

112TH CONGRESS
1ST SESSION

S. 1978

To amend the Workforce Investment Act of 1998 to provide for community-based job training grants, to provide Federal assistance for community college modernization, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 12, 2011

Mr. BLUMENTHAL (for himself and Ms. MIKULSKI) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Workforce Investment Act of 1998 to provide for community-based job training grants, to provide Federal assistance for community college modernization, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Community College
5 Innovation Act”.

1 **SEC. 2. COMMUNITY-BASED JOB TRAINING GRANTS.**

2 Section 171 of the Workforce Investment Act of 1998
 3 (29 U.S.C. 2916) is amended by adding at the end the
 4 following:

5 “(f) **COMMUNITY-BASED JOB TRAINING GRANTS.**—

6 “(1) **DEFINITIONS.**—In this subsection:

7 “(A) **COMMUNITY COLLEGE.**—The term
 8 ‘community college’ means—

9 “(i) an institution of higher education,
 10 as defined in section 101(a) of the Higher
 11 Education Act of 1965 (20 U.S.C.
 12 1001(a))—

13 “(I) that awards a 2-year degree
 14 that is acceptable for full credit to-
 15 ward a baccalaureate degree; and

16 “(II) at which that 2-year degree
 17 is the primary degree, and the highest
 18 degree, awarded by the institution; or

19 “(ii) a tribally controlled college or
 20 university, as defined in section 2 of the
 21 Tribally Controlled Colleges and Univer-
 22 sities Assistance Act of 1978 (25 U.S.C.
 23 1801).

24 “(B) **ELIGIBLE ENTITY.**—The term ‘eligi-
 25 ble entity’ means an entity that—

1 “(i) is a community college, a consor-
2 tium of community colleges, or a consor-
3 tium composed of a community college and
4 1 or more institutions of higher education;
5 and

6 “(ii) works with—

7 “(I) 1 or more local boards;

8 “(II) a business in a qualified in-
9 dustry, or an industry association in
10 the qualified industry, as identified in
11 the application of the entity; and

12 “(III) an economic development
13 entity.

14 “(C) INDUSTRY-RECOGNIZED CREDEN-
15 TIAL.—The term ‘industry-recognized creden-
16 tial’ means such a credential within the mean-
17 ing of section 3 of the Carl D. Perkins Career
18 and Technical Education Act of 2006 (20
19 U.S.C. 2302).

20 “(D) INSTITUTION OF HIGHER EDU-
21 CATION.—Except as otherwise provided in sub-
22 paragraph (A)(i), the term ‘institution of higher
23 education’ has the meaning given the term in
24 section 101 of the Higher Education Act of
25 1965 (20 U.S.C. 1001) and the meaning given

1 the term ‘postsecondary vocational institution’
2 in section 102(c) of such Act (20 U.S.C.
3 1002(c)).

4 “(E) QUALIFIED INDUSTRY.—

5 “(i) IN GENERAL.—The term ‘quali-
6 fied industry’ means an industry or eco-
7 nomic sector that has, or is projected to
8 have, significant demands for training
9 (which may include education) for middle-
10 and high-skill occupations, such as an in-
11 dustry or economic sector that—

12 “(I) is projected to add substan-
13 tial numbers of new jobs to the re-
14 gional economy;

15 “(II) has or is projected to have
16 significant impact on the regional
17 economy;

18 “(III) impacts or is projected to
19 impact the growth of other industries
20 or economic sectors in the regional
21 economy;

22 “(IV) is being transformed by
23 technology and innovation requiring
24 new knowledge or skill sets for work-
25 ers;

1 “(V) is a new or emerging indus-
2 try or economic sector that is pro-
3 jected to grow; or

4 “(VI) requires high skills and has
5 significant labor shortages in the re-
6 gional economy.

7 “(ii) RULE.—Consistent with section
8 1 of title 1, United States Code, a ref-
9 erence in this subsection to a qualified in-
10 dustry includes a reference to more than 1
11 qualified industry.

12 “(2) DEMONSTRATION PROJECT.—In addition
13 to the demonstration projects authorized under sub-
14 section (b), the Secretary may establish and imple-
15 ment a national demonstration project designed—

16 “(A) to develop local innovative solutions
17 to the workforce challenges facing qualified in-
18 dustries; and

19 “(B) to increase employment opportunities
20 for workers in qualified industries by estab-
21 lishing partnerships among education entities,
22 State workforce investment systems, and busi-
23 nesses in qualified industries (including eco-
24 nomic sectors).

1 “(3) GRANTS.—In carrying out the national
2 demonstration project authorized under this sub-
3 section, the Secretary shall award grants, on a com-
4 petitive basis, for 2, 3, or 4 years, to eligible entities
5 to enable the eligible entities to pay for the Federal
6 share of the cost of carrying out programs of activi-
7 ties authorized under this subsection.

8 “(4) APPLICATIONS.—To be eligible to receive a
9 grant under this subsection, an eligible entity shall
10 submit an application to the Secretary at such time,
11 in such manner, and containing such information as
12 the Secretary may require, including—

13 “(A) a description of the eligible entity
14 that will offer training under the grant;

15 “(B) a demonstration of the need for funds
16 to create or expand a program to carry out the
17 activities described in paragraph (6);

18 “(C) an economic analysis of the local
19 labor market to identify—

20 “(i) a qualified industry;

21 “(ii) the workforce issues faced by
22 such industries; and

23 “(iii) potential participants in pro-
24 grams funded under this subsection;

1 “(D) a description of the qualified industry
2 for which the training will occur, the availability
3 of competencies on which the training will be
4 based, how the grant will help workers acquire
5 the competencies and skills necessary for em-
6 ployment in the qualified industry, a description
7 of the training programs, leading to an indus-
8 try-recognized credential, that will be provided
9 through the grant, and a description of any in-
10 dustry-recognized curriculum involved;

11 “(E) a description of the involvement of
12 the local boards and businesses, including small
13 businesses, in the geographic area where the
14 proposed grant program will be implemented;

15 “(F) performance measures for the activi-
16 ties funded under the grant, that include the
17 core indicators of performance described in sec-
18 tion 136(b)(2)(A);

19 “(G) a description of how the activities
20 funded by the grant will be coordinated with ac-
21 tivities provided through the one-stop center in
22 the local area; and

23 “(H) a description of the local or private
24 resources that will—

1 “(i) support the activities carried out
2 under this subsection; and

3 “(ii) enable the entity to carry out
4 such activities after the expiration of the
5 grant.

6 “(5) FACTORS FOR AWARD OF GRANT.—

7 “(A) IN GENERAL.—In awarding a grant
8 under this subsection, the Secretary shall con-
9 sider—

10 “(i) the extent of public and private
11 collaboration, including existing partner-
12 ships (as of the date of submission of the
13 application) among a qualified industry,
14 the eligible entity, and the workforce in-
15 vestment system;

16 “(ii) the extent to which the program
17 carried out through the grant will provide
18 jobseekers with high-quality training for
19 employment in a qualified industry;

20 “(iii) the extent to which the program
21 will expand the capacity of the eligible en-
22 tity and the one-stop centers in the local
23 area to be demand-driven and responsive
24 to local economic needs;

1 “(iv) the extent to which local busi-
2 nesses commit to hire, retain, or advance
3 individuals who receive training through
4 the program; and

5 “(v) the extent to which the eligible
6 entity commits to make any products de-
7 veloped as a result of the program, such as
8 skill standards, assessments, or industry-
9 recognized training curricula, available for
10 dissemination nationally.

11 “(B) LEVERAGING OF RESOURCES.—In
12 awarding grants under this subsection, the Sec-
13 retary shall also consider—

14 “(i) the extent to which local or pri-
15 vate resources will be made available to
16 support the program of activities carried
17 out under this subsection, taking into ac-
18 count the resources of the eligible entity
19 and the entity’s partners; and

20 “(ii) the ability of an eligible entity to
21 continue to carry out and expand such ac-
22 tivities after the expiration of the grant pe-
23 riod.

24 “(C) DISTRIBUTION OF GRANTS.—In
25 awarding grants under this subsection, the Sec-

1 retary shall ensure an equitable distribution of
2 such grants across diverse industries and geo-
3 graphic areas.

4 “(6) USE OF FUNDS.—An eligible entity that
5 receives a grant under this subsection—

6 “(A) shall use the grant funds for—

7 “(i) the development or expansion by
8 the community college that is a part of the
9 eligible entity in collaboration with other
10 partners identified in the application, and,
11 if applicable, other representatives of quali-
12 fied industries, of rigorous training (which
13 may be education) programs leading to an
14 industry-recognized credential or degree
15 from the community college, and employ-
16 ment in the qualified industry; and

17 “(ii) training of adults, incumbent
18 workers, dislocated workers, or out-of-
19 school youth in the programs described in
20 clause (i); and

21 “(B) may use the grant funds for—

22 “(i) disseminating information, on
23 training (including training provided
24 through the program) available for high-
25 growth, high-demand occupations in quali-

1 fied industries, through the one-stop deliv-
2 ery system to prospective participants,
3 businesses, business intermediaries, and
4 community-based organizations in the re-
5 gion;

6 “ (ii) referring individuals trained
7 under the grant for employment in a quali-
8 fied industry;

9 “ (iii) enhancing integration of com-
10 munity colleges, training (which may be
11 education) with businesses, and the one-
12 stop system to meet the training needs of
13 a qualified industry for new and incumbent
14 workers;

15 “ (iv) providing training and relevant
16 job skills to small business owners or oper-
17 ators to facilitate small business develop-
18 ment in a qualified industry; or

19 “ (v) creating or expanding programs
20 for distance, evening, weekend, modular, or
21 compressed learning opportunities that
22 provide training and relevant job skills for
23 high-growth, high-demand occupations.

24 “(7) AUTHORITY TO REQUIRE NON-FEDERAL
25 SHARE.—The Secretary may require that recipients

1 of grants under this subsection provide the non-Fed-
 2 eral share, from either cash or noncash resources,
 3 fairly evaluated, of the cost of carrying out programs
 4 of activities under a grant awarded under this sub-
 5 section.

6 “(8) PERFORMANCE ACCOUNTABILITY AND
 7 EVALUATION.—

8 “(A) PERFORMANCE ACCOUNTABILITY.—

9 The Secretary shall require an eligible entity
 10 that receives a grant under this subsection to
 11 submit interim and final reports to the Sec-
 12 retary on the impact on business partners and
 13 employment outcomes obtained by individuals
 14 receiving training under this subsection, using
 15 the performance measures identified in the eli-
 16 gible entity’s grant application.

17 “(B) EVALUATION.—The Secretary shall
 18 require that an eligible entity that receives a
 19 grant under this subsection participate in an
 20 evaluation of activities carried out under this
 21 subsection, including an evaluation using the
 22 techniques described in section 172(c).”.

23 **SEC. 3. FEDERAL ASSISTANCE FOR COMMUNITY COLLEGE**
 24 **MODERNIZATION.**

25 (a) IN GENERAL.—

1 (1) PROGRAM AUTHORIZED.—From the amount
2 made available under subsection (k), the Secretary
3 shall award grants to States to modernize, renovate,
4 or repair existing facilities at community colleges.

5 (2) ALLOCATION.—

6 (A) RESERVATIONS.—From the amount
7 made available to carry out this section for a
8 fiscal year, the Secretary shall reserve—

9 (i) not more than 0.25 percent for
10 grants to institutions that are eligible to
11 receive a grant under section 316 of the
12 Higher Education Act of 1965 (20 U.S.C.
13 1059c) to provide for modernization, ren-
14 ovation, and repair activities described in
15 this section; and

16 (ii) not more than 0.25 percent for
17 grants to the outlying areas to provide for
18 modernization, renovation, and repair ac-
19 tivities described in this section.

20 (B) ALLOCATION.—

21 (i) IN GENERAL.—Except as provided
22 in clause (ii), from the funds made avail-
23 able to carry out this section for a fiscal
24 year and not reserved under subparagraph
25 (A), the Secretary shall allocate, to each

1 State that has an application approved by
2 the Secretary, an amount that bears the
3 same relation to such funds as—

4 (I) the sum of—

5 (aa) the total number of stu-
6 dents in such State who are en-
7 rolled in institutions described in
8 subsection (j)(1)(A); and

9 (bb) the number of students
10 who are estimated to be enrolled
11 in and pursuing a degree or cer-
12 tificate that is not a bacca-
13 laurate, master's, professional,
14 or other advanced degree at insti-
15 tutions described in subsection
16 (j)(1)(B), based on the propor-
17 tion of degrees or certificates
18 awarded by such institutions that
19 are not baccalaureate, master's,
20 professional, or other advanced
21 degrees, as reported to the Inte-
22 grated Postsecondary Data Sys-
23 tem; bears to

1 (II) the estimated total number
2 of students described in items (aa)
3 and (bb) of subclause (I) in all States.

4 (ii) MINIMUM ALLOCATION.—No State
5 shall receive an allocation under clause (i)
6 for a fiscal year that is less than
7 \$2,500,000.

8 (C) REALLOCATION.—Amounts not allo-
9 cated under this section to a State because the
10 State either did not submit an application
11 under subsection (b), the State submitted an
12 application that the Secretary determined did
13 not meet the requirements of such subsection,
14 or the State cannot demonstrate to the Sec-
15 retary a sufficient demand for projects to war-
16 rant the full allocation of the funds, shall be
17 proportionately reallocated under this para-
18 graph to the other States that have a dem-
19 onstrated need for, and are receiving, alloca-
20 tions under this section.

21 (D) STATE ADMINISTRATION.—A State
22 that receives a grant under this section may use
23 not more than 1 percent of such grant for ad-
24 ministration costs.

1 (3) SUPPLEMENT, NOT SUPPLANT.—Funds
2 made available under this section shall be used to
3 supplement, and not supplant, other Federal, State,
4 and local funds that would otherwise be expended to
5 modernize, renovate, or repair existing community
6 college facilities.

7 (b) APPLICATION.—A State that desires to receive a
8 grant under this section shall submit an application to the
9 Secretary at such time, in such manner, and containing
10 such information and assurances as the Secretary may re-
11 quire. Such application shall include a description of—

12 (1) how the funds provided under this section
13 will improve—

14 (A) instruction at community colleges in
15 the State, including how faculty and staff will
16 be consulted regarding uses of funds for
17 projects that will improve instruction at com-
18 munity colleges in the State; and

19 (B) the ability of such colleges to educate
20 and train students to meet the workforce needs
21 of employers in the State;

22 (2) the projected start date of each project; and

23 (3) the estimated number of persons who will
24 be employed through each project.

25 (c) PROHIBITED USES OF FUNDS.—

1 (1) IN GENERAL.—Funds awarded under this
2 section shall not be used for—

3 (A) routine or janitorial costs;

4 (B) construction, modernization, renova-
5 tion, and repair of stadiums or other facilities
6 primarily used for athletic contests or exhibi-
7 tions or other events for which admission is
8 charged to the general public; or

9 (C) construction, modernization, renova-
10 tion, and repair of facilities—

11 (i) used for sectarian instruction, reli-
12 gious worship, or a school or department
13 of divinity; or

14 (ii) in which a substantial portion of
15 the functions of the facilities are subsumed
16 in a religious mission.

17 (2) 4-YEAR INSTITUTIONS.—Funds awarded to
18 a 4-year public institution of higher education under
19 this section shall not be used for any facility, service,
20 or program of the institution that is not available to
21 students who are pursuing a degree or certificate
22 that is not a baccalaureate, master's, professional, or
23 other advanced degree.

24 (d) GREEN PROJECTS.—In providing assistance to
25 community college projects under this section, the State

1 shall consider the extent to which a community college's
2 project involves activities that are certified, verified, or
3 consistent with the applicable provisions of—

4 (1) the LEED Green Building Rating System;

5 (2) Energy Star;

6 (3) the CHPS Criteria, as applicable;

7 (4) Green Globes; or

8 (5) an equivalent program adopted by the State
9 or the State higher education agency that includes
10 a verifiable method to demonstrate compliance with
11 such program.

12 (e) APPLICATION OF GEPA.—Section 439 of the
13 General Education Provisions Act (20 U.S.C. 1232b) shall
14 apply to funds available under this section.

15 (f) REPORTS.—Each State that receives a grant
16 under this section, shall, not later than September 30,
17 2012, and annually thereafter for each fiscal year in which
18 the State expends funds received under this section, sub-
19 mit to the Secretary a report that includes—

20 (1) a description of the projects for which the
21 grant was, or will be, used;

22 (2) a description of the amount and nature of
23 the assistance provided to each community college
24 under this section; and

1 (3) the number of jobs created by the projects
2 funded under this section.

3 (g) BUY AMERICAN.—Section 1605 of division A of
4 the American Recovery and Reinvestment Act of 2009
5 (Public Law 111–5) shall apply to funds made available
6 under this section in the same manner as such section ap-
7 plies to funds made available under such Act.

8 (h) COMPLIANCE WITH DAVIS-BACON ACT.—All la-
9 borers and mechanics employed by contractors and sub-
10 contractors on projects funded directly by or assisted in
11 whole or in part pursuant to this section shall be paid
12 wages at rates not less than those prevailing on projects
13 of a character similar in the locality as determined by the
14 Secretary of Labor in accordance with subchapter IV of
15 chapter 31 of title 40, United States Code. With respect
16 to the labor standards specified in this section, the Sec-
17 retary of Labor shall have the authority and functions set
18 forth in Reorganization Plan Numbered 14 of 1950 (64
19 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40,
20 United States Code.

21 (i) REPORTS.—The Secretary shall submit to the ap-
22 propriations committees and the authorizing committees
23 (as defined in section 103 of the Higher Education Act
24 of 1965 (U.S.C. 1003)) of the House of Representatives
25 and the Senate an annual report regarding the grants

1 made under this section, including the information de-
2 scribed in subsection (f).

3 (j) DEFINITIONS.—In this section:

4 (1) COMMUNITY COLLEGE.—The term “commu-
5 nity college” means—

6 (A) a junior or community college, as that
7 term is defined in section 312(f) of the Higher
8 Education Act of 1965 (20 U.S.C. 1058(f)); or

9 (B) a 4-year public institution of higher
10 education (as defined in section 101 of the
11 Higher Education Act of 1965 (20 U.S.C.
12 1001)) that awards a significant number of de-
13 grees and certificates, as determined by the
14 Secretary, that are not—

15 (i) baccalaureate degrees (or an equiv-
16 alent); or

17 (ii) master’s, professional, or other
18 advanced degrees.

19 (2) CHPS CRITERIA.—The term “CHPS Cri-
20 teria” means the green building rating program de-
21 veloped by the Collaborative for High Performance
22 Schools.

23 (3) ENERGY STAR.—The term “Energy Star”
24 means the Energy Star program of the Department

1 of Energy and the Environmental Protection Agen-
2 cy.

3 (4) GREEN GLOBES.—The term “Green
4 Globes” means the Green Building Initiative envi-
5 ronmental design and rating system referred to as
6 Green Globes.

7 (5) LEED GREEN BUILDING RATING SYS-
8 TEM.—The term “LEED Green Building Rating
9 System” means the United States Green Building
10 Council Leadership in Energy and Environmental
11 Design green building rating standard referred to as
12 the LEED Green Building Rating System.

13 (6) MODERNIZATION, RENOVATION, AND RE-
14 PAIR.—The term “modernization, renovation, and
15 repair” means—

16 (A) comprehensive assessments of facilities
17 to identify—

18 (i) facility conditions or deficiencies
19 that could adversely affect student and
20 staff health, safety, performance, or pro-
21 ductivity or energy, water, or materials ef-
22 ficiency; and

23 (ii) needed facility improvements;

24 (B) repairing, replacing, or installing roofs
25 (which may be extensive, intensive, or semi-in-

1 tensive “green” roofs), electrical wiring, water
2 supply and plumbing systems, sewage systems,
3 storm water runoff systems, lighting systems
4 (or components of such systems), or building
5 envelopes, windows, ceilings, flooring, or doors,
6 including security doors;

7 (C) repairing, replacing, or installing heat-
8 ing, ventilation, or air conditioning systems, or
9 components of those systems (including insula-
10 tion), including by conducting indoor air quality
11 assessments;

12 (D) repairing, replacing, or installing an
13 interior or exterior system that may include
14 paint or coatings, wall covering, drywall or plas-
15 ter, ceiling, baseboards, or floor covering;

16 (E) compliance with fire, health, seismic,
17 and safety codes, including professional installa-
18 tion of fire and life safety alarms, and mod-
19 ernizations, renovations, and repairs that en-
20 sure that facilities are prepared for such emer-
21 gencies as acts of terrorism, campus violence,
22 and natural disasters, such as improving build-
23 ing infrastructure to accommodate security
24 measures and installing or upgrading tech-

1 nology to ensure that a community college or
2 incident is able to respond to such emergencies;

3 (F) making modifications necessary to
4 make educational facilities accessible in compli-
5 ance with the Americans with Disabilities Act
6 of 1990 (42 U.S.C. 12101 et seq.) and section
7 504 of the Rehabilitation Act of 1973 (29
8 U.S.C. 794), except that such modifications
9 shall not be the primary use of a grant or
10 subgrant;

11 (G) abatement, removal, or interim con-
12 trols of asbestos, polychlorinated biphenyls,
13 mold, mildew, or lead-based hazards, including
14 lead-based paint hazards;

15 (H) retrofitting necessary to increase en-
16 ergy efficiency, which may include insulation or
17 reducing heating and cooling costs through
18 thermal coating of community college facility
19 roofs;

20 (I) measures, such as selection and substi-
21 tution of products and materials, and imple-
22 mentation of improved maintenance and oper-
23 ational procedures, such as “green cleaning”
24 programs, to reduce or eliminate potential stu-
25 dent or staff exposure to—

- 1 (i) volatile organic compounds;
- 2 (ii) particles such as dust and pollens;
- 3 or
- 4 (iii) combustion gases;
- 5 (J) modernization, renovation, or repair
- 6 necessary to reduce the consumption of coal,
- 7 electricity, land, oil, or water;
- 8 (K) installation or upgrading of edu-
- 9 cational technology infrastructure;
- 10 (L) installation or upgrading of renewable
- 11 energy generation and heating systems, includ-
- 12 ing solar, photovoltaic, wind, biomass (including
- 13 wood pellet and woody biomass), waste-to-en-
- 14 ergy, solar-thermal, fuel cell, and geothermal
- 15 systems, and energy audits;
- 16 (M) modernization, renovation, or repair
- 17 activities related to energy efficiency and renew-
- 18 able energy, including—
- 19 (i) insulation of systems functioning
- 20 as heating, venting, or air conditioning;
- 21 and
- 22 (ii) improvements to building infra-
- 23 structures to accommodate bicycle and pe-
- 24 destrian access;

1 (N) required environmental remediation re-
2 lated to facilities modernization, renovation, or
3 repair activities described in subparagraphs (A)
4 through (M);

5 (O) ground improvements, storm water
6 management, landscaping and environmental
7 clean-up when necessary;

8 (P) other modernization, renovation, or re-
9 pair to—

10 (i) improve teachers' ability to teach
11 and students' ability to learn;

12 (ii) ensure the health and safety of
13 students and staff; or

14 (iii) improve classroom, laboratory,
15 and vocational facilities in order to en-
16 hance the quality of science, technology,
17 engineering, and mathematics instruction;
18 and

19 (Q) measures designed to reduce or elimi-
20 nate human exposure to classroom noise and
21 environmental noise pollution.

22 (7) OUTLYING AREA.—The term “outlying
23 area” means each of the U.S. Virgin Islands, Guam,
24 American Samoa, the Commonwealth of the North-
25 ern Mariana Islands, and the Republic of Palau.

1 (8) SECRETARY.—The term “Secretary” means
2 the Secretary of Education.

3 (9) STATE.—The term “State” means each of
4 the 50 States of the United States, the Common-
5 wealth of Puerto Rico, and the District of Columbia.

6 (k) AVAILABILITY OF FUNDS.—

7 (1) AUTHORIZATION OF APPROPRIATIONS; AP-
8 PROPRIATION OF FUNDS.—There are authorized to
9 be appropriated, and there are appropriated, to
10 carry out this section (in addition to any other
11 amounts appropriated to carry out this section and
12 out of any money in the Treasury not otherwise ap-
13 propriated), \$5,000,000,000 for fiscal year 2012.

14 (2) FUNDS AVAILABLE FOR OBLIGATION.—
15 Funds appropriated under this subsection shall be
16 available for obligation by community colleges only
17 during the period that ends 36 months after the
18 date of enactment of this Act.

○