is published in
11 accordance with paragraph (1)(C) of such section. Upon
12 receiving a copy of the grievance, the Secretary shall with-
13 hold the funds subject to such grievance, unless and until
14 the grievance is resolved under subsection (a), by the par-
15 ties or an arbitrator in favor of providing such funding.

16 (c) ALL OTHER DISPUTES.—

17 (1) IN GENERAL.—In the case of a dispute not
18 covered under subsection (b) concerning compliance
19 with the requirements of this title by a unit of gen-
20 eral local government that is an entitlement commu-
21 nity or State receiving funds under this title, an em-
22 ployee or employee representative of the unit or
23 State may file a grievance under subsection (a) not
24 later than 90 days after the dispute arises. In such
25 cases, an arbitrator may award such remedies as are

1 necessary to make the grievant whole, including the
2 reinstatement of a displaced employee or the pay-
3 ment of back wages, and may submit recommenda-
4 tions to the Secretary to ensure further compliance
5 with the requirements of this title, including rec-
6 ommendations to suspend or terminate funding, or
7 to require the repayment of funds received under
8 this title during any period of noncompliance.

9 (2) EXISTING GRIEVANCE PROCEDURES.—A
10 party to a dispute described in paragraph (1) may
11 use the existing grievance procedure of a unit or
12 State involved in such dispute, or the arbitration
13 procedure described in this subsection, to resolve
14 such dispute.

15 (d) PARTY DEFINED.—For purposes of subsections
16 (a), (b), and (c), the term “party” means an employee,
17 employee representative, unit of general local government,
18 or State, involved in a dispute described in subsection (b)
19 or (c).

20 (e) WHISTLEBLOWER HOTLINE; ENFORCEMENT BY
21 THE SECRETARY.—

22 (1) WHISTLEBLOWER HOTLINE.—The Sec-
23 retary shall post on a publicly accessible Internet
24 Web site of the Department of Labor the contact in-
25 formation for reporting noncompliance with this title

1 by a State or unit of general local government or in-
2 dividual receiving funding under this title.

3 (2) ENFORCEMENT BY THE SECRETARY.—

4 (A) IN GENERAL.—If the Secretary re-
5 ceives a complaint alleging noncompliance with
6 this title, the Secretary may conduct an inves-
7 tigation and after notice and an opportunity for
8 a hearing, may order such remedies as the Sec-
9 retary determines appropriate, including—

10 (i) withholding further funds under
11 this title to a noncompliant entity;

12 (ii) requiring the entity to make an
13 injured party whole; or

14 (iii) requiring the entity to repay to
15 the Secretary any funds received under
16 this title during any period of noncompli-
17 ance.

18 (B) DEFINITION.—For purposes of this
19 paragraph, the term “entity” means State, unit
20 of general local government, or individual.

21 (C) RECOMMENDATION BY AN ARBI-
22 TRATOR.—A remedy described in subparagraph
23 (A) may also be ordered by the Secretary upon
24 recommendation by an arbitrator appointed or
25 selected under this section.

1 **SEC. 610. DEFINITIONS.**

2 In this title:

3 (1) IN GENERAL.—The terms “city”; “extent of
4 poverty”; “metropolitan city”; “urban county”;
5 “nonentitlement area”; “population”; and “State”
6 have the meanings given the terms in section 102 of
7 the Housing and Community Development Act of
8 1974 (42 U.S.C. 5302).

9 (2) BENEFITS.—The term “benefits” has the
10 meaning given the term “employment benefits” in
11 section 101 of the Family and Medical Leave Act of
12 1993 (29 U.S.C. 2611).

13 (3) EMPLOYEE COMPENSATION.—The term
14 “employee compensation” includes wages and bene-
15 fits.

16 (4) ENTITLEMENT COMMUNITIES.—The term
17 “entitlement communities” includes metropolitan cit-
18 ies and urban counties.

19 (5) INDIAN TRIBE.—The term “Indian tribe”
20 has the meaning given the term in section 4(e) of
21 the Indian Self-Determination and Education Assist-
22 ance Act (25 U.S.C. 450b(e)).

23 (6) SECRETARY.—The term “Secretary” means
24 the Secretary of Labor.

25 (7) UNEMPLOYED INDIVIDUAL.—The term “un-
26 employed individual” has the meaning given such

1 term in section 101 of the Workforce Investment
2 Act of 1998 (29 U.S.C. 2801).

3 (8) UNIT OF GENERAL LOCAL GOVERNMENT.—

4 The term “unit of general local government” means
5 any city, county, town, township, parish, village, or
6 other general purpose political subdivision of a
7 State; Guam, the Northern Mariana Islands, the
8 Virgin Islands, and American Samoa, or a general
9 purpose political subdivision thereof; a combination
10 of such political subdivisions that is recognized by
11 the Secretary; and the District of Columbia.

12 (9) VETERAN.—The term “veteran” has the
13 meaning given such term in section 101 of the
14 Workforce Investment Act (29 U.S.C. 2801).

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

18 **TITLE VII—CHILD**
19 **DEVELOPMENT CORPS**

20 **SEC. 701. PURPOSE.**

21 It is the purpose of this title to provide for the cre-
22 ation of an additional 100,000 jobs through the Head
23 Start Act.

1 **SEC. 702. CHILD DEVELOPMENT CORPS.**

2 (a) AMENDMENTS TO THE HEAD START ACT.—The
3 Head Start Act (42 U.S.C. 9831 et seq.) is amended—

4 (1) by inserting after section 639 the following:

5 **“SEC. 639A. AUTHORIZATION OF APPROPRIATIONS FOR EM-**

6 **PLOYING EARLY HEAD START PROFESSIONAL**

7 **EMPLOYEES.**

8 “There is authorized to be appropriated
9 \$3,000,000,000 for each of the fiscal years 2012 and 2013
10 to carry out section 640A.”; and

11 (2) by inserting after section 640 the following:

12 **“SEC. 640A. EMPLOYMENT OF ADDITIONAL INFANT AND**

13 **TODDLER SPECIALISTS.**

14 “(a) EMPLOYMENT OF ADDITIONAL FULL-TIME IN-
15 FANT AND TODDLER SPECIALISTS.—Not later than 90
16 days after the date of the enactment of this Act, the Sec-
17 retary shall provide funds appropriated under section
18 639A to Early Head Start programs to pay the cost of
19 employing additional full-time infant and toddler special-
20 ists.

21 “(b) FUNDS TO SUPPLEMENT NOT SUPPLANT.—An
22 Early Head Start program that receives funds under sub-
23 section (a) shall use such funds only to supplement and
24 not supplant the amount of funds that would, in the ab-
25 sence of such Federal funds, be available to pay the cost

1 of employing additional full-time infant and toddler spe-
2 cialists.”.

3 (b) APPROPRIATION.—There is hereby appropriated
4 out of any money in the Treasury not otherwise appro-
5 priated \$3,000,000,000 for each of the fiscal years 2012
6 and 2013 to carry out section 640A of the Head Start
7 Act.

8 **TITLE VIII—GENERAL**
9 **PROVISIONS**

10 **SEC. 801. GENERAL REQUIREMENTS FOR ENTITIES RECEIV-**
11 **ING FUNDING UNDER THIS ACT.**

12 (a) COMPLIANCE WITH EXISTING LAWS AND CON-
13 TRACTS.—In hiring individuals for positions funded under
14 this Act, or using funds under this Act to continue to pro-
15 vide employee compensation for existing employees, a
16 State, unit of general local government, community-based
17 organization, or business shall comply with all applicable
18 Federal, State, and local laws relating to health, safety,
19 civil rights, personnel policies and regulations, labor, and
20 collective bargaining agreements, as if such individual
21 were hired, or such employee compensation was provided,
22 without assistance under this Act.

23 (b) COMPLIANCE WITH FEDERAL CIVIL RIGHTS
24 LAWS.—Federal civil rights laws described in subsection
25 (a) shall include the following:

1 (1) Title VI of the Civil Rights Act of 1964.

2 (2) Title IX of the Education Amendments of
3 1972.

4 (3) Sections 503 and 504 of the Rehabilitation
5 Act of 1973.

6 (4) The Age Discrimination Act of 1975.

7 **SEC. 802. REPORTING.**

8 (a) REPORTS TO SECRETARIES.—At the end of fiscal
9 year 2012 and 2013, each State, unit of general local gov-
10 ernment, community-based organization, or business, or
11 other entity that receives assistance under this Act shall
12 submit to the Secretary that provided such assistance a
13 report on the number of jobs created and, if applicable,
14 the projects completed with funding under this Act.

15 (b) REPORTS TO CONGRESS.—Each Secretary that
16 receives a report under subsection (a) shall provide such
17 reports to Congress not later than July 1, 2014.

18 **SEC. 803. HIRING AND PREFERENCES.**

19 (a) IN GENERAL.—In hiring individuals for positions
20 funded under title I, title V, and title VII, an entity de-
21 scribed in section 802 receiving funding under this Act
22 may only employ unemployed individuals, except in a case
23 of a position (including a managerial position) for which
24 no qualified unemployed individual has applied.

1 (b) PRIORITIES IN RECRUITMENT AND HIRING.—In
2 recruiting and hiring unemployed individuals for positions
3 described in subsection, the entity shall target recruitment
4 efforts and prioritize hiring with respect to individuals who
5 are—

6 (1) unemployed individuals who have exhausted
7 their entitlement to unemployment compensation;

8 (2) unemployed veterans of the Armed Forces
9 and unemployed members of the reserve components
10 of the Armed Forces;

11 (3) unemployed individuals, who immediately
12 before employment in the programs described in sub-
13 paragraph (a), are eligible for unemployment com-
14 pensation payable under any State law or Federal
15 unemployment compensation law, including any ad-
16 ditional compensation or extended compensation
17 under such laws;

18 (4) unemployed individuals who are not eligible
19 to receive unemployment compensation because they
20 do not have sufficient wages to meet the minimum
21 qualifications for such compensation; or

22 (5) in the case of employment under subtitle B
23 of title I, unemployed young people, including those
24 who have not previously been employed.

1 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
2 tion shall supersede the qualification requirements under
3 titles I through VII or existing law, such as medical licen-
4 sure where applicable for health corps or certification for
5 early childhood development workers.

6 **SEC. 804. FLEXIBILITY ON HIRING.**

7 Funding under this Act shall be tied to the job cre-
8 ated with the funding rather than to the individual award-
9 ed the job, and entities receiving funding under this Act
10 are authorized to hire new employees to replace an indi-
11 vidual that was hired with such funds, but who has left
12 the position.

13 **SEC. 805. NONDISPLACEMENT.**

14 (a) NONDISPLACEMENT OF EXISTING EMPLOYEES.—

15 (1) IN GENERAL.—An entity described in sec-
16 tion 802 that receives funding under this Act may
17 not employ an individual for a position funded under
18 this Act, if—

19 (A) employing such individual will result in
20 the layoff or partial displacement (such as a re-
21 duction in hours, wages, or employee benefits)
22 of an existing employee of the unit or organiza-
23 tion; or

24 (B) such individual will perform the same
25 or substantially similar work that had pre-

1 viously been performed by an employee of the
2 unit or organization who—

3 (i) has been laid off or partially dis-
4 placed (as such term is described in sub-
5 paragraph (A)); and

6 (ii) has not been offered by the unit
7 or organization, to be restored to the posi-
8 tion the employee had immediately prior to
9 being laid off or partially displaced.

10 (2) ELIMINATION OF POSITION.—For the pur-
11 poses of this subsection, a position shall be consid-
12 ered to have been eliminated by an entity receiving
13 funding under this Act if the position has remained
14 unfilled and the unit or organization has not sought
15 to fill such position for at least a period of one
16 month.

17 (3) PROMOTIONAL OPPORTUNITIES.—An indi-
18 vidual may not be hired for a position funded under
19 this title in a manner that infringes upon the pro-
20 motional opportunities of an existing employee (as of
21 the date of such hiring) of an entity receiving fund-
22 ing under this Act.

23 (b) NONDISPLACEMENT OF LOCAL GOVERNMENT
24 SERVICES.—A business or community-based organization
25 receiving funds under this title may not use such funds

1 to provide services or functions that are customarily pro-
2 vided by a unit of general local government where such
3 services or functions are provided by the organization.

4 (c) NONDISPLACEMENT OF LOCAL BUSINESS.—

5 Where appropriate, any unit of government or community-
6 based organizations receiving funds under this Act cannot
7 use those funds to provide services or functions that are
8 currently provided by a local business.

9 **SEC. 806. EMPLOYMENT STATUS AND COMPENSATION IN**
10 **NEW PROGRAMS.**

11 (a) EMPLOYEE STATUS.—An individual hired for a
12 position funded under title I, title V, or title VI, or section
13 401 of title IV shall—

14 (1) be considered an employee of the unit of
15 general local government, business, or community-
16 based organization, by which such individual was
17 hired; and

18 (2) receive the same employee compensation,
19 have the same rights and responsibilities and job
20 classifications, and be subject to the same job stand-
21 ards, employer policies, and collective bargaining
22 agreements as if such individual was hired without
23 assistance under this Act.

24 (b) TOTAL AMOUNT OF COMPENSATION.—For each
25 fiscal year for which funds are appropriated to carry out

1 this Act, each unit of general local government, each busi-
 2 ness, and each community-based organization that re-
 3 ceives funds under the provisions described in subsection
 4 (a) for any such fiscal year shall use such funds to provide
 5 an amount equal to the total amount of employee com-
 6 pensation for the individuals such the entity hired under
 7 this Act.

8 (c) LIMIT ON PERIOD OF EMPLOYMENT.—Notwith-
 9 standing any agreement or other provision of law (other
 10 than those provisions of law pertaining to civil rights in
 11 employment), a unit of general local government, business,
 12 or community-based organization shall not be obligated to
 13 employ the individuals hired under this Act or retain the
 14 positions filled by such individuals beyond the period for
 15 which the unit or organization receives funding under the
 16 provisions described in subsection (a).

17 **SEC. 807. DISPUTE RESOLUTIONS, WHISTLEBLOWER HOT-**
 18 **LINE, AND ENFORCEMENT BY THE SEC-**
 19 **RETARY.**

20 (a) ESTABLISHMENT OF ARBITRATION PROCE-
 21 DURE.—

22 (1) IN GENERAL.—Each entity that receives
 23 funding under this Act shall agree to the arbitration
 24 procedure described in this subsection to resolve dis-
 25 putes described in subsections (b) and (c).

1 (2) WRITTEN GRIEVANCES.—

2 (A) IN GENERAL.—If an employee (or an
3 employee representative) wishes to use the arbi-
4 tration procedure described in this subsection,
5 such party shall file a written grievance within
6 the time period required under subsection (b) or
7 (c), as applicable, simultaneously with the chief
8 executive officer of an entity involved in the dis-
9 pute and the Secretary of Labor.

10 (B) IN-PERSON MEETING.—Not later than
11 10 days after the date of the filing of the griev-
12 ance, the chief executive officer (or the designee
13 of the chief executive officer) shall have an in-
14 person meeting with the party to resolve the
15 grievance.

16 (3) ARBITRATION.—

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

24 (B) APPOINTMENT BY SECRETARY.—If the
25 parties cannot agree on an arbitrator within 5

1 days of submitting the grievance to binding ar-
2 bitration under subparagraph (A), one of the
3 parties may submit a request to the Secretary
4 of Labor to appoint a qualified and independent
5 arbitrator. The Secretary of Labor shall appoint
6 a qualified and independent arbitrator within
7 15 days after receiving the request.

8 (C) HEARING.—Unless the parties mutu-
9 ally agree otherwise, the arbitrator shall con-
10 duct a hearing on the grievance and issue a de-
11 cision not later than 30 days after the date
12 such arbitrator is selected or appointed.

13 (D) COSTS.—

14 (i) IN GENERAL.—Except as provided
15 in clause (ii), the cost of an arbitration
16 proceeding shall be divided evenly between
17 the parties to the arbitration.

18 (ii) EXCEPTION.—If a grievant pre-
19 vails under an arbitration proceeding, the
20 entity involved in the dispute shall pay the
21 cost of such proceeding, including attor-
22 neys' fees.

23 (b) DISPUTES CONCERNING THE ALLOTMENT OF
24 FUNDS.—In the case where a dispute arises as to whether
25 an entity has improperly requested funds for services, an

1 employee or employee representative of entity may file a
2 grievance under subsection (a) not later than 15 days
3 after public notice of an intent to request funds for serv-
4 ices. Upon receiving a copy of the grievance, the Secretary
5 of Labor shall withhold the funds subject to such griev-
6 ance, unless and until the grievance is resolved under sub-
7 section (a), by the parties or an arbitrator in favor of pro-
8 viding such funding.

9 (c) ALL OTHER DISPUTES.—

10 (1) IN GENERAL.—In the case of a dispute not
11 covered under subsection (b) concerning compliance
12 with the requirements of this Act by an entity re-
13 ceiving funds under this title, an employee or em-
14 ployee representative of an entity may file a griev-
15 ance under subsection (a) not later than 90 days
16 after the dispute arises. In such cases, an arbitrator
17 may award such remedies as are necessary to make
18 the grievant whole, including the reinstatement of a
19 displaced employee or the payment of back wages,
20 and may submit recommendations to the Secretary
21 of Labor to ensure further compliance with the re-
22 quirements of this Act, including recommendations
23 to suspend or terminate funding, or to require the
24 repayment of funds received under this title during
25 any period of noncompliance.

1 (2) EXISTING GRIEVANCE PROCEDURES.—A
2 party to a dispute described in paragraph (1) may
3 use the existing grievance procedure of an entity in-
4 volved in such dispute, or the arbitration procedure
5 described in this subsection, to resolve such dispute.

6 (d) PARTY DEFINED.—For purposes of subsections
7 (a), (b), and (c), the term “party” means an employee,
8 employee representative, or entity involved in a dispute de-
9 scribed in subsection (b) or (c).

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

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

19 (2) ENFORCEMENT BY THE SECRETARY.—

20 (A) IN GENERAL.—If the Secretary of
21 Labor receives a complaint alleging noncompli-
22 ance with this Act, the Secretary may conduct
23 an investigation and after notice and an oppor-
24 tunity for a hearing, may order such remedies

1 as the Secretary of Labor determines appro-
2 priate, including—

3 (i) withholding further funds under
4 this title to a noncompliant entity;

5 (ii) requiring the entity to make an
6 injured party whole; or

7 (iii) requiring the entity to repay to
8 the Secretary of Labor any funds received
9 under this title during any period of non-
10 compliance.

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

16 **SEC. 808. TERMINATION.**

17 Programs and funding authorized under this Act
18 shall be phased-out over a 90-day period if national unem-
19 ployment, as measured by the Bureau of Labor Statistics,
20 falls under 5 percent. Such phase-out shall ensure that—

21 (1) an individual hired under this Act shall not
22 be fired prematurely;

23 (2) projects funded under this Act shall be con-
24 tinued until completion; and

1 (3) an individual hired under this Act may be
2 replaced when such individual leaves the position for
3 which the individual was hired.

○