

(2) Administrative proceeding

A civil penalty may be assessed in a written notice, or an administrative compliance order may be issued, by the Secretary only after an opportunity for a hearing in accordance with section 554 of title 5. Before making such assessment or issuing such order, or both, the Secretary shall give written notice thereof to such person by certified mail with return receipt and provide therein an opportunity to request in writing not later than 30 days after the date of receipt of such notice such hearing. The notice shall reasonably describe the violation and be accompanied with the procedures for such hearing and a simple form to request such hearing if such person desires to use such form. If a hearing is requested, the Secretary shall establish by such certified notice the time and place for such hearing which should be located, to the greatest extent possible, at a location convenient to such person. The Secretary (or the Secretary's designee) and such person may consult to arrange a suitable date and location where appropriate.

(3) Circumstances affecting penalty or order

In determining the amount of the civil penalty or the nature of the administrative compliance order, the Secretary shall take into account, as appropriate—

(A) the nature, circumstances, extent, and gravity of the violation;

(B) with respect to the violator, any good faith efforts to comply, the importance of achieving early and permanent compliance, the ability to pay or comply, the effect of the penalty or order on the ability to continue operation, any prior history of the same kind of violation, the degree of culpability, and any demonstration of willingness to comply with the prohibitions of this section in a timely manner; and

(C) such other matters as justice may require.

(4) Modification

The Secretary may, as appropriate, compromise, modify, or remit, with or without conditions, any civil penalty or administrative compliance order. In the case of a civil penalty, the amount, as finally determined by the Secretary or agreed upon in compromise, may be deducted from any sums that the United States or its agencies or instrumentalities owes to the person against whom the penalty is assessed.

(5) Petition for review

Any person aggrieved by a penalty assessed or an order issued, or both, by the Secretary under this section may file a petition for judicial review thereof with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which the person resides or transacts business. Such person shall provide a copy thereof to the Secretary or the Secretary's designee. The petition shall be filed within 30 days after the Secretary's assessment or order, or both, are final and have been provided to such person by certified mail. The Secretary shall promptly provide to the court a certified copy of the tran-

script of any hearing held under this section and a copy of the notice or order.

(6) Failure to comply

If a person fails to pay an assessment of a civil penalty or comply with an order, after either or both are final under this section, or after a court under paragraph (5) has entered a final judgment in favor of the Secretary, the Attorney General, at the request of the Secretary, shall recover the amount of the civil penalty (plus interest at then currently prevailing rates from the day either or both are final) or enforce the order in an action brought in the appropriate district court of the United States. In such action, the validity and appropriateness of the penalty or order or the amount of the penalty shall not be subject to review.

(Pub. L. 103-227, title X, §1043, Mar. 31, 1994, 108 Stat. 272.)

§ 6084. Preemption

Nothing in this part is intended to preempt any provision of law of a State or political subdivision of a State that is more restrictive than a provision of this part.

(Pub. L. 103-227, title X, §1044, Mar. 31, 1994, 108 Stat. 274.)

CHAPTER 69—SCHOOL-TO-WORK OPPORTUNITIES

§§ 6101 to 6104. Omitted

CODIFICATION

Sections 6101 to 6104 were omitted pursuant to section 6251 of this title which provided that the authority under this chapter terminated on Oct. 1, 2001.

Section 6101, Pub. L. 103-239, §2, May 4, 1994, 108 Stat. 569, stated findings of Congress.

Section 6102, Pub. L. 103-239, §3, May 4, 1994, 108 Stat. 570, stated purposes and Congressional intent.

Section 6103, Pub. L. 103-239, §4, May 4, 1994, 108 Stat. 572; Pub. L. 103-382, title III, §394(j)(1), Oct. 20, 1994, 108 Stat. 4029; Pub. L. 105-244, title I, §102(c)(1), Oct. 7, 1998, 112 Stat. 1622; Pub. L. 108-446, title III, §305(f), Dec. 3, 2004, 118 Stat. 2805, contained definitions.

Section 6104, Pub. L. 103-239, §5, May 4, 1994, 108 Stat. 575, provided for Federal administration of this chapter.

SHORT TITLE

Pub. L. 103-239, §1(a), May 4, 1994, 108 Stat. 568, provided that: "This Act [enacting this chapter, amending former sections 2394b and 2394c and section 4441 of this title, former section 1699 of Title 29, Labor, and former sections 11449 and 11450 of Title 42, The Public Health and Welfare, and enacting provisions set out as notes under sections 4401 and 4441 of this title] may be cited as the 'School-to-Work Opportunities Act of 1994'."

SUBCHAPTER I—SCHOOL-TO-WORK OPPORTUNITIES BASIC PROGRAM COMPONENTS

§§ 6111 to 6114. Omitted

CODIFICATION

Sections 6111 to 6114 were omitted pursuant to section 6251 of this title which provided that the authority under this chapter terminated on Oct. 1, 2001.

Section 6111, Pub. L. 103-239, title I, §101, May 4, 1994, 108 Stat. 576, related to general program requirements.

Section 6112, Pub. L. 103-239, title I, §102, May 4, 1994, 108 Stat. 576, related to school-based learning component.

Section 6113, Pub. L. 103-239, title I, §103, May 4, 1994, 108 Stat. 577, related to work-based learning component.

Section 6114, Pub. L. 103-239, title I, §104, May 4, 1994, 108 Stat. 577, related to connecting activities component.

SUBCHAPTER II—SCHOOL-TO-WORK OPPORTUNITIES SYSTEM DEVELOPMENT AND IMPLEMENTATION GRANTS TO STATES

PART A—STATE DEVELOPMENT GRANTS

§§ 6121 to 6127. Omitted

CODIFICATION

Sections 6121 to 6127 were omitted pursuant to section 6251 of this title which provided that the authority under this chapter terminated on Oct. 1, 2001.

Section 6121, Pub. L. 103-239, title II, §201, May 4, 1994, 108 Stat. 578, stated purpose of this part.

Section 6122, Pub. L. 103-239, title II, §202, May 4, 1994, 108 Stat. 578, authorized grants to States and territories.

Section 6123, Pub. L. 103-239, title II, §203, May 4, 1994, 108 Stat. 579, related to application for grant.

Section 6124, Pub. L. 103-239, title II, §204, May 4, 1994, 108 Stat. 580, related to approval of application.

Section 6125, Pub. L. 103-239, title II, §205, May 4, 1994, 108 Stat. 580, related to use of amounts from grant.

Section 6126, Pub. L. 103-239, title II, §206, May 4, 1994, 108 Stat. 581, related to maintenance of effort by State.

Section 6127, Pub. L. 103-239, title II, §207, May 4, 1994, 108 Stat. 582, required reports by State.

PART B—STATE IMPLEMENTATION GRANTS

§§ 6141 to 6148. Omitted

CODIFICATION

Sections 6141 to 6148 were omitted pursuant to section 6251 of this title which provided that the authority under this chapter terminated on Oct. 1, 2001.

Section 6141, Pub. L. 103-239, title II, §211, May 4, 1994, 108 Stat. 582, stated purpose of this part.

Section 6142, Pub. L. 103-239, title II, §212, May 4, 1994, 108 Stat. 582, authorized grants to States and territories.

Section 6143, Pub. L. 103-239, title II, §213, May 4, 1994, 108 Stat. 583; Pub. L. 104-193, title I, §110(v), Aug. 22, 1996, 110 Stat. 2175, related to application for grant.

Section 6144, Pub. L. 103-239, title II, §214, May 4, 1994, 108 Stat. 586, related to review of application.

Section 6145, Pub. L. 103-239, title II, §215, May 4, 1994, 108 Stat. 587, related to use of amounts from grant.

Section 6146, Pub. L. 103-239, title II, §216, May 4, 1994, 108 Stat. 591, related to allocation requirement.

Section 6147, Pub. L. 103-239, title II, §217, May 4, 1994, 108 Stat. 591, related to limitation on administrative costs.

Section 6148, Pub. L. 103-239, title II, §218, May 4, 1994, 108 Stat. 591, required reports by State.

PART C—DEVELOPMENT AND IMPLEMENTATION GRANTS FOR SCHOOL-TO-WORK PROGRAMS FOR INDIAN YOUTHS

§§ 6161, 6162. Omitted

CODIFICATION

Sections 6161 and 6162 were omitted pursuant to section 6251 of this title which provided that the authority under this chapter terminated on Oct. 1, 2001.

Section 6161, Pub. L. 103-239, title II, §221, May 4, 1994, 108 Stat. 592, authorized grants.

Section 6162, Pub. L. 103-239, title II, §222, May 4, 1994, 108 Stat. 592, related to requirements for grant recipients.

SUBCHAPTER III—FEDERAL IMPLEMENTATION GRANTS TO LOCAL PARTNERSHIPS

§§ 6171 to 6177. Omitted

CODIFICATION

Sections 6171 to 6177 were omitted pursuant to section 6251 of this title which provided that the authority under this chapter terminated on Oct. 1, 2001.

Section 6171, Pub. L. 103-239, title III, §301, May 4, 1994, 108 Stat. 592, stated purposes of this subchapter.

Section 6172, Pub. L. 103-239, title III, §302, May 4, 1994, 108 Stat. 592, authorized grants to local partnerships.

Section 6173, Pub. L. 103-239, title III, §303, May 4, 1994, 108 Stat. 593, related to application for grant.

Section 6174, Pub. L. 103-239, title III, §304, May 4, 1994, 108 Stat. 594, related to use of amounts from grant.

Section 6175, Pub. L. 103-239, title III, §305, May 4, 1994, 108 Stat. 594, related to conformity with approved State plan.

Section 6176, Pub. L. 103-239, title III, §306, May 4, 1994, 108 Stat. 594, required reports by local partnership.

Section 6177, Pub. L. 103-239, title III, §307, May 4, 1994, 108 Stat. 594, defined “high poverty area”.

SUBCHAPTER IV—NATIONAL PROGRAMS

§§ 6191 to 6196. Omitted

CODIFICATION

Sections 6191 to 6196 were omitted pursuant to section 6251 of this title which provided that the authority under this chapter terminated on Oct. 1, 2001.

Section 6191, Pub. L. 103-239, title IV, §401, May 4, 1994, 108 Stat. 594, authorized projects to further the purposes of this chapter.

Section 6192, Pub. L. 103-239, title IV, §402, May 4, 1994, 108 Stat. 594, related to performance outcomes and evaluation.

Section 6193, Pub. L. 103-239, title IV, §403, May 4, 1994, 108 Stat. 596, related to training and technical assistance.

Section 6194, Pub. L. 103-239, title IV, §404, May 4, 1994, 108 Stat. 596; Pub. L. 107-279, title IV, §404(e), Nov. 5, 2002, 116 Stat. 1986, related to Capacity Building and Information and Dissemination Network.

Section 6195, Pub. L. 103-239, title IV, §405, May 4, 1994, 108 Stat. 597, required reports to Congress.

Section 6196, Pub. L. 103-239, title IV, §406, May 4, 1994, 108 Stat. 597, related to funding.

SUBCHAPTER V—WAIVER OF STATUTORY AND REGULATORY REQUIREMENTS

§§ 6211 to 6215. Omitted

CODIFICATION

Sections 6211 to 6215 were omitted pursuant to section 6251 of this title which provided that the authority under this chapter terminated on Oct. 1, 2001.

Section 6211, Pub. L. 103-239, title V, §501, May 4, 1994, 108 Stat. 597, related to State and local partnership requests and responsibilities for waivers.

Section 6212, Pub. L. 103-239, title V, §502, May 4, 1994, 108 Stat. 598; Pub. L. 103-382, title III, §394(j)(2), Oct. 20, 1994, 108 Stat. 4029; Pub. L. 107-110, title X, §1076(q), Jan. 8, 2002, 115 Stat. 2092, related to waiver authority of Secretary of Education.

Section 6213, Pub. L. 103-239, title V, §503, May 4, 1994, 108 Stat. 600, related to waiver authority of Secretary of Labor.

Section 6214, Pub. L. 103-239, title V, §504, May 4, 1994, 108 Stat. 601, related to combination of Federal funds for high poverty schools.

Section 6215, Pub. L. 103-239, title V, §505, May 4, 1994, 108 Stat. 602, related to combination of Federal funds by States for school-to-work activities.