

or chief operating officers of nongovernmental employers, or other private sector employers, who—

(i) have substantial management, hiring, or policy responsibility; and

(ii) represent businesses with employment opportunities that reflect the employment opportunities of the applicable local areas in which enrollees will be seeking employment;

(B) representatives of labor organizations (where present) and representatives of employees; and

(C) enrollees and graduates of the Job Corps.

**(2) Local board**

The workforce council may include members of the applicable local boards who meet the requirements described in paragraph (1).

**(3) Employers outside of local area**

The workforce council for a Job Corps center may include, or otherwise provide for consultation with, employers from outside the local area who are likely to hire a significant number of enrollees from the Job Corps center.

**(4) Special rule for single State local areas**

In the case of a single State local area designated under section 3121(d) of this title, the workforce council shall include a representative of the State Board.

**(c) Responsibilities**

The responsibilities of the workforce council shall be—

(1) to work closely with all applicable local boards in order to determine, and recommend to the Secretary, appropriate career and technical education and training for the center;

(2) to review all the relevant labor market information, including related information in the State plan or the local plan, to—

(A) recommend the in-demand industry sectors or occupations in the area in which the Job Corps center operates;

(B) determine the employment opportunities in the local areas in which the enrollees intend to seek employment after graduation;

(C) determine the skills and education that are necessary to obtain the employment opportunities; and

(D) recommend to the Secretary the type of career and technical education and training that should be implemented at the center to enable the enrollees to obtain the employment opportunities; and

(3) to meet at least once every 6 months to reevaluate the labor market information, and other relevant information, to determine, and recommend to the Secretary, any necessary changes in the career and technical education and training provided at the center.

**(d) New centers**

The workforce council for a Job Corps center that is not yet operating shall carry out the responsibilities described in subsection (c) at least 3 months prior to the date on which the center accepts the first enrollee at the center.

(Pub. L. 113-128, title I, §154, July 22, 2014, 128 Stat. 1551.)

EFFECTIVE DATE

Section effective on the first day of the first full program year after July 22, 2014 (July 1, 2015), see section 506 of Pub. L. 113-128, set out as a note under section 3101 of this title.

**§ 3205. Advisory committees**

The Secretary may establish and use advisory committees in connection with the operation of the Job Corps program, and the operation of Job Corps centers, whenever the Secretary determines that the availability of outside advice and counsel on a regular basis would be of substantial benefit in identifying and overcoming problems, in planning program or center development, or in strengthening relationships between the Job Corps and agencies, institutions, or groups engaged in related activities.

(Pub. L. 113-128, title I, §155, July 22, 2014, 128 Stat. 1552.)

EFFECTIVE DATE

Section effective on the first day of the first full program year after July 22, 2014 (July 1, 2015), see section 506 of Pub. L. 113-128, set out as a note under section 3101 of this title.

**§ 3206. Experimental projects and technical assistance**

**(a) Projects**

The Secretary may carry out experimental, research, or demonstration projects relating to carrying out the Job Corps program. The Secretary may waive any provisions of this part that the Secretary finds would prevent the Secretary from carrying out the projects if the Secretary informs the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, in writing, not less than 90 days in advance of issuing such waiver.

**(b) Technical assistance**

From the funds provided under section 3212 of this title (for the purposes of administration), the Secretary may reserve  $\frac{1}{4}$  of 1 percent to provide, directly or through grants, contracts, or other agreements or arrangements as the Secretary considers appropriate, technical assistance for the Job Corps program for the purpose of improving program quality. Such assistance shall include—

(1) assisting Job Corps centers and programs—

(A) in correcting deficiencies under, and violations of, this part;

(B) in meeting or exceeding the expected levels of performance under section 3209(c)(1) of this title for the indicators of performance described in section 3141(b)(2)(A) of this title;

(C) in the development of sound management practices, including financial management procedures; and

(2) assisting entities, including entities not currently operating a Job Corps center, in de-

veloping the additional selection factors information described in section 3197(a)(3) of this title.

(Pub. L. 113–128, title I, § 156, July 22, 2014, 128 Stat. 1552.)

#### EFFECTIVE DATE

Section effective on the first day of the first full program year after July 22, 2014 (July 1, 2015), see section 506 of Pub. L. 113–128, set out as a note under section 3101 of this title.

### § 3207. Application of provisions of Federal law

#### (a) Enrollees not considered to be Federal employees

##### (1) In general

Except as otherwise provided in this subsection and in section 8143(a) of title 5, enrollees shall not be considered to be Federal employees and shall not be subject to the provisions of law relating to Federal employment, including such provisions regarding hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

##### (2) Provisions relating to taxes and social security benefits

For purposes of title 26 and title II of the Social Security Act (42 U.S.C. 401 et seq.), enrollees shall be deemed to be employees of the United States and any service performed by an individual as an enrollee shall be deemed to be performed in the employ of the United States.

##### (3) Provisions relating to compensation to Federal employees for work injuries

For purposes of subchapter I of chapter 81 of title 5 (relating to compensation to Federal employees for work injuries), enrollees shall be deemed to be civil employees of the Government of the United States within the meaning of the term “employee” as defined in section 8101 of title 5, and the provisions of such subchapter shall apply as specified in section 8143(a) of title 5.

##### (4) Federal tort claims provisions

For purposes of the Federal tort claims provisions in title 28, enrollees shall be considered to be employees of the Government.

#### (b) Adjustments and settlements

Whenever the Secretary finds a claim for damages to a person or property resulting from the operation of the Job Corps to be a proper charge against the United States, and the claim is not cognizable under section 2672 of title 28, the Secretary may adjust and settle the claim in an amount not exceeding \$1,500.

#### (c) Personnel of the uniformed services

Personnel of the uniformed services who are detailed or assigned to duty in the performance of agreements made by the Secretary for the support of the Job Corps shall not be counted in computing strength under any law limiting the strength of such services or in computing the percentage authorized by law for any grade in such services.

(Pub. L. 113–128, title I, § 157, July 22, 2014, 128 Stat. 1552.)

#### REFERENCES IN TEXT

The Social Security Act, referred to in subsec. (a)(2), is act Aug. 14, 1935, ch. 531, 49 Stat. 620. Title II of the Act is classified generally to subchapter II (§401 et seq.) of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

#### EFFECTIVE DATE

Section effective on the first day of the first full program year after July 22, 2014 (July 1, 2015), see section 506 of Pub. L. 113–128, set out as a note under section 3101 of this title.

### § 3208. Special provisions

#### (a) Enrollment

The Secretary shall ensure that women and men have an equal opportunity to participate in the Job Corps program, consistent with section 3195 of this title.

#### (b) Studies, evaluations, proposals, and data

The Secretary shall assure that all studies, evaluations, proposals, and data produced or developed with Federal funds in the course of carrying out the Job Corps program shall become the property of the United States.

#### (c) Transfer of property

##### (1) In general

Notwithstanding chapter 5 of title 40, and any other provision of law, the Secretary and the Secretary of Education shall receive priority by the Secretary of Defense for the direct transfer, on a nonreimbursable basis, of the property described in paragraph (2) for use in carrying out programs under this Act or under any other Act.

##### (2) Property

The property described in this paragraph is real and personal property under the control of the Department of Defense that is not used by such Department, including property that the Secretary of Defense determines is in excess of current and projected requirements of such Department.

#### (d) Gross receipts

Transactions conducted by a private for-profit or nonprofit entity that is an operator or service provider for a Job Corps center shall not be considered to be generating gross receipts. Such an operator or service provider shall not be liable, directly or indirectly, to any State or subdivision of a State (nor to any person acting on behalf of such a State or subdivision) for any gross receipts taxes, business privilege taxes measured by gross receipts, or any similar taxes imposed on, or measured by, gross receipts in connection with any payments made to or by such entity for operating or providing services to a Job Corps center. Such an operator or service provider shall not be liable to any State or subdivision of a State to collect or pay any sales, excise, use, or similar tax imposed on the sale to or use by such operator or service provider of any property, service, or other item in connection with the operation of or provision of services to a Job Corps center.

#### (e) Management fee

The Secretary shall provide each operator and (in an appropriate case, as determined by the