

116TH CONGRESS
1ST SESSION

H. R. 1000

To establish a National Full Employment Trust Fund to create employment opportunities for the unemployed, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 6, 2019

Ms. WILSON of Florida introduced the following bill; which was referred to the Committee on Education and Labor, and in addition to the Committee on Ways and Means, 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 establish a National Full Employment Trust Fund to create employment opportunities for the unemployed, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Humphrey-Hawkins 21st Century Full Employment and
6 Training Act of 2019” or the “Jobs for All Act”.

7 (b) TABLE OF CONTENTS.—The table of contents of
8 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings and purposes.
- Sec. 3. Definitions.

TITLE I—ESTABLISHMENT OF NATIONAL FULL EMPLOYMENT
TRUST FUND

- Sec. 101. National Full Employment Trust Fund.
- Sec. 102. Source of funds.
- Sec. 103. Loans from the Federal Reserve System.
- Sec. 104. Trust Fund corpus reserved.

TITLE II—PROGRAM ADMINISTRATION

- Sec. 201. In general.
- Sec. 202. Grant management.
- Sec. 203. Office of Technical Assistance.
- Sec. 204. Office of Educational Support.
- Sec. 205. Office of Assisted Placement.
- Sec. 206. Office of Dispute Resolution.
- Sec. 207. Office of Statistics and Research.
- Sec. 208. National Employment Conference.
- Sec. 209. Program website.
- Sec. 210. Staffing administrative functions.
- Sec. 211. Workforce Innovation and Opportunity Act.

TITLE III—EMPLOYMENT OPPORTUNITY GRANTS

- Sec. 301. Grants.
- Sec. 302. Eligible entities.
- Sec. 303. Use of funds.
- Sec. 304. Grant conditions.
- Sec. 305. Program employment described.
- Sec. 306. Eligibility for program employment.
- Sec. 307. Compensation.
- Sec. 308. Assisted placement.
- Sec. 309. Priority given to certain projects.
- Sec. 310. Startup period.
- Sec. 311. Secretary's authority to administer projects directly.
- Sec. 312. Reports.
- Sec. 313. Dispute resolution.
- Sec. 314. Tax on securities transactions.

1 SEC. 2. FINDINGS AND PURPOSES.

2 (a) FINDINGS.—Congress finds the following:

3 (1) The Federal Government has established
4 the achievement of full employment as a national
5 goal in the Employment Act of 1946 and the Full
6 Employment and Balanced Growth Act of 1978.

1 (2) Consistent with this goal and pursuant to
2 these Acts, the Congress has declared it to be the
3 continuing policy and responsibility of the Federal
4 Government to use all practicable means to create
5 and maintain conditions which promote useful em-
6 ployment opportunities for all who seek them, in-
7 cluding the self-employed.

8 (3) Consistent with this goal and pursuant to
9 these Acts, the Congress has also declared and es-
10 tablished as a national goal the fulfillment of the
11 right to full opportunities for useful paid employ-
12 ment at fair rates of compensation of all individuals
13 able, willing, and seeking to work.

14 (4) The United States also has a duty under
15 Articles 55 and 56 of the United Nations Charter to
16 promote “full employment” and the “universal re-
17 spect for, and observance of, human rights and fun-
18 damental freedoms for all without distinction as to
19 race, sex, language, or religion”.

20 (5) The human rights the United States has a
21 duty to promote pursuant to this obligation are set
22 forth in the Universal Declaration of Human Rights.

23 (6) Article 23 of the Universal Declaration of
24 Human Rights states that “Everyone has the right
25 to work” and to “just and favorable remuneration”

1 that insures for his or her family “an existence wor-
2 thy of human dignity, and supplemented, if nec-
3 essary, by other means of social protection”.

4 (7) Consistent with the purpose and intent of
5 the Employment Act of 1946, the Full Employment
6 and Balanced Growth Act of 1978, Articles 55 and
7 56 of the United Nations Charter, and Article 23 of
8 the Universal Declaration of Human Rights, the
9 Congress recognizes and declares that the meaning
10 of full employment under both United States and
11 international law is synonymous with the realization
12 of the right to work.

13 (8) Consistent with this understanding of the
14 meaning of full employment, the stated policy of the
15 United States with respect to the achievement of full
16 employment and the realization of the right to work,
17 and the obligations of the United States under inter-
18 national law, the Full Employment and Balanced
19 Growth Act of 1978 established an interim 5-year
20 target of 3 percent unemployment for individuals 20
21 years of age and older, and 4 percent for individuals
22 age 16 and over within 5 years, with full employ-
23 ment to be achieved “as soon as practicable” there-
24 after.

1 (9) Notwithstanding the targets set forth in the
2 Full Employment and Balanced Growth Act of
3 1978, the United States continues to suffer substan-
4 tial unemployment and underemployment across all
5 phases of the business cycle, including periods when
6 the Board of Governors of the Federal Reserve Sys-
7 tem is pursuing policies that may be useful in con-
8 trolling inflation but whose necessary consequence is
9 the continuation of a level of unemployment and
10 underemployment that is inconsistent with the
11 achievement of full employment and the realization
12 of the right to work.

13 (10) The Federal Government's failure to de-
14 velop and implement policies capable of reconciling
15 the need to control inflation with its obligation to
16 achieve full employment and secure the right to
17 work imposes numerous economic and social costs on
18 the Nation, the following among them:

19 (A) The Nation is deprived of the full sup-
20 ply of goods and services and related increases
21 in economic well-being that would occur under
22 conditions of genuine full employment.

23 (B) The Nation's depressed output of
24 goods and services, especially in the public sec-
25 tor, is insufficient to meet pressing national

1 needs for infrastructure investment and mainte-
2 nance, public transportation, clean energy pro-
3 duction, low and moderate income housing, edu-
4 cation, health care, child and elder care, and
5 many other public goods and human services.

6 (C) Unemployment and underemployment
7 expose many workers and families to signifi-
8 cant, social, psychological, and physiological
9 costs, including disruption of family life, the
10 loss of individual dignity and self-respect, and
11 the aggravation of physical and mental ill-
12 nesses.

13 (D) Persisting unemployment and under-
14 employment have devastating financial con-
15 sequences for its victims, resulting in the loss of
16 income and spending power for families, and
17 interfering with their ability to save and accu-
18 mulate assets for a secure family life and retire-
19 ment.

20 (E) Because disadvantaged population
21 groups suffer the burdens and harmful con-
22 sequences of unemployment with greater fre-
23 quency and at higher levels than nondisadvan-
24 taged population groups, unemployment pre-
25 sents a virtually insurmountable barrier to the

1 achievement of equal opportunity for all Ameri-
2 cans.

3 (F) Exceptionally high levels of unemploy-
4 ment among the Nation's youth are particularly
5 harmful because of their long-term negative ef-
6 fects.

7 (G) High levels of unemployment and inad-
8 equate consumer demand also contribute to
9 poor conditions for retail businesses, manufac-
10 turers, and many other firms to grow and pros-
11 per.

12 (H) In the real estate sector, the Congress
13 finds that high levels of unemployment con-
14 tribute to foreclosures, evictions, and commer-
15 cial vacancies, thereby undermining the quality
16 of neighborhood and community life, and ham-
17 pering prospects for the economic development
18 of all the Nation's neighborhoods and commu-
19 nities.

20 (11) Since the historic promise of the Employ-
21 ment Act of 1946 and the Full Employment and
22 Balanced Growth Act of 1978 has not been realized,
23 the Congress declares and reaffirms the Federal
24 Government's obligation to insure the availability of
25 decent jobs for all at living wages.

1 (12) The Congress further declares and reaf-
2 firms that the elimination of job disparities among
3 groups of workers who experience chronically higher
4 rates of unemployment and underemployment is an
5 essential component of the Federal Government's
6 commitment to the achievement of full employment
7 and the realization of the right to work.

8 (13) The Congress also finds that both job va-
9 cancy surveys and historic experience shows that
10 even at the top of the business cycle, when the na-
11 tional unemployment rate drops to the 4 percent or
12 below, the economy fails to provide enough jobs to
13 employ everyone who wants to work. Consequently,
14 the need for direct job creation by the Federal Gov-
15 ernment is especially important at such times to
16 close the economy's job gap without adding signifi-
17 cantly to inflationary pressures, a goal it is virtually
18 impossible to achieve with economic policies directed
19 at boosting production in the private sector of the
20 economy.

21 (14) The Congress further finds that in addi-
22 tion to providing a non-inflationary pathway for the
23 achievement of full employment and the realization
24 of the right to work, the direct job-creation strategy,
25 conceived and tested by the Federal Government

1 during the New Deal era, would also reduce the se-
2 verity of recessions while enriching the Nation with
3 a substantial increase in the production of badly
4 needed public goods and services.

5 (15) The Congress further finds that because of
6 the broad range of social costs the problem of unem-
7 ployment imposes on society, including in particular
8 reduced tax collections and increased social welfare
9 expenditures by all levels of government, the achieve-
10 ment of full employment and the realization of the
11 right to work by means of the New Deal's direct job
12 creation strategy would cost far less than other
13 major social welfare benefits provided by government
14 and might even end up saving the public money.

15 (16) Therefore, while the Congress fully sup-
16 ports efforts to maximize the creation of private,
17 public, and nonprofit sector jobs through improved
18 use of general economic and structural policies, it
19 recognizes and affirms the need to supplement those
20 policies with a well-designed direct job creation pro-
21 gram committed to and capable of closing the econo-
22 my's job gap across all phases of the business cycle.

23 (b) PURPOSE.—It is the purpose of the Jobs for All
24 Act to achieve genuine full employment and fulfill the
25 right to useful work at living wages for all persons able,

1 willing and seeking employment by establishing a National
2 Full Employment Trust Fund to pay for a national pro-
3 gram of public service employment capable of achieving
4 these goals by supplementing the employment opportuni-
5 ties furnished by the existing private, public, and nonprofit
6 sectors of the economy under existing law.

7 **SEC. 3. DEFINITIONS.**

8 In this Act, the following definitions apply:

9 (1) ACA.—The term “ACA” means the Patient
10 Protection and Affordable Care Act as amended.

11 (2) DISADVANTAGED INDIVIDUAL OR POPU-
12 LATION GROUP.—The term “disadvantaged indi-
13 vidual” or “disadvantaged population group” means
14 an individual or population group that the Secretary
15 has identified as suffering from disabilities or socio-
16 economic disadvantages that significantly interfere
17 with the individual’s or group’s access to equal em-
18 ployment opportunity.

19 (3) COMPARABLE WORTH.—The term “com-
20 parable worth”, used with respect to work, means
21 work that includes the composite of the skill, effort,
22 responsibility, and working conditions normally re-
23 quired in the performance of a particular job as de-
24 termined pursuant to standards established by the

1 Secretary following consultations with experts in the
2 field of comparable worth wage assessments.

3 (4) EQUAL OPPORTUNITY GRANT.—The terms
4 “Equal Opportunity Grant” and “grant” mean an
5 Employment Opportunity Grant authorized in title
6 III of this Act.

7 (5) GRANT RECIPIENT.—The term “grant re-
8 cipient” means an entity awarded an Employment
9 Opportunity Grant under section 6 of this Act.

10 (6) HEALTH EXCHANGE.—the term “Health
11 Exchange” or “State Health Exchange” means an
12 American Health Benefit Exchange established
13 under section 1311(b) or 1321(c) of the ACA.

14 (7) INDIAN TRIBE.—The term “Indian Tribe”
15 has the meaning given such term in section 102(17)
16 of the Housing and Community Development Act
17 (42 U.S.C. 5302(17)).

18 (8) ONE-STOP CENTER.—The term “one-stop
19 center” means a site described in section 121(e)(2)
20 of the Workforce Innovation and Opportunity Act
21 (29 U.S.C. 3151(e)(2)).

22 (9) PROGRAM.—The term “Program” whether
23 used as a noun or an adjective, shall refer to the
24 program established under this Act.

1 (10) PROGRAM EMPLOYEE.—The term “Pro-
2 gram employee” means a person certified as eligible
3 for Program Employment under section 306 of this
4 Act and who is employed in a job funded by the
5 Trust Fund.

6 (11) PROGRAM EMPLOYMENT.—The term “Pro-
7 gram employment” means employment of a Program
8 Employee in a job funded by the Trust Fund.

9 (12) PROGRAM TRAINEE.—The term “Program
10 trainee” means a person enrolled in a training pro-
11 gram funded under this Act.

12 (13) PROGRAM TRAINING.—The term “Pro-
13 gram training” means training provide by a grant
14 recipient in a training program authorized under
15 title III of this Act.

16 (14) REASONABLE NEEDS.—The term “reason-
17 able needs” shall mean those needs reasonably re-
18 quired for a household to enjoy a modest but ade-
19 quate standard of living, taking into consideration
20 the size and composition of the household, the local
21 cost of living, and any cash or in-kind transfer bene-
22 fits available to the household.

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

1 (16) SMALL BUSINESS.—The term “small busi-
2 ness” has the meaning given the term “small busi-
3 ness concern” under section 3 of the Small Business
4 Act (15 U.S.C. 632).

5 (17) STATE.—The term “State” has the mean-
6 ing given such term in section 102(2) of the Hous-
7 ing and Community Development Act (42 U.S.C.
8 5302(2)).

9 (18) STATE HEALTH SUBSIDY PROGRAM.—The
10 term “State health subsidy program” means a pro-
11 gram qualifying as an applicable State health sub-
12 sidy program under section 1413(e) of the ACA.

13 (19) TRUST FUND.—The term “Trust Fund”
14 refers to the National Full Employment Trust Fund
15 established under section 101.

16 (20) UNIT OF GENERAL LOCAL GOVERN-
17 MENT.—The term “unit of general local govern-
18 ment” has the meaning given such term in section
19 102(1) of the Housing and Community Development
20 Act (42 U.S.C. 5302(1)).

21 (21) URBAN COUNTY.—The term “urban coun-
22 ty” has the meaning given such term in section
23 102(6) of the Housing and Community Development
24 Act (42 U.S.C. 5302(6)).

1 (22) WIOA.—The term “WIOA” means the
2 “Workforce Innovation and Opportunity Act of 2014
3 as amended” (29 U.S.C. 3101 et seq.).

4 **TITLE I—ESTABLISHMENT OF**
5 **NATIONAL FULL EMPLOY-**
6 **MENT TRUST FUND**

7 **SEC. 101. NATIONAL FULL EMPLOYMENT TRUST FUND.**

8 There is hereby created an account in the Treasury
9 of the United States to be known as the “National Full
10 Employment Trust Fund”.

11 **SEC. 102. SOURCE OF FUNDS.**

12 There is hereby appropriated to the Trust Fund for
13 the fiscal year in which the effective date set forth in sec-
14 tion 314(d) occurs, and for each fiscal year thereafter,
15 amounts equivalent to 100 percent of—

16 (1) the taxes (including interest, penalties, and
17 additions to the taxes) received under section 4475
18 of the Internal Revenue Code of 1986 as added by
19 section 314 of this Act;

20 (2) the amount on deposit in the Federal Un-
21 employment Trust Fund that otherwise would have
22 been requisitionable by a State Agency under section
23 904(f) of the Social Security Act as amended (42
24 U.S.C. 1104(f)) for the payment of Unemployment
25 Insurance benefits that a Program employee would

1 have been entitled to receive but for that individual's
2 Program employment, with the amount debited from
3 the book account or accounts in the Federal Unem-
4 ployment Trust Fund maintained for the payment of
5 the Unemployment Insurance benefits in question;
6 and

7 (3) an amount equal to the FICA, Medicare,
8 and personal income taxes paid by Program employ-
9 ees on their Program earnings, as estimated by the
10 Secretary of the Treasury.

11 **SEC. 103. LOANS FROM THE FEDERAL RESERVE SYSTEM.**

12 (a) IN GENERAL.—If the amount available in the
13 Trust Fund for allocation under title III of this Act is
14 insufficient to prevent the national unemployment rate
15 from rising more than one full percentage point above its
16 previously attained level, the Board of Governors of the
17 Federal Reserve System shall lend such additional
18 amounts to the Trust Fund as are necessary to allow the
19 Secretary of Labor to make such additional allocations
20 under title III of this Act as are necessary to restore the
21 national unemployment rate to its allowable 1 percent
22 range of upward variation.

23 (b) REPAYMENT.—Amounts lent to the Trust Fund
24 by the Board of Governors of the Federal Reserve System
25 under subsection (a) shall be repaid by the Trust Fund

1 over 10 years, with interest payable at the same average
2 rate the Federal Government contracts to pay on 10-year
3 bonds sold during the period beginning 45 days prior to
4 the date the loans were made to the Trust Fund and end-
5 ing 45 days following such date.

6 (c) CANCELLATION OF DEBT.—The Board of Gov-
7 ernors of the Federal Reserve System, in consultation with
8 the Federal Open Market Committee, shall have a con-
9 tinuing obligation to review any debt owed by the Trust
10 Fund to the Federal Reserve System, and if it determines
11 that the debt or any portion thereof can be cancelled with-
12 out significant adverse effect on the economy, it shall do
13 so.

14 **SEC. 104. TRUST FUND CORPUS RESERVED.**

15 The corpus of the Trust Fund may be used for no
16 other purpose than to fund—

17 (1) Employment Opportunity Grants issued
18 under title III of this Act, including for job creation
19 and training projects directly administered by the
20 Secretary pursuant to section 311;

21 (2) administrative activities and programs
22 under the WIOA that the Secretary determines are
23 necessary or useful to achieve the purposes of this
24 Act; and

1 (3) administrative expenses reasonably incurred
2 by the Secretary to implement and administer pro-
3 grams and activities authorized under this Act.

4 **TITLE II—PROGRAM** 5 **ADMINISTRATION**

6 **SEC. 201. IN GENERAL.**

7 The Secretary shall establish an appropriate adminis-
8 trative structure within the Department of Labor to ad-
9 minister the Program.

10 **SEC. 202. GRANT MANAGEMENT.**

11 (a) **IN GENERAL.**—The Secretary shall establish and
12 administer an evaluation, approval, and monitoring proc-
13 ess for Employment Opportunity Grants that is trans-
14 parent, apolitical, and free of outside influence.

15 (b) **PROJECT TIMING.**—The evaluation and approval
16 process shall invite proposals not only for projects that
17 are suitable for immediate implementation, but also for
18 projects that can be rapidly implemented or expanded in
19 the future when unemployment increases precipitously due
20 to a recession or other causes. Projects approved for fu-
21 ture implementation may receive immediate funding to un-
22 dertake preparatory work necessary for the rapid imple-
23 mentation of the project when it is needed.

24 (c) **MONITORING AND TECHNICAL ASSISTANCE.**—
25 The performance of grant recipients shall be monitored

1 during as well as at the conclusion of a grant-funded
2 project, and technical assistance shall be offered to grant
3 recipients, as needed, to help insure the success of their
4 grant-funded projects.

5 (d) POST-PROJECT REVIEW.—A post-project review
6 of the performance of every grant-funded projects shall be
7 conducted and documented.

8 **SEC. 203. OFFICE OF TECHNICAL ASSISTANCE.**

9 The Secretary shall establish and administer an Of-
10 fice of Technical Assistance to advise and assist grant re-
11 cipients and potential grant recipients in the identification
12 and adoption of best practices in the design and adminis-
13 tration of job creation projects, the preparation of grant
14 proposals, the satisfaction of Program requirements, and
15 the fulfillment of the Program's purposes.

16 **SEC. 204. OFFICE OF EDUCATIONAL SUPPORT.**

17 The Secretary shall establish and administer an Of-
18 fice of Educational Support to encourage and affirmatively
19 assist Program employees who have not yet earned a high
20 school diploma or its equivalent to complete his or her sec-
21 ondary education; and to counsel Program employees con-
22 cerning post-secondary vocational and academic edu-
23 cational opportunities.

1 **SEC. 205. OFFICE OF ASSISTED PLACEMENT.**

2 The Secretary shall establish and administer an Of-
3 fice of Assisted Placement to coordinate the creation and
4 operation of Assisted Placement Offices in all one-stop
5 centers for the purpose of providing placement services to
6 individuals eligible for such services under section 308.

7 **SEC. 206. OFFICE OF DISPUTE RESOLUTION.**

8 (a) **IN GENERAL.**—The Secretary shall establish and
9 administer an Office of Dispute Resolution to perform the
10 dispute resolution functions described in section 313.

11 (b) **WHISTLEBLOWER HOTLINE.**—The Secretary
12 shall establish and administer both an online and tele-
13 phone whistleblower hotline for the informal reportage of
14 alleged violations of this Act. Provided enough information
15 is furnished via the hotline to initiate an investigation, the
16 matter shall be referred for appropriate follow up.

17 (c) **SOUTH AFRICAN CCMA COMMENDED AS**
18 **MODEL.**—The rules and procedures adopted by the Sec-
19 retary for the resolution of disputes within the scope of
20 section 313(b) shall be designed to insure a prompt and
21 fair resolution of employment disputes in a process that
22 is free of cost to the participants and easily navigated by
23 all parties. To that end, the Congress commends the ad-
24 ministrative practices and rules of the South African Com-
25 mission for Conciliation, Mediation and Arbitration

1 (CCMA) as a model for the dispute resolution system es-
2 tablished under this section.

3 **SEC. 207. OFFICE OF STATISTICS AND RESEARCH.**

4 The Secretary shall establish and administer an Of-
5 fice of Statistics and Research to provide the public with
6 useful information concerning the operations of the Pro-
7 gram, to provide Program administrators with evidence-
8 based guidance to aid them in their work, and to assist
9 the Congress in its oversight of the Program. Employing
10 rigorous social science methodologies, and with the advice
11 and assistance of the Bureau of Labor Statistics where
12 appropriate, the Office of Statistics and Research shall—

13 (1) collect, tabulate, analyze, and report statis-
14 tical data on labor market conditions that are rel-
15 evant to Program operations;

16 (2) undertake basic and applied research to
17 guide Program administrators in the performance of
18 their duties and to track the Program's success or
19 lack thereof in combating various aspects of the
20 problem of unemployment and the harmful effects
21 associated with the problem of unemployment;

22 (3) identify and disseminate information re-
23 garding best practices in Program design and imple-
24 mentation;

1 (4) catalogue basic information about each and
2 every job creation project or job-training program
3 funded by an Employment Opportunity Grant and
4 create a permanent and easily accessible archive of
5 this information on the Program’s website;

6 (5) develop methodologies to estimate and re-
7 port the revenues and savings generated by the Pro-
8 gram for various levels of government either directly
9 through increased tax revenues or indirectly through
10 reductions in other government expenditures; and

11 (6) carry out other research tasks in support of
12 the Program’s goals.

13 **SEC. 208. NATIONAL EMPLOYMENT CONFERENCE.**

14 (a) IN GENERAL.—The Secretary shall convene a na-
15 tional employment conference not later than 1 year after
16 the date of enactment of this Act, and annually thereafter.

17 (b) PURPOSE OF CONFERENCE.—The purpose of the
18 conference shall be to report on research concerning the
19 operations of the Program and its role in addressing var-
20 ious aspects of the problems of unemployment, to share
21 best practices in addressing such problems, and to address
22 challenges in the administration of this Act.

23 **SEC. 209. PROGRAM WEBSITE.**

24 The Secretary shall establish and administer an inter-
25 net website to provide the public with information con-

1 cerning the Program and to archive information con-
2 cerning its operations.

3 **SEC. 210. STAFFING ADMINISTRATIVE FUNCTIONS.**

4 To the extent reasonably possible, the Secretary shall
5 fill positions within the Program’s administrative offices
6 with individuals who are eligible for Program employment.

7 **SEC. 211. WORKFORCE INNOVATION AND OPPORTUNITY**
8 **ACT.**

9 (a) IN GENERAL.—The Secretary shall make adjust-
10 ments in the activities and programs administered by the
11 Department of Labor under the WIOA as necessary or
12 useful to serve the needs of this Act.

13 (b) EXPANSION OF WORKFORCE DEVELOPMENT
14 BOARDS.—To facilitate the implementation of the adjust-
15 ments described in subsection (a) at the State and local
16 level:

17 (1) Section 101(b)(1)(C) of the WIOA (29
18 U.S.C. 3111(b)(1)(C)) is amended—

19 (A) by striking “and” at the end of sub-
20 clause (II);

21 (B) by inserting “and” at the end of sub-
22 clause (III); and

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

24 “(IV) are not less than 25 per-
25 cent of the chief executive officers of

1 minority-serving, community-based or-
2 ganizations;”.

3 (2) Section 107(b)(2)(C) of the WIOA (29
4 U.S.C. 3122(b)(2)(A)) is amended by adding at the
5 end the following:

6 “(iv) shall include not less than 25
7 percent of the chief executive officers of
8 minority-serving, community-based organi-
9 zations;”.

10 (3) EFFECTIVE DATE.—The amendments to the
11 WIOA set forth in this subsection shall take effect
12 as if enacted as part of the WIOA (29 U.S.C. 3101
13 et seq.).

14 **TITLE III—EMPLOYMENT**
15 **OPPORTUNITY GRANTS**

16 **SEC. 301. GRANTS.**

17 Subject to the availability of funds in the Trust
18 Fund, the Secretary shall make grants to eligible entities
19 for the purpose of creating—

20 (1) employment opportunities for persons eligi-
21 ble for Program employment in projects designed to
22 address community needs and reduce disparities in
23 health, housing, education, job readiness, and public
24 infrastructure that have impeded these communities
25 from realizing their full economic potential; and

1 (2) free-standing job-training programs that
2 provide job training, possibly including general edu-
3 cation, to—

4 (A) Program employees pursuant to con-
5 tractual arrangements between the training
6 Program and their employer to provide the Pro-
7 gram employees with specialized training need-
8 ed for the performance of their jobs; or

9 (B) persons eligible for Program employ-
10 ment who seek such training rather than imme-
11 diate employment in order to qualify for a Pro-
12 gram or non-program job for which they other-
13 wise would not qualify, provided that cir-
14 cumstances are such that the training Program
15 is justified in providing reasonable assurances
16 to the individuals enrolled in it that upon the
17 successful completion of their training, they will
18 be able to obtain a Program or non-program
19 job that utilize their newly acquired skills.

20 **SEC. 302. ELIGIBLE ENTITIES.**

21 Entities eligible to receive grants under this section
22 shall include—

23 (1) departments and agencies of the Federal
24 Government with the approval of the Secretary of
25 the department or the head of the agency;

1 (2) States, Indian Tribes, units of general local
2 government, and urban counties;

3 (3) agencies of the entities listed in paragraph
4 (2) with the approval of the head of the agency or
5 other person with the authority to make such com-
6 mitments;

7 (4) independent or quasi-independent public-
8 sector agencies created by any level of government;
9 and

10 (5) not-for-profit organizations that qualify as
11 tax exempt under section 501(c)(1), (3), (5), or (19)
12 of the Internal Revenue Code.

13 **SEC. 303. USE OF FUNDS.**

14 Grants shall be awarded under this title for the fol-
15 lowing purposes:

16 (1) The construction, reconstruction, rehabilita-
17 tion, and site improvement of affordable housing and
18 public facilities, including improvements in the en-
19 ergy efficiency or environmental quality of such pub-
20 lic facilities or housing.

21 (2) The provision of human services, including
22 childcare, health care, support services for individ-
23 uals and families with special needs, education,
24 after-school and vacation programs for children, and

1 recreational and cultural enrichment programs for
2 persons of all ages.

3 (3) Programs that provide disadvantaged youth
4 with opportunities for employment, education, lead-
5 ership development, entrepreneurial skills develop-
6 ment, and training.

7 (4) The repair, remodeling, and beautification
8 of schools, community centers, libraries, and other
9 community-based public facilities, and the aug-
10 mentation of staffing for the services they provide.

11 (5) The restoration and revitalization of aban-
12 doned and vacant properties to alleviate blight in
13 distressed and foreclosure-affected areas.

14 (6) The expansion of emergency food programs
15 to reduce hunger and promote family stability.

16 (7) The augmentation of staffing in Head
17 Start, and other early childhood education programs
18 to promote school readiness, early literacy, life-long
19 learning, and family involvement in their children's
20 education.

21 (8) The maintenance, renovation and improve-
22 ment of parks, playgrounds, and other public spaces.

23 (9) Providing labor for non-capital-intensive as-
24 pects of federally or State-funded infrastructure
25 projects.

1 (10) The implementation of environmental ini-
2 tiatives designed to conserve natural resources, re-
3 mediate environmental damage, reverse climate
4 change, and achieve environmental sustainability.

5 (11) The enhancement of emergency prepared-
6 ness for natural and other community disasters and
7 of post-emergency assistance for the victims of disas-
8 ters.

9 (12) The expansion of work-study opportunities
10 for secondary and post-secondary students, and the
11 creation of “bridge employment” opportunities for
12 recent graduates who have been unable to find work
13 in the occupations for which they have trained.

14 (13) Programs that emulate the Federal art,
15 music, theater, and writers projects of the Works
16 Projects Administration by providing work for un-
17 employed writers, musicians, artists, dancers and ac-
18 tors on projects that are consistent with the public
19 service and equality-enhancing objectives of this Act.

20 (14) The provision of job training to better
21 equip Program employees to perform their program-
22 funded jobs or to allow unemployed and under-
23 employed individuals to obtain employment for which
24 they otherwise would not qualify.

1 (15) Other activities analogous to those de-
2 scribed in paragraphs (1) through (14) that address
3 public needs and can be implemented quickly.

4 **SEC. 304. GRANT CONDITIONS.**

5 As a condition for receiving a grant under this title,
6 a grant applicant must—

7 (1) show that it has, to the extent reasonably
8 possible, consulted with community-based organiza-
9 tions, local government officials, and other interested
10 parties concerning—

11 (A) the needs of the community to be
12 served by the project(s) for which it is seeking
13 funding;

14 (B) the ways in which its proposed project
15 would serve those needs;

16 (C) how it will coordinate its activities with
17 other providers of related services in the com-
18 munity; and

19 (D) how it will engage with local residents,
20 community-based organizations, government of-
21 ficials, and other interested parties on an ongo-
22 ing basis during the course of the project(s);

23 (2) agree to comply with the nondiscrimination
24 policy set forth under section 109 of the Housing

1 and Community Development Act of 1974 (42
2 U.S.C. 5309);

3 (3) with respect to the funds allocated for each
4 project funded under the grant—

5 (A) allocate not less than 75 percent for
6 wages, benefits, and support services such as
7 childcare for Program employees and the lim-
8 ited number of personnel who are permitted to
9 be paid from Program funds under the terms of
10 the grant even though they are not eligible for
11 Program employment; and

12 (B) allocate the remaining funds to defray
13 the nonlabor costs of the project, including nec-
14 essary capital goods, supplies, materials, rental
15 payments, transportation costs, and other simi-
16 lar expenses;

17 (4) use revenue generated by a project funded
18 under the grant (whether in the form of fees paid
19 for services provided by the project, reimbursements
20 for expenses incurred by the project, or income from
21 the sale of goods or services produced by the project)
22 to—

23 (A) supplement the grant-funded project's
24 budget; or

1 (B) support other projects funded by the
2 grant in conformity with the same rules and re-
3 quirements that apply to the use of grant
4 funds;

5 (5) agree to return to the Trust Fund any un-
6 utilized grant monies and any unutilized income re-
7 ceived from the sale of goods and services produced
8 by a grant-funded project;

9 (6) ensure that any employment funded under
10 the grant complies with sections 305, 306, and 307;

11 (7) institute an outreach program with commu-
12 nity organizations and service providers in low-in-
13 come communities to provide information about em-
14 ployment opportunities funded under the grant;

15 (8) ensure that not less than 35 percent of indi-
16 viduals employed under the grant qualify as dis-
17 advantaged, unless there are insufficient numbers of
18 such individuals referable to the project by the local
19 one-stop center, in which case the percentage of such
20 individuals employed under the grant shall be as
21 great as is reasonably possible;

22 (9) ensure that all grant-funded projects pro-
23 vide adequate job training, either in-house by the
24 Program employer or by not-for-profit training pro-
25 grams under contract with the Program employer, to

1 ensure that the Program employees they hire are
2 able to perform their jobs in a professionally com-
3 petent manner;

4 (10) agree to carry out all grant-funded
5 projects in a manner that is as ecologically sustain-
6 able as is reasonably possible;

7 (11) agree to cooperate with the efforts of the
8 Office of Assisted Placement in providing Program
9 employment or grant-funded training for individuals
10 eligible for assisted placement under section 308;
11 and

12 (12) agree to cooperate with the procedures es-
13 tablished by the Office of Dispute Resolution in re-
14 solving disputes in accord with the provisions of sec-
15 tion 313.

16 **SEC. 305. PROGRAM EMPLOYMENT DESCRIBED.**

17 Employment funded under this section shall meet the
18 following specifications:

19 (1) Any employer that employs an individual
20 whose employment is funded under the grant shall—

21 (A) continue to employ such individual ab-
22 sent good cause for the termination of the indi-
23 vidual's employment for as long as the project
24 has need of the services provided by the indi-

1 vidual or until the individual resigns, whichever
2 comes first;

3 (B) employ such individual for between 35
4 and 40 hours per week if the individual desires
5 full-time employment, and for a mutually
6 agreed number of hours per week less than 35
7 if the individual desires part-time employment,
8 except that this requirement shall not apply if
9 a grant recipient's Employment Opportunity
10 Grant provides otherwise for good cause shown
11 during the application process;

12 (C) comply with the responsible contractor
13 standards of the Federal Acquisition Regulation
14 (48 C.F.R. 1 et seq.);

15 (D) pursuant to guidelines established by
16 the Secretary, provide compensation to such in-
17 dividual that is comparable in value to the com-
18 pensation provided public sector employees who
19 perform similar work in the community where
20 such individual is employed or, if no public sec-
21 tor employees perform such similar work, pro-
22 vide compensation that is of comparable value
23 to the compensation provided public sector em-
24 ployees hired to perform work of comparable

1 worth in the community where such individual
2 is employed;

3 (E) if such employment is in construction,
4 provide compensation to any laborer or me-
5 chanic employed under the grant at rates not
6 less than those prevailing on similar construc-
7 tion in the locality as determined by the Sec-
8 retary in accordance with subchapter IV of
9 chapter 31 of title 40, United States Code; and

10 (F) offer affirmative assistance to such in-
11 dividual in—

12 (i) applying for social benefits for
13 which such individual or the members of
14 such individual's family may be eligible;
15 and

16 (ii) satisfying continuing reporting ob-
17 ligations required to maintain eligibility for
18 social benefits such individual or the mem-
19 bers of such individual's family are receiv-
20 ing.

21 (2) Any grant recipient that operates a training
22 Program funded under this title shall—

23 (A) provide Program trainees a cost-of-liv-
24 ing stipend set pursuant to standards estab-
25 lished by the Secretary and made payable to the

1 Program trainee as long as the Program trainee
2 maintains satisfactory attendance, participation,
3 and progress in the training Program; and

4 (B) offer affirmative assistance to individ-
5 uals enrolled in the training program in—

6 (i) applying for social benefits for
7 which they or the members of their family
8 may be eligible; and

9 (ii) satisfying continuing reporting ob-
10 ligations required to maintain eligibility for
11 social benefits they or members of their
12 family are receiving.

13 (3) No individual whose employment is funded
14 under this Act may work for an employer at which
15 a collective bargaining agreement is in effect cov-
16 ering the same or similar work, unless—

17 (A) the consent of the union at such em-
18 ployer is obtained; and

19 (B) negotiations have taken place between
20 such union and the employer as to the terms
21 and conditions of such employment.

22 (4) No individual may be hired by a not-for-
23 profit organization in a position funded under this
24 Act to perform functions or services that are cus-
25 tomarily performed, either exclusively or almost ex-

1 clusive by a Unit of General Local Government un-
2 less the Unit of General Local Government in ques-
3 tion refuses to apply for Program funding to expand
4 or improve its own performance of the functions or
5 services in question.

6 (5) No individual whose employment is funded
7 under this Act may be employed in a position if—

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

12 (B) such individual will perform the same
13 or substantially similar work that had pre-
14 viously been performed by an employee of the
15 employer who has been laid off within the pre-
16 ceding 12 months or has been partially dis-
17 placed as that term is described in subpara-
18 graph (A) unless the employee has declined an
19 offer of reinstatement to the position the em-
20 ployee occupied immediately prior to being laid
21 off or partially displaced.

22 (6) No individual may be hired for a position
23 funded under this Act in a manner that infringes
24 upon the promotional opportunities of an existing
25 employee of the Program employer.

1 (7) Program employees shall qualify as public
2 sector employees for purposes of all otherwise appli-
3 cable Federal, State, and local laws.

4 **SEC. 306. ELIGIBILITY FOR PROGRAM EMPLOYMENT.**

5 (a) CERTIFICATION BY ONE-STOP CENTER.—An in-
6 dividual seeking Program employment shall have his or
7 her eligibility for such employment certified by a one-stop
8 center serving the area where the Program employment
9 is located.

10 (b) REQUIREMENTS FOR CERTIFICATION.—To be
11 certified as eligible for such employment, the individual
12 must satisfy at least one of the following conditions as
13 of the date the individual is hired to fill a job funded under
14 this Act:

15 (1) The individual has been unemployed for less
16 than 30 days and is eligible to receive Unemploy-
17 ment Insurance benefits.

18 (2) The individual is unemployed and has been
19 registered at and seeking employment with the as-
20 sistance of a one-stop center for not less than 30
21 days prior to the date on which the individual is so
22 hired.

23 (3) The individual has been employed part-time
24 while registered at and seeking full-time employment
25 with the assistance of a one-stop center for not less

1 than 30 days prior to the date the individual is so
2 hired.

3 (c) AVAILABILITY FOR NON-PROGRAM EMPLOY-
4 MENT.—

5 (1) All Program employees shall be automati-
6 cally registered with the one-stop center serving the
7 area where the individual resides as available for and
8 seeking work.

9 (2) The one-stop center serving the area where
10 a Program employee resides shall screen inquiries
11 from employers concerning available jobs and for-
12 ward those that seem suitable to qualified Program
13 employees.

14 (3) For purposes of paragraph (2), the term
15 “suitable”, used with respect to a job, means an
16 offer of employment that—

17 (A) a newly unemployed individual who has
18 just begun receiving Unemployment Insurance
19 benefits would be required to accept in order to
20 avoid forfeiting their eligibility for continued re-
21 ceipt of such benefits under the laws of the
22 State in which the Program employee is em-
23 ployed; and

24 (B) is reasonably expected to last at least
25 6 months.

1 (4) Program employees shall be provided time
2 off with pay to respond to inquiries regarding suit-
3 able non-Program job openings.

4 (5) A Program employee who refuses a suitable
5 job offer resulting from such an inquiry without
6 good cause shall—

7 (A) forfeit their eligibility for Program em-
8 ployment for a period of 30 days, subject to the
9 same procedures and right of appeal that ap-
10 plies to recipients of Unemployment Insurance
11 who refuse suitable employment; and

12 (B) maintain their eligibility for Program
13 employment until such proceedings are com-
14 pleted.

15 (6) A Program employee who terminates their
16 Program employment in order to accept other em-
17 ployment, and who subsequently is terminated from
18 that other employment without fault on the individ-
19 ual's part, or who terminates that employment vol-
20 untarily for good cause, shall be eligible for imme-
21 diate reemployment in a job funded under this Act.

22 (d) INVOLUNTARY TERMINATION OF PROGRAM EM-
23 PLOYMENT.—

24 (1) A Program employee who is involuntarily
25 terminated from their Program Job for inadequate

1 performance of job responsibilities shall not lose
2 their eligibility for employment in another Program-
3 funded job.

4 (2) A Program employee who is involuntarily
5 terminated for misconduct shall lose their eligibility
6 for Program employment for 30 days.

7 **SEC. 307. COMPENSATION.**

8 For purposes of section 305(1)(D)—

9 (1) The term “compensation” shall mean hour-
10 ly wage rates, paid and unpaid leave time, retiree
11 benefits, group life insurance, disability insurance,
12 and health benefits.

13 (2) The term “comparable in value” shall
14 mean—

15 (A) as regards hourly wage rates, the same
16 hourly wage rate;

17 (B) as regards paid and unpaid leave time,
18 the same paid and unpaid leave time;

19 (C) as regards retiree benefits, a defined
20 contribution benefit of comparable actuarial
21 value provided in a plan established and admin-
22 istered by the Secretary;

23 (D) as regards group life and disability in-
24 surance benefits, an actuarially equivalent ben-

1 efit provided in a plan established and adminis-
2 tered by the Secretary; and

3 (E) as regards health benefits, access to
4 health insurance that provides approximately
5 the same level of benefits for approximately the
6 same employee contribution under the provi-
7 sions of paragraph (3).

8 (3) Unless a Program Grant provides otherwise
9 for good cause shown by the grant applicant, a Pro-
10 gram employer shall satisfy the requirements of this
11 section relating to the provision of health benefits by
12 providing affirmative assistance to each of its Pro-
13 gram employees in obtaining health benefits through
14 a State Health Exchange, as permitted by the fol-
15 lowing exceptions to the ACA that apply only to Pro-
16 gram employees as hereby enacted:

17 (A) The acquisition by a Program em-
18 ployee of such benefits through a Health Ex-
19 change shall not trigger tax penalties that
20 would otherwise apply to the employee or the
21 employee's employer under the ACA.

22 (B) Program employees who apply for
23 health benefits under this paragraph shall be el-
24 igible for the same State Health Subsidy Pro-
25 grams as employed individuals who do not have

1 access to an “eligible employer-sponsored plan”
2 as that term is defined in section 5000A(f)(2)
3 of title 26, United States Code.

4 (C) Any premiums a Program employee is
5 required to pay for a health plan obtained
6 under this subparagraph shall be paid by the
7 employee’s Program employer via payroll deduc-
8 tions.

9 (D) A Program employee’s wages shall be
10 adjusted on an individual basis to the extent
11 necessary to satisfy the comparable-value re-
12 quirement of section 305(1)(D) taking into con-
13 sideration the tax treatment accorded any addi-
14 tions or subtractions from the employee’s wages
15 required to satisfy that comparable-value re-
16 quirement.

17 (E) Program employers shall not be sub-
18 ject to the penalty set forth in section 4980D
19 of title 26, United States Code, based on wage
20 adjustments that comply with this paragraph.

21 (4) In consideration for the savings the Pro-
22 gram established under this Act will generate in
23 health care spending by all levels of government, the
24 subsidy costs borne by the Federal Government or
25 by State and local governments in providing health

1 benefits to Program employees under paragraph (3)
2 shall not be chargeable to or reimbursed from the
3 Program's budget.

4 (5) Chapter 43 of the Internal Revenue Code of
5 1986 is amended by—

6 (A) renumbering section 4980D(c)(4) as
7 section 4980D(c)(5); and

8 (B) inserting the following new section
9 4980D(c)(4):

10 “(4) TAX NOT TO APPLY TO CERTAIN PREMIUM
11 REIMBURSEMENTS.—No tax shall be imposed by
12 subsection (a) on payments or reimbursements of
13 health insurance premiums made pursuant to section
14 307(3)(C) or (D) of the Jobs for All Act.”.

15 (6) Chapter 1 of the Internal Revenue Code of
16 1986 is amended by inserting after section 106(g)
17 the following new subsection (h):

18 “(h) REIMBURSEMENTS OF CERTAIN HEALTH IN-
19 SURANCE PREMIUMS.—For purposes of this section, pay-
20 ments or reimbursements of health insurance premiums
21 made pursuant to section 307(3)(C) or (D) of the Jobs
22 for All Act shall not be included in the gross income of
23 the employee.”.

1 **SEC. 308. ASSISTED PLACEMENT.**

2 (a) INDIVIDUALS ELIGIBLE FOR ASSISTED PLACE-
3 MENT.—Individuals eligible for assisted placement shall
4 include—

5 (1) individuals who have been unable to find
6 Program employment within 30 days following the
7 certification of their eligibility for such employment;

8 (2) individuals who are certified as eligible for
9 assisted placement by a one-stop center because of
10 special circumstances that make it unlikely the indi-
11 vidual will be able to find employment within a rea-
12 sonable period of time without assisted placement
13 services; and

14 (3) individuals whose qualifications and work
15 experience are such that they need additional train-
16 ing to qualify for a job that pays enough to meet
17 their own and their dependent’s reasonable needs.

18 (A) For purposes of this paragraph and
19 subsection (c) of this section, the term “depend-
20 ents” shall mean persons claimable as depend-
21 ents on the individual’s Federal income tax re-
22 turn.

23 (B) The Secretary shall engage in notice-
24 and-comment rulemaking to establish a method-
25 ology for developing reasonable-needs standards
26 for use in implementing this paragraph.

1 (b) ASSISTED PLACEMENT SERVICES.—Upon the
2 registration of an eligible individual for assisted placement
3 services, the Assisted Placement Office shall—

4 (1) assess the individual’s qualifications for em-
5 ployment and his or her interests in particular kinds
6 of employment or training;

7 (2) identify opportunities for Program employ-
8 ment that appear to be suitable for the individual in
9 light of the individual’s qualifications and interests,
10 along with any training opportunities that also may
11 be of interest to the individual;

12 (3) discuss these opportunities for Program em-
13 ployment and training with the individual;

14 (4) for those opportunities the individual ex-
15 presses an interest in pursuing, contact the grant re-
16 cipient offering the opportunity, remind the grant
17 recipient of its obligation to cooperate with the As-
18 sisted Placement Office in placing individuals in
19 Program employment or desired training, and ar-
20 range an interview for the individual to explore
21 whether a mutually acceptable placement is possible
22 with the grant recipient;

23 (5) follow up with both the individual and grant
24 recipients to whom the individual has been referred

1 to ascertain whether a placement has been achieved,
2 and if not why;

3 (6) provide individual counseling and support
4 services for individuals eligible for assisted place-
5 ment as needed to achieve a successful placement;

6 (7) provide support services and additional
7 funding to grant recipients, as needed, to accommo-
8 date the special needs of individuals who need such
9 accommodation to find and succeed in Program em-
10 ployment or training; and

11 (8) continue to work with the individual until a
12 successful placement in Program employment or
13 grant-funded training has been achieved, or until the
14 Assisted Placement Office concludes, supported by
15 adequate documentation, that the individual is un-
16 able or unwilling to provide the level of cooperation
17 required to obtain and succeed in Program employ-
18 ment or grant-funded training, in which case the As-
19 sisted Placement Office shall offer assistance to the
20 individual in arranging appropriate services to ad-
21 dress the problems that are interfering with the indi-
22 vidual's ability to find and succeed in Program em-
23 ployment or training.

24 (c) ADDITIONAL ASSISTANCE AVAILABLE.—To the
25 extent necessary to ensure that individuals who qualify for

1 assisted placement under this section are able to earn
2 enough to meet their own reasonable needs and those of
3 their dependents, the Assisted Placement Office shall have
4 the authority—

5 (1) to arrange preferential placement for such
6 individuals in grant-funded training programs, and
7 following the completion of their training, provide
8 assisted placement services to such individuals to en-
9 sure that they secure employment inside or outside
10 the Program in a job that utilizes their newly ac-
11 quired skills;

12 (2) to the extent necessary, to meet their rea-
13 sonable needs, provide such individuals with pref-
14 erential access to goods and services produced by the
15 Program, such as affordable housing and childcare
16 services;

17 (3) to supplement the income of such individ-
18 uals with the equivalent of a voucher for housing as-
19 sistance under section 8(o) of the United States
20 Housing Act of 1937, if such a voucher is not other-
21 wise available; and

22 (4) to furnish such individuals with other in-
23 come supplements that expand eligibility for or add
24 value to the Earned Income Tax Credit (26 U.S.C.
25 32), the Child Tax Credit (26 U.S.C. 24), or the

1 Low Income Home Energy Assistance program (42
2 U.S.C. 8621 et seq.).

3 (d) GRANT RECIPIENT'S OBLIGATION TO COOPER-
4 ATE.—Grant recipients shall cooperate with efforts to pro-
5 vide assisted placement to individuals eligible for assisted
6 placement under subsection (a). This duty shall mean,
7 among other things, that a grant recipients must have
8 good cause to refuse Program employment to a person re-
9 ferred to it for assisted placement.

10 **SEC. 309. PRIORITY GIVEN TO CERTAIN PROJECTS.**

11 Priority in the award of Employment Opportunity
12 Grants shall be accorded to projects that—

13 (1) provide goods and services, such as
14 childcare, transportation, affordable housing, job
15 training, and peer support, that make it easier for
16 individuals who want to work to do so; or

17 (2) serve areas with the greatest level of eco-
18 nomic need, determined for each such area by fac-
19 tors such as—

20 (A) the unemployment rate;

21 (B) the rate of poverty;

22 (C) the number of census tracts in the
23 area with concentrated poverty;

24 (D) the level of median income in the area;

1 (E) the percentage of residential units in
2 the area that appear to have been abandoned;

3 (F) the percentage of homes in the area
4 that are in foreclosure; and

5 (G) indicators of poor resident health, in-
6 cluding high rates of chronic disease, infant
7 mortality, and low life expectancy.

8 **SEC. 310. STARTUP PERIOD.**

9 Since it will take time for the Program established
10 by this Act to develop the project-management experience
11 and project-development capacity needed to fully achieve
12 the Act's goals, the Secretary shall have the authority to
13 establish reasonable priorities in planning and executing
14 the implementation of this Act, provided—

15 (1) the number of jobs created in each commu-
16 nity during the startup period is roughly propor-
17 tionate to the level of unemployment, involuntary
18 part-time employment, and non-labor force partici-
19 pation by persons who want and are available to ac-
20 cept jobs in each community, and

21 (2) the type of jobs created in each community
22 disproportionately favor those individuals and popu-
23 lation groups who enjoy the fewest alternative em-
24 ployment opportunities.

1 **SEC. 311. SECRETARY'S AUTHORITY TO ADMINISTER**
2 **PROJECTS DIRECTLY.**

3 (a) IN GENERAL.—The Secretary shall have the au-
4 thority to use Trust Fund monies to establish and directly
5 administer job creation projects during the startup period
6 provided for in section 310.

7 (b) WHEN THE STARTUP PERIOD HAS ENDED.—
8 Once the startup period described in section 125 has
9 ended, the Secretary shall have a continuing obligation to
10 ensure the availability of enough jobs to provide suitable
11 work for everyone who wants it everywhere in the Nation,
12 including by the direct administration of job creation
13 projects to the extent necessary or useful in achieving the
14 purposes of this Act.

15 **SEC. 312. REPORTS.**

16 (a) REPORTS BY GRANT RECIPIENTS.—Not later
17 than 90 days after the last day of each fiscal year for
18 which grant funding has been provided under this title,
19 grant recipients shall submit to the Secretary a report con-
20 taining such information as the Secretary requires con-
21 cerning their use of their grant.

22 (b) REPORT TO CONGRESS.—At least once every 6
23 months, the Secretary shall report to Congress on the
24 Act's implementation and effects.

1 **SEC. 313. DISPUTE RESOLUTION.**

2 (a) DISPUTES CONCERNING THE ALLOCATION OR
3 USE OF PROGRAM FUNDS.—Alleged improprieties involv-
4 ing the allocation or use of Program funds, including,
5 without limitation, alleged violations of paragraph (3), (4),
6 or (5) of section 304, shall be investigated by the Office
7 of Dispute Resolution pursuant to rules and procedures
8 established by the Secretary. Those rules and procedures
9 shall be designed to ensure a prompt and fair review of
10 the contested matter based on the obligation of all inter-
11 ested parties to full and transparent cooperation with the
12 investigation. A failure to provide such cooperation shall
13 be deemed to support a conclusion that the information
14 being sought would be adverse to the noncooperating par-
15 ty's interests. Any administrative response ordered by the
16 Office of Dispute Resolution as a result of its investigation
17 shall be designed to further the goals and integrity of the
18 Program.

19 (b) DISPUTES ARISING OUT OF PROGRAM EMPLOY-
20 MENT AND TRAINING.—Disputes regarding an individ-
21 ual's eligibility for Program employment or training, the
22 terms and conditions of the individual's Program employ-
23 ment or training, the imposition of discipline on a Pro-
24 gram employee or Program trainee, the involuntary termi-
25 nation of an individual's Program employment or training,
26 or any other individual right, whether created by this Act

1 or based on otherwise existing law, may be submitted by
2 the adversely affected individual for resolution pursuant
3 to the rules and procedures established for the resolution
4 of such disputes by the Office of Dispute Resolution.

5 (c) WAIVER OF RIGHTS.—For disputes falling within
6 the scope of subsection (b), the election by an individual
7 to pursue a legal remedy other than that provided by the
8 Program’s dispute resolution system shall automatically
9 waive the individual’s right to submit the dispute to the
10 Program’s dispute resolution system unless all parties to
11 the dispute agree to the termination of the other legal pro-
12 ceeding and the submission of the dispute for resolution
13 under subsection (b).

14 (d) BREACHES OF A COLLECTIVE BARGAINING
15 AGREEMENT.—If a dispute falling within the scope of sub-
16 section (a) or (b) includes an alleged breach of a collective
17 bargaining agreement (“CBA”), the jurisdiction of the
18 Program’s Office of Dispute Resolution may not be in-
19 voked to decide any issue that depends on the interpreta-
20 tion of the CBA, but it may be invoked under subsection
21 (a) or (b), as appropriate, to decide other aspects of the
22 dispute, either before the contract dispute is resolved if
23 both parties to the CBA agree to the submission, or after
24 the contract dispute has been resolved if issues remain

1 that are suitable for resolution by the Office of Dispute
2 Resolution.

3 (e) OTHER DISPUTES.—Persons or entities that
4 claim to have suffered a legally cognizable detriment as
5 a result of a violation of this Act that does not fall within
6 the scope of subsection (a) or (b) may have their claim
7 investigated and obtain an appropriate administrative re-
8 sponse by filing a complaint with the Office of Dispute
9 Resolution.

10 (f) WHISTLEBLOWER HOTLINE.—In addition to the
11 procedures established by the Secretary to formally invoke
12 the jurisdiction of the Office of Dispute Resolution, infor-
13 mation involving alleged violations of this Act may be re-
14 ported informally to the Office of Dispute Resolution.

15 **SEC. 314. TAX ON SECURITIES TRANSACTIONS.**

16 (a) IN GENERAL.—Chapter 36 of the Internal Rev-
17 enue Code of 1986 is amended by inserting after sub-
18 chapter B the following new subchapter:

19 **“Subchapter C—Tax on Securities**
20 **Transactions**

21 **“SEC. 4475. TAX ON TRADING TRANSACTIONS.**

22 “(a) IMPOSITION OF TAX.—There is hereby imposed
23 a tax on the transfer of ownership in each covered trans-
24 action with respect to any security.

1 “(b) RATE OF TAX.—The tax imposed under sub-
2 section (a) with respect to any covered transaction shall
3 be the applicable percentage of the specified base amount
4 with respect to such covered transaction. The applicable
5 percentage shall be—

6 “(1) 0.2 percent in the case of a security de-
7 scribed in subparagraph (A) or (B) of subsection
8 (e)(1),

9 “(2) 0.06 percent in the case of a security de-
10 scribed in subparagraph (C) of subsection (e)(1),

11 “(3) 0.2 percent in the case of a security de-
12 scribed in subparagraph (D) of subsection (e)(1) if
13 the underlying assets on which the rights and obliga-
14 tions created by the security are based consist of
15 other securities described in subparagraph (A) or
16 (B) of subsection (e)(1),

17 “(4) 0.2 percent in the case of a security de-
18 scribed in subparagraph (F) of subsection (e)(1) if
19 the index on which the rights and obligations created
20 by the security are based is an index referencing the
21 values of securities described in subparagraph (A) or
22 (B) of subsection (e)(1)(A), and

23 “(5) 0.06 percent in the case of any security
24 described in subparagraph (D), (E), or (F) of sub-

1 section (e)(1) (other than a security described in
2 paragraph (3) or (4)).

3 “(c) SPECIFIED BASE AMOUNT.—For purposes of
4 this section, the term ‘specified base amount’ means—

5 “(1) except as provided in paragraph (2), the
6 fair market value of the security (determined as of
7 the time of the covered transaction), and

8 “(2) in the case of any payment described in
9 subsection (h), the amount of such payment.

10 “(d) COVERED TRANSACTION.—For purposes of this
11 section, the term ‘covered transaction’ means—

12 “(1) except as provided in paragraph (2), any
13 purchase if—

14 “(A) such purchase occurs or is cleared on
15 a facility located in the United States, or

16 “(B) the purchaser or seller is a United
17 States person, and

18 “(2) any transaction with respect to a security
19 described in subparagraph (D), (E), or (F) of sub-
20 section (e)(1), if—

21 “(A) such security is traded or cleared on
22 a facility located in the United States, or

23 “(B) any party with rights under such se-
24 curity is a United States person.

1 “(e) SECURITY AND OTHER DEFINITIONS.—For pur-
2 poses of this section—

3 “(1) SECURITY.—The term ‘security’ means—

4 “(A) any share of stock in a corporation,

5 “(B) any partnership or beneficial owner-
6 ship interest in a partnership or trust,

7 “(C) any note, bond, debenture, or other
8 evidence of indebtedness, other than a State or
9 local bond the interest of which is excluded
10 from gross income under section 103(a),

11 “(D) any evidence of an interest in, or a
12 derivative financial instrument with respect to,
13 any security or securities described in subpara-
14 graph (A), (B), or (C),

15 “(E) any derivative financial instrument
16 with respect to any currency or commodity in-
17 cluding notional principal contracts, and

18 “(F) any other derivative financial instru-
19 ment any payment with respect to which is cal-
20 culated by reference to any specified index.

21 “(2) DERIVATIVE FINANCIAL INSTRUMENT.—

22 The term ‘derivative financial instrument’ includes
23 any option, forward contract, futures contract, no-
24 tional principal contract, or any similar financial in-
25 strument.

1 “(3) SPECIFIED INDEX.—The term ‘specified
2 index’ means any one or more of any combination
3 of—

4 “(A) a fixed rate, price, or amount, or

5 “(B) a variable rate, price, or amount,
6 which is based on any current objectively deter-
7 minable information which is not within the
8 control of any of the parties to the contract or
9 instrument and is not unique to any of the par-
10 ties’ circumstances.

11 “(4) TREATMENT OF EXCHANGES.—

12 “(A) IN GENERAL.—An exchange shall be
13 treated as the sale of the property transferred
14 and a purchase of the property received by each
15 party to the exchange.

16 “(B) CERTAIN DEEMED EXCHANGES.—In
17 the case of a distribution treated as an ex-
18 change for stock under section 302 or 331, the
19 corporation making such distribution shall be
20 treated as having purchased such stock for pur-
21 poses of this section.

22 “(f) EXCEPTIONS.—

23 “(1) EXCEPTION FOR INITIAL ISSUES.—No tax
24 shall be imposed under subsection (a) on any cov-
25 ered transaction with respect to the initial issuance

1 of any security described in subparagraph (A), (B),
2 or (C) of subsection (e)(1).

3 “(2) EXCEPTION FOR CERTAIN TRADED SHORT-
4 TERM INDEBTEDNESS.—A note, bond, debenture, or
5 other evidence of indebtedness which—

6 “(A) is traded on a trading facility located
7 in the United States, and

8 “(B) has a fixed maturity of not more
9 than 60 days, shall not be treated as described
10 in subsection (e)(1)(C).

11 “(3) EXCEPTION FOR SECURITIES LENDING AR-
12 RANGEMENTS.—No tax shall be imposed under sub-
13 section (a) on any covered transaction with respect
14 to which gain or loss is not recognized by reason of
15 section 1058.

16 “(4) EXCEPTION FOR INTERESTS IN MUTUAL
17 FUNDS.—No tax shall be imposed under subsection
18 (a) with respect to the purchase or sale of any inter-
19 est in a regulated investment company (as defined in
20 section 851).

21 “(g) BY WHOM PAID.—

22 “(1) IN GENERAL.—The tax imposed by this
23 section shall be paid by—

1 “(A) in the case of a transaction which oc-
2 curs or is cleared on a facility located in the
3 United States, such facility, and

4 “(B) in the case of a purchase not de-
5 scribed in subparagraph (A) which is executed
6 by a broker (as defined in section 6045(c)(1)),
7 the broker.

8 “(2) SPECIAL RULES FOR DIRECT, ETC.,
9 TRANSACTIONS.—In the case of any transaction to
10 which paragraph (1) does not apply, the tax imposed
11 by this section shall be paid by—

12 “(A) in the case of a transaction described
13 in subsection (d)(1)—

14 “(i) the purchaser if the purchaser is
15 a United States person, and

16 “(ii) the seller if the purchaser is not
17 a United States person, and

18 “(B) in the case of a transaction described
19 in subsection (d)(2)—

20 “(i) the payor if the payor is a United
21 States person, and

22 “(ii) the payee if the payor is not a
23 United States person.

24 “(h) CERTAIN PAYMENTS TREATED AS SEPARATE
25 TRANSACTIONS.—Except as otherwise provided by the

1 Secretary, any payment with respect to a security de-
2 scribed in subparagraph (D), (E), or (F) of subsection
3 (e)(1) shall be treated as a separate transaction for pur-
4 poses of this section, including—

5 “(1) any net initial payment, net final or termi-
6 nating payment, or net periodical payment with re-
7 spect to a notional principal contract (or similar fi-
8 nancial instrument),

9 “(2) any payment with respect to any forward
10 contract (or similar financial instrument), and

11 “(3) any premium paid with respect to any op-
12 tion (or similar financial instrument).

13 “(i) ADMINISTRATION.—The Secretary shall carry
14 out this section in consultation with the Securities and Ex-
15 change Commission and the Commodity Futures Trading
16 Commission.

17 “(j) GUIDANCE; REGULATIONS.—The Secretary
18 shall—

19 “(1) provide guidance regarding such informa-
20 tion reporting concerning covered transactions as the
21 Secretary deems appropriate, including reporting by
22 the payor of the tax in cases where the payor is not
23 the purchaser, and

24 “(2) prescribe such regulations as are necessary
25 or appropriate to prevent avoidance of the purposes

1 of this section, including the use of non-United
2 States persons in such transactions.

3 “(k) WHISTLEBLOWERS.—See section 7623 for pro-
4 visions relating to whistleblowers.”.

5 (b) PENALTY FOR FAILURE TO INCLUDE COVERED
6 TRANSACTION INFORMATION WITH RETURN.—Part I of
7 subchapter B of chapter 68 of the Internal Revenue Code
8 of 1986 is amended by inserting after section 6707A the
9 following new section:

10 **“SEC. 6707B. PENALTY FOR FAILURE TO INCLUDE COV-**
11 **ERED TRANSACTION INFORMATION WITH RE-**
12 **TURN.**

13 “(a) IMPOSITION OF PENALTY.—Any person who
14 fails to include on any return or statement any informa-
15 tion with respect to a covered transaction which is re-
16 quired pursuant to section 4475(j)(1) to be included with
17 such return or statement shall pay a penalty in the
18 amount determined under subsection (b).

19 “(b) AMOUNT OF PENALTY.—Except as otherwise
20 provided in this subsection, the amount of the penalty
21 under subsection (a) with respect to any covered trans-
22 action shall be determined by the Secretary.

23 “(c) COVERED TRANSACTION.—For purposes of this
24 section, the term ‘covered transaction’ has the meaning
25 given such term by section 4475(d).

1 “(d) AUTHORITY TO RESCIND PENALTY.—

2 “(1) IN GENERAL.—The Commissioner of In-
3 ternal Revenue may rescind all or any portion of any
4 penalty imposed by this section with respect to any
5 violation if rescinding the penalty would promote
6 compliance with the requirements of this title and
7 effective tax administration.

8 “(2) NO JUDICIAL APPEAL.—Notwithstanding
9 any other provision of law, any determination under
10 this subsection may not be reviewed in any judicial
11 proceeding.

12 “(3) RECORDS.—If a penalty is rescinded under
13 paragraph (1), the Commissioner shall place in the
14 file in the Office of the Commissioner the opinion of
15 the Commissioner with respect to the determination,
16 including—

17 “(A) a statement of the facts and cir-
18 cumstances relating to the violation,

19 “(B) the reasons for the rescission, and

20 “(C) the amount of the penalty rescinded.

21 “(e) COORDINATION WITH OTHER PENALTIES.—The
22 penalty imposed by this section shall be in addition to any
23 other penalty imposed by this title.”.

24 (c) CLERICAL AMENDMENTS.—

1 (1) The table of sections for part I of sub-
2 chapter B of chapter 68 of such Code is amended
3 by inserting after the item relating to section 6707A
4 the following new item:

 “Sec. 6707B. Penalty for failure to include covered transaction information
 with return.”.

5 (2) The table of subchapters for chapter 36 of
6 the Internal Revenue Code of 1986 is amended by
7 inserting after the item relating to subchapter B the
8 following new item:

 “SUBCHAPTER C—TAX ON SECURITIES TRANSACTIONS”.

9 (d) EFFECTIVE DATE.—The amendments made by
10 this section shall apply to transactions occurring more
11 than 180 days after the date of the enactment of this Act.

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