

report under subsection (d) of this section for any program year, the Secretary may reduce by not more than 5 percent, the amount of the grant that would (in the absence of this paragraph) be payable to the State under such program for the immediately succeeding program year. Such penalty shall be based on the degree of failure to meet State adjusted levels of performance.

(2) Funds resulting from reduced allotments

The Secretary shall use an amount retained, as a result of a reduction in an allotment to a State made under paragraph (1)(B), to provide incentive grants under section 9273 of title 20.

(h) Sanctions for local area failure to meet local performance measures

(1) Technical assistance

If a local area fails to meet levels of performance relating to indicators described in subparagraph (A) or (B) of subsection (b)(2) of this section for a program for any program year, the Governor, or upon request by the Governor, the Secretary, shall provide technical assistance, which may include assistance in the development of a performance improvement plan, or the development of a modified local plan.

(2) Corrective actions

(A) In general

If such failure continues for a second consecutive year, the Governor shall take corrective actions, which may include development of a reorganization plan through which the Governor may—

- (i) require the appointment and certification of a new local board (consistent with the criteria established under section 2832(b) of this title);
- (ii) prohibit the use of eligible providers and one-stop partners identified as achieving a poor level of performance; or
- (iii) take such other actions as the Governor determines are appropriate.

(B) Appeal by local area

(i) Appeal to Governor

A local area that is subject to a reorganization plan under subparagraph (A) may, not later than 30 days after receiving notice of the reorganization plan, appeal to the Governor to rescind or revise such plan. In such case, the Governor shall make a final decision not later than 30 days after the receipt of the appeal.

(ii) Subsequent action

The local area may, not later than 30 days after receiving a decision from the Governor pursuant to clause (i), appeal such decision to the Secretary. In such case, the Secretary shall make a final decision not later than 30 days after the receipt of the appeal.

(C) Effective date

The decision made by the Governor under clause (i) of subparagraph (B) shall become effective at the time the Governor issues the decision pursuant to such clause. Such deci-

sion shall remain effective unless the Secretary rescinds or revises such plan pursuant to clause (ii) of subparagraph (B).

(i) Other measures and terminology

(1) Responsibilities

In order to ensure nationwide comparability of performance data, the Secretary, after collaboration with representatives of appropriate Federal agencies, and representatives of States and political subdivisions, business and industry, employees, eligible providers of employment and training activities, educators, and participants, with expertise regarding workforce investment policies and workforce investment activities, shall issue—

(A) definitions for information required to be reported under subsection (d)(2) of this section;

(B) terms for a menu of additional indicators of performance described in subsection (b)(2)(C) of this section to assist States in assessing their progress toward State workforce investment goals; and

(C) objective criteria and methods described in subsection (b)(3)(A)(vi) of this section for making revisions to levels of performance.

(2) Definitions for core indicators

The Secretary and the representatives described in paragraph (1) shall participate in the activities described in section 9272 of title 20 concerning the issuance of definitions for indicators of performance described in subsection (b)(2)(A) of this section.

(3) Assistance

The Secretary shall make the services of staff available to the representatives to assist the representatives in participating in the collaboration described in paragraph (1) and in the activities described in section 9272 of title 20.

(Pub. L. 105-220, title I, §136, Aug. 7, 1998, 112 Stat. 999.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (b)(3)(B), was in the original “this title” meaning title I of Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 939, as amended, which enacted this chapter, repealed sections 1501 to 1505, 1511 to 1583, 1592 to 1735, 1737 to 1791h, 1792 to 1792b, 2301 to 2314 of this title, section 211 of former Title 40, Appendix, Public Buildings, Property, and Works, sections 11421, 11441 to 11447, 11449, 11450, 11461 to 11466, 11471, and 11472 of Title 42, The Public Health and Welfare, and sections 42101 to 42106 of Title 49, Transportation, enacted provisions set out as notes under sections 1501, 2301, and 2940 of this title and section 11421 of Title 42, and repealed provisions set out as notes under sections 801 and 2301 of this title and section 1255a of Title 8, Aliens and Nationality. For complete classification of title I to the Code, see Tables.

This Act, referred to in subsec. (f)(3), is Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 936, as amended, known as the Workforce Investment Act of 1998. For complete classification of this Act to the Code, see Short Title note set out under section 9201 of Title 20, Education, and Tables.

§ 2872. Authorization of appropriations

(a) Youth activities

There are authorized to be appropriated to carry out the activities described in section

2852(a) of this title, such sums as may be necessary for each of fiscal years 1999 through 2003.

(b) Adult employment and training activities

There are authorized to be appropriated to carry out the activities described in section 2862(a)(1) of this title, such sums as may be necessary for each of fiscal years 1999 through 2003.

(c) Dislocated worker employment and training activities

There are authorized to be appropriated to carry out the activities described in section 2862(a)(2) of this title, such sums as may be necessary for each of fiscal years 1999 through 2003.

(Pub. L. 105-220, title I, §137, Aug. 7, 1998, 112 Stat. 1006.)

SUBCHAPTER III—JOB CORPS

§ 2881. Purposes

The purposes of this subchapter are—

(1) to maintain a national Job Corps program, carried out in partnership with States and communities, to assist eligible youth who need and can benefit from an intensive program, operated in a group setting in residential and nonresidential centers, to become more responsible, employable, and productive citizens;

(2) to set forth standards and procedures for selecting individuals as enrollees in the Job Corps;

(3) to authorize the establishment of Job Corps centers in which enrollees will participate in intensive programs of activities described in this subchapter; and

(4) to prescribe various other powers, duties, and responsibilities incident to the operation and continuing development of the Job Corps.

(Pub. L. 105-220, title I, §141, Aug. 7, 1998, 112 Stat. 1006.)

PRIOR PROVISIONS

Provisions similar to this section were contained in section 1691 of this title prior to repeal by Pub. L. 105-220.

§ 2882. Definitions

In this subchapter:

(1) Applicable local board

The term “applicable local board” means a local board—

(A) that provides information for a Job Corps center on local employment opportunities and the job skills needed to obtain the opportunities; and

(B) that serves communities in which the graduates of the Job Corps center seek employment.

(2) Applicable one-stop center

The term “applicable one-stop center” means a one-stop customer service center that provides services, such as referral, intake, recruitment, and placement, to a Job Corps center.

(3) Enrollee

The term “enrollee” means an individual who has voluntarily applied for, been selected

for, and enrolled in the Job Corps program, and remains with the program, but has not yet become a graduate.

(4) Former enrollee

The term “former enrollee” means an individual who has voluntarily applied for, been selected for, and enrolled in the Job Corps program, but left the program before completing the requirements of a vocational training program, or receiving a secondary school diploma or recognized equivalent, as a result of participation in the Job Corps program.

(5) Graduate

The term “graduate” means an individual who has voluntarily applied for, been selected for, and enrolled in the Job Corps program and has completed the requirements of a vocational training program, or received a secondary school diploma or recognized equivalent, as a result of participation in the Job Corps program.

(6) Job Corps

The term “Job Corps” means the Job Corps described in section 2883 of this title.

(7) Job Corps center

The term “Job Corps center” means a center described in section 2887 of this title.

(8) Operator

The term “operator” means an entity selected under this subchapter to operate a Job Corps center.

(9) Region

The term “region” means an area served by a regional office of the Employment and Training Administration.

(10) Service provider

The term “service provider” means an entity selected under this subchapter to provide services described in this subchapter to a Job Corps center.

(Pub. L. 105-220, title I, §142, Aug. 7, 1998, 112 Stat. 1006.)

§ 2883. Establishment

There shall be within the Department of Labor a “Job Corps”.

(Pub. L. 105-220, title I, §143, Aug. 7, 1998, 112 Stat. 1007.)

PRIOR PROVISIONS

Provisions similar to this section were contained in section 1692 of this title prior to repeal by Pub. L. 105-220.

§ 2883a. Office of Job Corps

Not later than 90 days after December 30, 2005, the Secretary of Labor shall permanently establish and maintain an Office of Job Corps within the Office of the Secretary, in the Department of Labor, to carry out the functions (including duties, responsibilities, and procedures) of subtitle C of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2881 et seq.). The Secretary shall appoint a senior member of the civil service to head that Office of Job Corps and carry