

Secretary) service provider with an equitable and negotiated management fee of not less than 1 percent of the amount of the funding provided under the appropriate agreement specified in section 3197 of this title.

(f) Donations

The Secretary may accept on behalf of the Job Corps or individual Job Corps centers charitable donations of cash or other assistance, including equipment and materials, if such donations are available for appropriate use for the purposes set forth in this part.

(g) Sale of property

Notwithstanding any other provision of law, if the Administrator of General Services sells a Job Corps center facility, the Administrator shall transfer the proceeds from the sale to the Secretary, who shall use the proceeds to carry out the Job Corps program.

(Pub. L. 113-128, title I, §158, July 22, 2014, 128 Stat. 1553.)

REFERENCES IN TEXT

This Act, referred to in subsec. (c)(1), is Pub. L. 113-128, July 22, 2014, 128 Stat. 1425, known as the Workforce Innovation and Opportunity Act, which enacted this chapter, repealed chapter 30 (§2801 et seq.) of this title and chapter 73 (§9201 et seq.) of Title 20, Education, and made amendments to numerous other sections and notes in the Code. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of this title 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.

§ 3209. Management information

(a) Financial management information system

(1) In general

The Secretary shall establish procedures to ensure that each operator, and each service provider, maintains a financial management information system that will provide—

(A) accurate, complete, and current disclosures of the costs of Job Corps operations; and

(B) sufficient data for the effective evaluation of activities carried out through the Job Corps program.

(2) Accounts

Each operator and service provider shall maintain funds received under this part in accounts in a manner that ensures timely and accurate reporting as required by the Secretary.

(3) Fiscal responsibility

Operators shall remain fiscally responsible and control costs, regardless of whether the funds made available for Job Corps centers are incrementally increased or decreased between fiscal years.

(b) Audit

(1) Access

The Secretary, the Inspector General of the Department of Labor, the Comptroller General

of the United States, and any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the operators and service providers described in subsection (a) that are pertinent to the Job Corps program, for purposes of conducting surveys, audits, and evaluations of the operators and service providers.

(2) Surveys, audits, and evaluations

The Secretary shall survey, audit, or evaluate, or arrange for the survey, audit, or evaluation of, the operators and service providers, using Federal auditors or independent public accountants. The Secretary shall conduct such surveys, audits, or evaluations not less often than once every 3 years.

(c) Information on indicators of performance

(1) Levels of performance and indicators

The Secretary shall annually establish expected levels of performance for a Job Corps center and the Job Corps program relating to each of the primary indicators of performance for eligible youth described in section 3141(b)(2)(A)(ii) of this title.

(2) Performance of recruiters

The Secretary shall also establish performance indicators, and expected levels of performance on the performance indicators, for recruitment service providers serving the Job Corps program. The performance indicators shall relate to—

(A) the number of enrollees recruited, compared to the established goals for such recruitment, and the number of enrollees who remain committed to the program for 90 days after enrollment; and

(B) the measurements described in subparagraphs (I), (L), and (M) of subsection (d)(1).

(3) Performance of career transition service providers

The Secretary shall also establish performance indicators, and expected performance levels on the performance indicators, for career transition service providers serving the Job Corps program. The performance indicators shall relate to—

(A) the primary indicators of performance for eligible youth described in section 3141(b)(2)(A)(ii) of this title; and

(B) the measurements described in subparagraphs (D), (E), (H), (J), and (K) of subsection (d)(1).

(4) Report

The Secretary shall collect, and annually submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, a report including—

(A) information on the performance of each Job Corps center, and the Job Corps program, based on the performance indicators described in paragraph (1), as compared to the expected level of performance established under such paragraph for each performance indicator; and

(B) information on the performance of the service providers described in paragraphs (2) and (3) on the performance indicators established under such paragraphs, as compared to the expected level of performance established for each performance indicator.

(d) Additional information

(1) In general

The Secretary shall also collect, and submit in the report described in subsection (c)(4), information on the performance of each Job Corps center, and the Job Corps program, regarding—

- (A) the number of enrollees served;
- (B) demographic information on the enrollees served, including age, race, gender, and education and income level;
- (C) the number of graduates of a Job Corps center;
- (D) the number of graduates who entered the Armed Forces;
- (E) the number of graduates who entered apprenticeship programs;
- (F) the number of graduates who received a regular secondary school diploma;
- (G) the number of graduates who received a State recognized equivalent of a secondary school diploma;
- (H) the number of graduates who entered unsubsidized employment related to the career and technical education and training received through the Job Corps program and the number who entered unsubsidized employment not related to the education and training received;
- (I) the percentage and number of former enrollees, including the number dismissed under the zero tolerance policy described in section 3202(b) of this title;
- (J) the percentage and number of graduates who enter postsecondary education;
- (K) the average wage of graduates who enter unsubsidized employment—
 - (i) on the first day of such employment; and
 - (ii) on the day that is 6 months after such first day;
- (L) the percentages of enrollees described in subparagraphs (A) and (B) of section 3195(c)(1) of this title, as compared to the percentage targets established by the Secretary under such section for the center;
- (M) the cost per enrollee, which is calculated by comparing the number of enrollees at the center in a program year to the total budget for such center in the same program year;
- (N) the cost per graduate, which is calculated by comparing the number of graduates of the center in a program year compared to the total budget for such center in the same program year; and
- (O) any additional information required by the Secretary.

(2) Rules for reporting of data

The disaggregation of data under this subsection shall not be required when the number of individuals in a category is insufficient to yield statistically reliable information or

when the results would reveal personally identifiable information about an individual.

(e) Methods

The Secretary shall collect the information described in subsections (c) and (d), using methods described in section 3141(i)(2) of this title and consistent with State law, by entering into agreements with the States to access such data for Job Corps enrollees, former enrollees, and graduates.

(f) Performance assessments and improvements

(1) Assessments

The Secretary shall conduct an annual assessment of the performance of each Job Corps center. Based on the assessment, the Secretary shall take measures to continuously improve the performance of the Job Corps program.

(2) Performance improvement

With respect to a Job Corps center that fails to meet the expected levels of performance relating to the primary indicators of performance specified in subsection (c)(1), the Secretary shall develop and implement a performance improvement plan. Such a plan shall require action to be taken during a 1-year period, including—

- (A) providing technical assistance to the center;
- (B) changing the career and technical education and training offered at the center;
- (C) changing the management staff of the center;
- (D) replacing the operator of the center;
- (E) reducing the capacity of the center;
- (F) relocating the center; or
- (G) closing the center.

(3) Additional performance improvement

In addition to the performance improvement plans required under paragraph (2), the Secretary may develop and implement additional performance improvement plans. Such a plan shall require improvements, including the actions described in such paragraph, for a Job Corps center that fails to meet criteria established by the Secretary other than the expected levels of performance described in such paragraph.

(4) Civilian Conservation Centers

With respect to a Civilian Conservation Center that fails to meet the expected levels of performance relating to the primary indicators of performance specified in subsection (c)(1) or fails to improve performance as described in paragraph (2) after 3 program years, the Secretary, in consultation with the Secretary of Agriculture, shall select an entity to operate the Civilian Conservation Center on a competitive basis, in accordance with the requirements of section 3197 of this title.

(g) Participant health and safety

(1) Center

The Secretary shall ensure that a review by an appropriate Federal, State, or local entity of the physical condition and health-related activities of each Job Corps center occurs annually.

(2) Work-based learning locations

The Secretary shall require that an entity that has entered into a contract to provide work-based learning activities for any Job Corps enrollee under this part shall comply with the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) or, as appropriate, under the corresponding State Occupational Safety and Health Act of 1970 requirements in the State in which such activities occur.

(h) Buildings and facilities

The Secretary shall collect, and submit in the report described in subsection (c)(4), information regarding the state of Job Corps buildings and facilities. Such report shall include—

(1) a review of requested construction, rehabilitation, and acquisition projects, by each Job Corps center; and

(2) a review of new facilities under construction.

(i) National and community service

The Secretary shall include in the report described in subsection (c)(4) available information regarding the national and community service activities of enrollees, particularly those enrollees at Civilian Conservation Centers.

(j) Closure of Job Corps center

Prior to the closure of any Job Corps center, the Secretary shall ensure—

(1) that the proposed decision to close the center is announced in advance to the general public through publication in the Federal Register or other appropriate means;

(2) the establishment of a reasonable comment period, not to exceed 30 days, for interested individuals to submit written comments to the Secretary; and

(3) that the Member of Congress who represents the district in which such center is located is notified within a reasonable period of time in advance of any final decision to close the center.

(Pub. L. 113–128, title I, §159, July 22, 2014, 128 Stat. 1554.)

REFERENCES IN TEXT

The Occupational Safety and Health Act of 1970, referred to in subsec. (g)(2), is Pub. L. 91–596, Dec. 29, 1970, 84 Stat. 1590, which is classified principally to chapter 15 (§651 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 651 of this title 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.

§ 3210. General provisions

The Secretary is authorized to—

(1) disseminate, with regard to the provisions of section 3204 of title 39, data and information in such forms as the Secretary shall determine to be appropriate, to public agencies, private organizations, and the general public;

(2) subject to section 3207(b) of this title, collect or compromise all obligations to or held

by the Secretary and exercise all legal or equitable rights accruing to the Secretary in connection with the payment of obligations until such time as such obligations may be referred to the Attorney General for suit or collection; and

(3) expend funds made available for purposes of this part—

(A) for printing and binding, in accordance with applicable law (including regulation); and

(B) without regard to any other law (including regulation), for rent of buildings and space in buildings and for repair, alteration, and improvement of buildings and space in buildings rented by the Secretary, except that the Secretary shall not expend funds under the authority of this subparagraph—

(i) except when necessary to obtain an item, service, or facility, that is required in the proper administration of this part, and that otherwise could not be obtained, or could not be obtained in the quantity or quality needed, or at the time, in the form, or under the conditions in which the item, service, or facility is needed; and

(ii) prior to having given written notification to the Administrator of General Services (if the expenditure would affect an activity that otherwise would be under the jurisdiction of the General Services Administration) of the intention of the Secretary to make the expenditure, and the reasons and justifications for the expenditure.

(Pub. L. 113–128, title I, §160, July 22, 2014, 128 Stat. 1558.)

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.

§ 3211. Job Corps oversight and reporting**(a) Temporary financial reporting****(1) In general**

During the periods described in paragraphs (2) and (3)(B), the Secretary shall prepare and submit to the applicable committees financial reports regarding the Job Corps program under this part. Each such financial report shall include—

(A) information regarding the implementation of the financial oversight measures suggested in the May 31, 2013, report of the Office of Inspector General of the Department of Labor entitled “The U.S. Department of Labor’s Employment and Training Administration Needs to Strengthen Controls over Job Corps Funds”;

(B) a description of any budgetary shortfalls for the program for the period covered by the financial report, and the reasons for such shortfalls; and

(C) a description and explanation for any approval for contract expenditures that are in excess of the amounts provided for under the contract.

(2) Timing of reports

The Secretary shall submit a financial report under paragraph (1) once every 6 months