

felony consisting of murder (as described in section 1111 of title 18), child abuse, or a crime involving rape or sexual assault.

(c) Assignment plan

(1) In general

Every 2 years, the Secretary shall develop and implement a plan for assigning enrollees to Job Corps centers. In developing the plan, the Secretary shall, based on the analysis described in paragraph (2), establish targets, applicable to each Job Corps center, for—

(A) the maximum attainable percentage of enrollees at the Job Corps center that reside in the State in which the center is located; and

(B) the maximum attainable percentage of enrollees at the Job Corps center that reside in the region in which the center is located, and in surrounding regions.

(2) Analysis

In order to develop the plan described in paragraph (1), every 2 years the Secretary, in consultation with operators of Job Corps centers, shall analyze relevant factors relating to each Job Corps center, including—

(A) the size of the population of individuals eligible to participate in Job¹ Corps in the State and region in which the Job Corps center is located, and in surrounding regions;

(B) the relative demand for participation in the Job Corps in the State and region, and in surrounding regions;

(C) the capacity and utilization of the Job Corps center, including the education, training, and supportive services provided through the center; and

(D) the performance of the Job Corps center relating to the expected levels of performance for the indicators described in section 3209(c)(1) of this title, and whether any actions have been taken with respect to such center pursuant to paragraphs (2) and (3) of section 3209(f) of this title.

(d) Assignment of individual enrollees

(1) In general

After an individual has been selected for the Job Corps in accordance with the standards and procedures of the Secretary under subsection (a), the enrollee shall be assigned to the Job Corps center that offers the type of career and technical education and training selected by the individual and, among the centers that offer such education and training, is closest to the home of the individual. The Secretary may waive this requirement if—

(A) the enrollee would be unduly delayed in participating in the Job Corps program because the closest center is operating at full capacity; or

(B) the parent or guardian of the enrollee requests assignment of the enrollee to another Job Corps center due to circumstances in the community of the enrollee that would impair prospects for successful participation in the Job Corps program.

¹ So in original. Probably should be preceded by “the”.

(2) Enrollees who are younger than 18

An enrollee who is younger than 18 shall not be assigned to a Job Corps center other than the center closest to the home that offers the career and technical education and training desired by the enrollee pursuant to paragraph (1) if the parent or guardian of the enrollee objects to the assignment.

(Pub. L. 113–128, title I, §145, July 22, 2014, 128 Stat. 1539.)

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.

§ 3196. Enrollment

(a) Relationship between enrollment and military obligations

Enrollment in the Job Corps shall not relieve any individual of obligations under the Military Selective Service Act (50 U.S.C. App. 451 et seq.) [now 50 U.S.C. 3801 et seq.].

(b) Period of enrollment

No individual may be enrolled in the Job Corps for more than 2 years, except—

(1) in a case in which completion of an advanced career training program under section 3198(c) of this title would require an individual to participate in the Job Corps for not more than one additional year;

(2) in the case of an individual with a disability who would reasonably be expected to meet the standards for a Job Corps graduate, as defined under section 3192(5) of this title, if allowed to participate in the Job Corps for not more than 1 additional year;

(3) in the case of an individual who participates in national service, as authorized by a Civilian Conservation Center program, who would be granted an enrollment extension in the Job Corps for the amount of time equal to the period of national service; or

(4) as the Secretary may authorize in a special case.

(Pub. L. 113–128, title I, §146, July 22, 2014, 128 Stat. 1542.)

REFERENCES IN TEXT

The Military Selective Service Act, referred to in subsec. (a), is act June 24, 1948, ch. 625, 62 Stat. 604, which was classified principally to section 451 et seq. of the former Appendix to Title 50, War and National Defense, prior to editorial reclassification and renumbering as chapter 49 (§3801 et seq.) of Title 50. For complete classification of this Act to the Code, see 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.

§ 3197. Job Corps centers

(a) Operators and service providers

(1) Eligible entities

(A) Operators

The Secretary shall enter into an agreement with a Federal, State, or local agency,

an area career and technical education school, a residential career and technical education school, or a private organization, for the operation of each Job Corps center.

(B) Providers

The Secretary may enter into an agreement with a local entity, or other entity with the necessary capacity, to provide activities described in this part to a Job Corps center.

(2) Selection process

(A) Competitive basis

Except as provided in subsections (a) and (b) of section 3304 of title 41, the Secretary shall select on a competitive basis an entity to operate a Job Corps center and entities to provide activities described in this part to the Job Corps center. In developing a solicitation for an operator or service provider, the Secretary shall consult with the Governor of the State in which the center is located, the workforce council for the Job Corps center (if established), and the applicable local board regarding the contents of such solicitation, including elements that will promote the consistency of the activities carried out through the center with the objectives set forth in the State plan or in a local plan.

(B) Recommendations and considerations

(i) Operators

In selecting an entity to operate a Job Corps center, the Secretary shall consider—

(I) the ability of the entity to coordinate the activities carried out through the Job Corps center with activities carried out under the appropriate State plan and local plans;

(II) the ability of the entity to offer career and technical education and training that has been proposed by the workforce council under section 3204(c) of this title, and the degree to which such education and training reflects employment opportunities in the local areas in which enrollees at the center intend to seek employment;

(III) the degree to which the entity demonstrates relationships with the surrounding communities, employers, labor organizations, State boards, local boards, applicable one-stop centers, and the State and region in which the center is located;

(IV) the performance of the entity, if any, relating to operating or providing activities described in this part to a Job Corps center, including information regarding the entity in any reports developed by the Office of Inspector General of the Department of Labor and the entity's demonstrated effectiveness in assisting individuals in achieving the primary indicators of performance for eligible youth described in section 3141(b)(2)(A)(ii) of this title; and

(V) the ability of the entity to demonstrate a record of successfully assist-

ing at-risk youth to connect to the workforce, including providing them with intensive academics and career and technical education and training.

(ii) Providers

In selecting a service provider for a Job Corps center, the Secretary shall consider the factors described in clause (i).

(3) Additional selection factors

To be eligible to operate a Job Corps center, an entity shall submit to the Secretary, at such time and in such manner as the Secretary may require, information related to additional selection factors, which shall include the following:

(A) A description of the program activities that will be offered at the center and how the academics and career and technical education and training reflect State and local employment opportunities, including opportunities in in-demand industry sectors and occupations recommended by the workforce council under section 3204(c)(2)(A) of this title.

(B) A description of the counseling, placement, and support activities that will be offered at the center, including a description of the strategies and procedures the entity will use to place graduates into unsubsidized employment or education leading to a recognized postsecondary credential upon completion of the program.

(C) A description of the demonstrated record of effectiveness that the entity has in placing at-risk youth into employment and postsecondary education, including past performance of operating a Job Corps center under this part or subtitle C of title I of the Workforce Investment Act of 1998, and as appropriate, the entity's demonstrated effectiveness in assisting individuals in achieving the indicators of performance for eligible youth described in section 3141(b)(2)(A)(ii) of this title.

(D) A description of the relationships that the entity has developed with State boards, local boards, applicable one-stop centers, employers, labor organizations, State and local educational agencies, and the surrounding communities in which the center is located, in an effort to promote a comprehensive statewide workforce development system.

(E) A description of the entity's ability to coordinate the activities carried out through the Job Corps center with activities carried out under the appropriate State plan and local plans.

(F) A description of the strong fiscal controls the entity has in place to ensure proper accounting of Federal funds, and a description of how the entity will meet the requirements of section 3209(a) of this title.

(G) A description of the steps to be taken to control costs in accordance with section 3209(a)(3) of this title.

(H) A detailed budget of the activities that will be supported using funds under this part and non-Federal resources.

(I) An assurance the entity is licensed to operate in the State in which the center is located.

(J) An assurance the entity will comply with basic health and safety codes, which shall include the disciplinary measures described in section 3202(b) of this title.

(K) Any other information on additional selection factors that the Secretary may require.

(b) High-performing centers

(1) In general

If an entity meets the requirements described in paragraph (2) as applied to a particular Job Corps center, such entity shall be allowed to compete in any competitive selection process carried out for an award to operate such center.

(2) High performance

An entity shall be considered to be an operator of a high-performing center if the Job Corps center operated by the entity—

(A) is ranked among the top 20 percent of Job Corps centers for the most recent preceding program year; and

(B) meets the expected levels of performance established under section 3209(c)(1) of this title and, with respect to each of the primary indicators of performance for eligible youth described in section 3141(b)(2)(A)(ii) of this title—

(i) for the period of the most recent preceding 3 program years for which information is available at the time the determination is made, achieved an average of 100 percent, or higher, of the expected level of performance established under section 3209(c)(1) of this title for the indicator; and

(ii) for the most recent preceding program year for which information is available at the time the determination is made, achieved 100 percent, or higher, of the expected level of performance established under such section for the indicator.

(3) Transition

If any of the program years described in paragraph (2)(B) precedes the implementation of the establishment of expected levels of performance under section 3209(c) of this title and the application of the primary indicators of performance for eligible youth described in section 3141(b)(2)(A)(ii) of this title, an entity shall be considered an operator of a high-performing center during that period if the Job Corps center operated by the entity—

(A) meets the requirements of paragraph (2)(B) with respect to such preceding program years using the performance of the Job Corps center regarding the national goals or targets established by the Office of the Job Corps under the previous performance accountability system for—

(i) the 6-month follow-up placement rate of graduates in employment, the military, education, or training;

(ii) the 12-month follow-up placement rate of graduates in employment, the military, education, or training;

(iii) the 6-month follow-up average weekly earnings of graduates;

(iv) the rate of attainment of secondary school diplomas or their recognized equivalent;

(v) the rate of attainment of completion certificates for career and technical training;

(vi) average literacy gains; and

(vii) average numeracy gains; or

(B) is ranked among the top 5 percent of Job Corps centers for the most recent preceding program year.

(c) Character and activities

Job Corps centers may be residential or non-residential in character, and shall be designed and operated so as to provide enrollees, in a well-supervised setting, with access to activities described in this part. In any year, no more than 20 percent of the individuals enrolled in the Job Corps may be nonresidential participants in the Job Corps.

(d) Civilian Conservation Centers

(1) In general

The Job Corps centers may include Civilian Conservation Centers, operated under an agreement between the Secretary of Labor and the Secretary of Agriculture, that are located primarily in rural areas. Such centers shall provide, in addition to academics, career and technical education and training, and workforce preparation skills training, programs of work experience to conserve, develop, or manage public natural resources or public recreational areas or to develop community projects in the public interest.

(2) Assistance during disasters

Enrollees in Civilian Conservation Centers may provide assistance in addressing national, State, and local disasters, consistent with current child labor laws (including regulations). The Secretary of Agriculture shall ensure that with respect to the provision of such assistance the enrollees are properly trained, equipped, supervised, and dispatched consistent with standards for the conservation and rehabilitation of wildlife established under the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.).

(3) National liaison

The Secretary of Agriculture shall designate a Job Corps National Liaison to support the agreement under this section between the Departments of Labor and Agriculture.

(e) Indian tribes

(1) General authority

The Secretary may enter into agreements with Indian tribes to operate Job Corps centers for Indians.

(2) Definitions

In this subsection, the terms “Indian” and “Indian tribe” have the meanings given such terms in subsections (d) and (e), respectively, of section 5304 of title 25.

(f) Length of agreement

The agreement described in subsection (a)(1)(A) shall be for not more than a 2-year pe-

riod. The Secretary may exercise any contractual option to renew the agreement in 1-year increments for not more than 3 additional years, consistent with the requirements of subsection (g).

(g) Renewal conditions

(1) In general

Subject to paragraph (2), the Secretary shall not renew the terms of an agreement for any 1-year additional period described in subsection (f) for an entity to operate a particular Job Corps center if, for both of the 2 most recent preceding program years for which information is available at the time the determination is made, or if a second program year is not available, the preceding year for which information is available, such center—

(A) has been ranked in the lowest 10 percent of Job Corps centers; and

(B) failed to achieve an average of 50 percent or higher of the expected level of performance under section 3209(c)(1) of this title with respect to each of the primary indicators of performance for eligible youth described in section 3141(b)(2)(A)(ii) of this title.

(2) Exception

Notwithstanding paragraph (1), the Secretary may exercise an option to renew the agreement for no more than 2 additional years if the Secretary determines such renewal would be in the best interest of the Job Corps program, taking into account factors including—

(A) significant improvements in program performance in carrying out a performance improvement plan under section 3209(f)(2) of this title;

(B) that the performance is due to circumstances beyond the control of the entity, such as an emergency or disaster, as defined in section 3225(a)(1) of this title;

(C) a significant disruption in the operations of the center, including in the ability to continue to provide services to students, or significant increase in the cost of such operations; or

(D) a significant disruption in the procurement process with respect to carrying out a competition for the selection of a center operator.

(3) Detailed explanation

If the Secretary exercises an option under paragraph (2), the Secretary shall provide, 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 detailed explanation of the rationale for exercising such option.

(4) Additional considerations

The Secretary shall only renew the agreement of an entity to operate a Job Corps center if the entity—

(A) has a satisfactory record of integrity and business ethics;

(B) has adequate financial resources to perform the agreement;

(C) has the necessary organization, experience, accounting and operational controls, and technical skills; and

(D) is otherwise qualified and eligible under applicable laws and regulations, including that the contractor is not under suspension or debarred from eligibility for Federal contracts.

(Pub. L. 113–128, title I, §147, July 22, 2014, 128 Stat. 1542.)

REFERENCES IN TEXT

The Workforce Investment Act of 1998, referred to in subsec. (a)(3)(C), is Pub. L. 105–220, Aug. 7, 1998, 112 Stat. 936, and was repealed by Pub. L. 113–128, title V, §§506, 511(a), July 22, 2014, 128 Stat. 1703, 1705, effective July 1, 2015. Subtitle C of title I of the Act was classified generally to subchapter III (§2881 et seq.) of chapter 30 of this title. Pursuant to section 3361(a) of this title, references to a provision of the Workforce Investment Act of 1998 are deemed to refer to the corresponding provision of the Workforce Innovation and Opportunity Act, Pub. L. 113–128, July 22, 2014, 128 Stat. 1425. For complete classification of the Workforce Investment Act of 1998 to the Code, see Tables. For complete classification of the Workforce Innovation and Opportunity Act to the Code, see Short Title note set out under section 3101 of this title and Tables.

The Fish and Wildlife Coordination Act, referred to in subsec. (d)(2), is act Mar. 10, 1934, ch. 55, 48 Stat. 401, which is classified generally to sections 661 to 666c of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 661 of Title 16 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.

§ 3198. Program activities

(a) Activities provided by Job Corps centers

(1) In general

Each Job Corps center shall provide enrollees with an intensive, well organized, and fully supervised program of education, including English language acquisition programs, career and technical education and training, work experience, work-based learning, recreational activities, physical rehabilitation and development, driver's education, and counseling, which may include information about financial literacy. Each Job Corps center shall provide enrollees assigned to the center with access to career services described in clauses (i) through (xi) of section 3174(c)(2)(A) of this title.

(2) Relationship to opportunities

The activities provided under this subsection shall be targeted to helping enrollees, on completion of their enrollment—

(A) secure and maintain meaningful unsubsidized employment;

(B) enroll in and complete secondary education or postsecondary education or training programs, including other suitable career and technical education and training, and apprenticeship programs; or

(C) satisfy Armed Forces requirements.

(3) Link to employment opportunities

The career and technical education and training provided shall be linked to employment opportunities in in-demand industry sec-