

AMENDMENT NO. _____ Calendar No. _____

Purpose: To establish a jobs program for unemployed young Americans, offset by a \$10 surcharge on certain employment-based visas.

IN THE SENATE OF THE UNITED STATES—113th Cong., 1st Sess.

S. 744

To provide for comprehensive immigration reform and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. SANDERS

Viz:

1 On page 1920, after line 13, add the following:

2 **TITLE V—JOBS FOR YOUTH**

3 **SEC. 5101. DEFINITIONS.**

4 In this title:

5 (1) CHIEF ELECTED OFFICIAL.—The term
6 “chief elected official” means the chief elected execu-
7 tive officer of a unit of local government in a local
8 workforce investment area or in the case in which
9 such an area includes more than one unit of general
10 government, the individuals designated under an
11 agreement described in section 117(c)(1)(B) of the

1 Workforce Investment Act of 1998 (29 U.S.C.
2 2832(c)(1)(B)).

3 (2) LOCAL WORKFORCE INVESTMENT AREA.—
4 The term “local workforce investment area” means
5 such area designated under section 116 of the Work-
6 force Investment Act of 1998 (29 U.S.C. 2831).

7 (3) LOCAL WORKFORCE INVESTMENT BOARD.—
8 The term “local workforce investment board” means
9 such board established under section 117 of the
10 Workforce Investment Act of 1998 (29 U.S.C.
11 2832).

12 (4) LOW-INCOME YOUTH.—The term “low-in-
13 come youth” means an individual who—

14 (A) is not younger than 16 but is younger
15 than 25;

16 (B) meets the definition of a low-income
17 individual provided in section 101(25) of the
18 Workforce Investment Act of 1998 (29 U.S.C.
19 2801(25)), except that States and local work-
20 force investment areas, subject to approval in
21 the applicable State plans and local plans, may
22 increase the income level specified in subpara-
23 graph (B)(i) of such section to an amount not
24 in excess of 200 percent of the poverty line for

1 purposes of determining eligibility for participa-
2 tion in activities under section 5103; and

3 (C) is in one or more of the categories
4 specified in section 101(13)(C) of the Work-
5 force Investment Act of 1998 (29 U.S.C.
6 2801(13)(C)).

7 (5) POVERTY LINE.—The term “poverty line”
8 means a poverty line as defined in section 673 of the
9 Community Services Block Grant Act (42 U.S.C.
10 9902), applicable to a family of the size involved.

11 (6) STATE.—The term “State” means each of
12 the several States of the United States, and the Dis-
13 trict of Columbia.

14 **SEC. 5102. ESTABLISHMENT OF YOUTH JOBS FUND.**

15 (a) ESTABLISHMENT.—There is established in the
16 Treasury of the United States an account that shall be
17 known as the Youth Jobs Fund (referred to in this title
18 as “the Fund”).

19 (b) DEPOSITS INTO THE FUND.—Out of any
20 amounts in the Treasury not otherwise appropriated, there
21 is appropriated \$1,500,000,000 for fiscal year 2014,
22 which shall be paid to the Fund, to be used by the Sec-
23 retary of Labor to carry out this title.

24 (c) AVAILABILITY OF FUNDS.—Of the amounts de-
25 posited into the Fund under subsection (b), the Secretary

1 (b) GUIDANCE AND APPLICATION OF REQUIRE-
2 MENTS.—

3 (1) GUIDANCE.—Not later than 20 days after
4 the date of enactment of this Act, the Secretary of
5 Labor shall issue guidance regarding the implemen-
6 tation of this section.

7 (2) PROCEDURES.—Such guidance shall, con-
8 sistent with this section, include procedures for—

9 (A) the submission and approval of State
10 plan modifications, for such other forms of re-
11 quests for funds by the State as may be identi-
12 fied in such guidance, for modifications to local
13 plans approved under section 118 of the Work-
14 force Investment Act of 1998 (29 U.S.C. 2833)
15 (referred to individually in this section as a
16 “local plan modification”), or for such other
17 forms of requests for funds by local workforce
18 investment areas as may be identified in such
19 guidance, that promote the expeditious and ef-
20 fective implementation of the activities author-
21 ized under this section; and

22 (B) the allotment and allocation of funds,
23 including reallocation and reallocation of such
24 funds, that promote such implementation.

1 (3) REQUIREMENTS.—Except as otherwise pro-
2 vided in the guidance described in paragraph (1)
3 and in this section and other provisions of this title,
4 the funds provided for activities under this section
5 shall be administered in accordance with the provi-
6 sions of subtitles B and E of title I of the Workforce
7 Investment Act of 1998 (29 U.S.C. 2811 et seq.,
8 2911 et seq.) relating to youth activities.

9 (c) STATE ALLOTMENTS.—

10 (1) IN GENERAL.—Using the funds described in
11 subsection (a), the Secretary of Labor shall allot to
12 each State the total of the amounts assigned to the
13 State under subparagraphs (A) and (B) of para-
14 graph (2).

15 (2) ASSIGNMENTS TO STATES.—

16 (A) MINIMUM AMOUNTS.—Using funds de-
17 scribed in subsection (a), the Secretary of
18 Labor shall assign to each State an amount
19 equal to $\frac{1}{2}$ of 1 percent of such funds.

20 (B) FORMULA AMOUNTS.—The Secretary
21 of Labor shall assign the remainder of the
22 funds described in subsection (a) among the
23 States by assigning—

24 (i) one-half on the basis of the relative
25 number of young unemployed individuals

1 in areas of substantial youth unemploy-
2 ment in each State, compared to the total
3 number of young unemployed individuals
4 in areas of substantial youth unemploy-
5 ment in all States; and

6 (ii) one-half on the basis of the rel-
7 ative number of disadvantaged young
8 adults and youth in each State, compared
9 to the total number of disadvantaged
10 young adults and youth in all States.

11 (3) REALLOTMENT.—If the Governor of a State
12 does not submit a State plan modification or other
13 State request for funds specified in guidance under
14 subsection (b) by the date specified in subsection
15 (d)(2)(A), or a State does not receive approval of
16 such State plan modification or request, the amount
17 the State would have been eligible to receive pursu-
18 ant to paragraph (2) shall be allocated to States
19 that receive approval of State plan modifications or
20 requests specified in the guidance. Each such State
21 shall receive a share of the total amount available
22 for reallocation under this paragraph, in accordance
23 with the State's share of the total amount allotted
24 under paragraph (2) to such State.

1 (4) DEFINITIONS.—For purposes of paragraph
2 (2):

3 (A) AREA OF SUBSTANTIAL YOUTH UNEM-
4 PLOYMENT.—The term “area of substantial
5 youth unemployment” means any contiguous
6 area that has a population of at least 10,000,
7 and that has an average rate of unemployment
8 of at least 10 percent, among individuals who
9 are not younger than 16 but are younger than
10 25, for the most recent 12 months, as deter-
11 mined by the Secretary of Labor.

12 (B) DISADVANTAGED YOUNG ADULT OR
13 YOUTH.—The term “disadvantaged young adult
14 or youth” means an individual who is not
15 younger than 16 but is younger than 25 who
16 received an income, or is a member of a family
17 that received a total family income, that, in re-
18 lation to family size, does not exceed the higher
19 of—

20 (i) the poverty line; or

21 (ii) 70 percent of the lower living
22 standard income level.

23 (C) YOUNG UNEMPLOYED INDIVIDUAL.—
24 The term “young unemployed individual”

1 means an individual who is not younger than
2 16 but is younger than 25.

3 (d) STATE PLAN MODIFICATION.—

4 (1) IN GENERAL.—For a State to be eligible to
5 receive an allotment of funds under subsection (c),
6 the Governor of the State shall submit to the Sec-
7 retary of Labor a State plan modification, or other
8 State request for funds specified in guidance under
9 subsection (b), in such form and containing such in-
10 formation as the Secretary may require. At a min-
11 imum, such State plan modification or request shall
12 include—

13 (A) a description of the strategies and ac-
14 tivities to be carried out to provide summer em-
15 ployment opportunities and year-round employ-
16 ment opportunities, including linkages to train-
17 ing and educational activities, consistent with
18 subsection (f);

19 (B) a description of the requirements the
20 State will apply relating to the eligibility of low-
21 income youth, consistent with section 5101(4),
22 for summer employment opportunities and year-
23 round employment opportunities, which require-
24 ments may include criteria to target assistance
25 to particular categories of such low-income

1 youth, such as youth with disabilities, con-
2 sistent with subsection (f);

3 (C) a description of the performance out-
4 comes to be achieved by the State through the
5 activities carried out under this section and the
6 processes the State will use to track perform-
7 ance, consistent with guidance provided by the
8 Secretary of Labor regarding such outcomes
9 and processes and with section 5104(b);

10 (D) a description of the timelines for im-
11 plementation of the strategies and activities de-
12 scribed in subparagraph (A), and the number of
13 low-income youth expected to be placed in sum-
14 mer employment opportunities, and year-round
15 employment opportunities, respectively, by
16 quarter;

17 (E) assurances that the State will report
18 such information, relating to fiscal, perform-
19 ance, and other matters, as the Secretary may
20 require and as the Secretary determines is nec-
21 essary to effectively monitor the activities car-
22 ried out under this section;

23 (F) assurances that the State will ensure
24 compliance with the requirements, restrictions,

1 labor standards, and other provisions described
2 in section 5104(a); and

3 (G) if a local board and chief elected offi-
4 cial in the State will provide employment oppor-
5 tunities with the link to training and edu-
6 cational activities described in subsection
7 (f)(2)(B), a description of how the training and
8 educational activities will lead to the industry-
9 recognized credential involved.

10 (2) SUBMISSION AND APPROVAL OF STATE
11 PLAN MODIFICATION OR REQUEST.—

12 (A) SUBMISSION.—The Governor shall
13 submit the State plan modification or other
14 State request for funds specified in guidance
15 under subsection (b) to the Secretary of Labor
16 not later than 30 days after the issuance of
17 such guidance.

18 (B) APPROVAL.—The Secretary of Labor
19 shall approve the State plan modification or re-
20 quest submitted under subparagraph (A) within
21 30 days after submission, unless the Secretary
22 determines that the plan or request is incon-
23 sistent with the requirements of this section. If
24 the Secretary has not made a determination
25 within that 30-day period, the plan or request

1 shall be considered to be approved. If the plan
2 or request is disapproved, the Secretary may
3 provide a reasonable period of time in which the
4 plan or request may be amended and resub-
5 mitted for approval. If the plan or request is
6 approved, the Secretary shall allot funds to the
7 State under subsection (c) within 30 days after
8 such approval.

9 (3) MODIFICATIONS TO STATE PLAN OR RE-
10 QUEST.—The Governor may submit further modi-
11 fications to a State plan modification or other State
12 request for funds specified under subsection (b),
13 consistent with the requirements of this section.

14 (e) WITHIN-STATE ALLOCATION AND ADMINISTRA-
15 TION.—

16 (1) IN GENERAL.—Of the funds allotted to the
17 State under subsection (c), the Governor—

18 (A) may reserve not more than 5 percent
19 of the funds for administration and technical
20 assistance; and

21 (B) shall allocate the remainder of the
22 funds among local workforce investment areas
23 within the State in accordance with clauses (i)
24 and (ii) of subsection (c)(2)(B), except that for
25 purposes of such allocation references to a

1 State in subsection (c)(2)(B) shall be deemed to
2 be references to a local workforce investment
3 area and references to all States shall be
4 deemed to be references to all local workforce
5 investment areas in the State involved.

6 (2) LOCAL PLAN.—

7 (A) SUBMISSION.—In order to receive an
8 allocation under paragraph (1)(B), the local
9 workforce investment board, in partnership with
10 the chief elected official for the local workforce
11 investment area involved, shall submit to the
12 Governor a local plan modification, or such
13 other request for funds by local workforce in-
14 vestment areas as may be specified in guidance
15 under subsection (b), not later than 30 days
16 after the submission by the State of the State
17 plan modification or other State request for
18 funds specified in guidance under subsection
19 (b), describing the strategies and activities to be
20 carried out under this section.

21 (B) APPROVAL.—The Governor shall ap-
22 prove the local plan modification or other local
23 request for funds submitted under subpara-
24 graph (A) within 30 days after submission, un-
25 less the Governor determines that the plan or

1 request is inconsistent with requirements of this
2 section. If the Governor has not made a deter-
3 mination within that 30-day period, the plan
4 shall be considered to be approved. If the plan
5 or request is disapproved, the Governor may
6 provide a reasonable period of time in which the
7 plan or request may be amended and resub-
8 mitted for approval. If the plan or request is
9 approved, the Governor shall allocate funds to
10 the local workforce investment area within 30
11 days after such approval.

12 (3) REALLOCATION.—If a local workforce in-
13 vestment board and chief elected official do not sub-
14 mit a local plan modification (or other local request
15 for funds specified in guidance under subsection (b))
16 by the date specified in paragraph (2), or the Gov-
17 ernor disapproves a local plan, the amount the local
18 workforce investment area would have been eligible
19 to receive pursuant to the formula under paragraph
20 (1)(B) shall be allocated to local workforce invest-
21 ment areas that receive approval of their local plan
22 modifications or local requests for funds under para-
23 graph (2). Each such local workforce investment
24 area shall receive a share of the total amount avail-
25 able for reallocation under this paragraph, in accord-

1 ance with the area's share of the total amount allo-
2 cated under paragraph (1)(B) to such local work-
3 force investment areas.

4 (f) USE OF FUNDS.—

5 (1) IN GENERAL.—The funds made available
6 under this section shall be used—

7 (A) to provide summer employment oppor-
8 tunities for low-income youth, with direct link-
9 ages to academic and occupational learning,
10 and may be used to provide supportive services,
11 such as transportation or child care, that is
12 necessary to enable the participation of such
13 youth in the opportunities; and

14 (B) to provide year-round employment op-
15 portunities, which may be combined with other
16 activities authorized under section 129 of the
17 Workforce Investment Act of 1998 (29 U.S.C.
18 2854), to low-income youth.

19 (2) PROGRAM PRIORITIES.—In administering
20 the funds under this section, the local board and
21 chief elected official shall give priority to—

22 (A) identifying employment opportunities
23 that are—

1 (i) in emerging or in-demand occupa-
2 tions in the local workforce investment
3 area; or

4 (ii) in the public or nonprofit sector
5 and meet community needs; and

6 (B) linking participants in year-round em-
7 ployment opportunities to training and edu-
8 cational activities that will provide such partici-
9 pants an industry-recognized certificate or cre-
10 dential (referred to in this title as an “industry-
11 recognized credential”).

12 (3) ADMINISTRATION.—Not more than 5 per-
13 cent of the funds allocated to a local workforce in-
14 vestment area under this section may be used for
15 the costs of administration of this section.

16 (4) PERFORMANCE ACCOUNTABILITY.—For ac-
17 tivities funded under this section, in lieu of meeting
18 the requirements described in section 136 of the
19 Workforce Investment Act of 1998 (29 U.S.C.
20 2871), States and local workforce investment areas
21 shall provide such reports as the Secretary of Labor
22 may require regarding the performance outcomes de-
23 scribed in section 5104(b)(5).

1 **SEC. 5104. GENERAL REQUIREMENTS.**

2 (a) LABOR STANDARDS AND PROTECTIONS.—Activi-
3 ties provided with funds made available under this title
4 shall be subject to the requirements and restrictions, in-
5 cluding the labor standards, described in section 181 of
6 the Workforce Investment Act of 1998 (29 U.S.C. 2931)
7 and the nondiscrimination provisions of section 188 of
8 such Act (29 U.S.C. 2938), in addition to other applicable
9 Federal laws.

10 (b) REPORTING.—The Secretary of Labor may re-
11 quire the reporting of information relating to fiscal, per-
12 formance and other matters that the Secretary determines
13 is necessary to effectively monitor the activities carried out
14 with funds provided under this title. At a minimum, recipi-
15 ents of grants (including recipients of subgrants) under
16 this title shall provide information relating to—

17 (1) the number of individuals participating in
18 activities with funds provided under this title and
19 the number of such individuals who have completed
20 such participation;

21 (2) the expenditures of funds provided under
22 this title;

23 (3) the number of jobs created pursuant to the
24 activities carried out under this title;

25 (4) the demographic characteristics of individ-
26 uals participating in activities under this title; and

1 (5) the performance outcomes for individuals
2 participating in activities under this title, includ-
3 ing—

4 (A) for low-income youth participating in
5 summer employment activities under section
6 5103, performance on indicators consisting of—

7 (i) work readiness skill attainment
8 using an employer validated checklist;

9 (ii) placement in or return to sec-
10 ondary or postsecondary education or
11 training, or entry into unsubsidized em-
12 ployment; and

13 (B) for low-income youth participating in
14 year-round employment activities under section
15 5103, performance on indicators consisting of—

16 (i) placement in or return to postsec-
17 ondary education;

18 (ii) attainment of a secondary school
19 diploma or its recognized equivalent;

20 (iii) attainment of an industry-recog-
21 nized credential; and

22 (iv) entry into, retention in, and earn-
23 ings in, unsubsidized employment.

24 (c) ACTIVITIES REQUIRED TO BE ADDITIONAL.—

25 Funds provided under this title shall only be used for ac-

1 tivities that are in addition to activities that would other-
2 wise be available in the State or local workforce invest-
3 ment area in the absence of such funds.

4 (d) **ADDITIONAL REQUIREMENTS.**—The Secretary of
5 Labor may establish such additional requirements as the
6 Secretary determines may be necessary to ensure fiscal in-
7 tegrity, effective monitoring, and the appropriate and
8 prompt implementation of the activities under this title.

9 (e) **REPORT OF INFORMATION AND EVALUATIONS TO**
10 **CONGRESS AND THE PUBLIC.**—The Secretary of Labor
11 shall provide to the appropriate committees of Congress
12 and make available to the public the information reported
13 pursuant to subsection (b).

14 **SEC. 5105. VISA SURCHARGE.**

15 (a) **COLLECTION.**—

16 (1) **IN GENERAL.**—Subject to paragraph (2),
17 and in addition to any fees otherwise imposed for
18 such visas, the Secretary shall collect a surcharge of
19 \$10 from an employer that submits an application
20 for—

21 (A) an employment-based visa under para-
22 graph (3), (4), (5), or (6) of section 203(b) of
23 the Immigration and Nationality Act (8 U.S.C.
24 1153(b)); and

1 (B) a nonimmigrant visa under subpara-
2 graph (C), (H)(i)(b), (H)(i)(c), (H)(ii)(a),
3 (H)(ii)(B), (O), (P), (R), or (W) of section
4 101(a)(15) of such Act (8 U.S.C. 1101(a)(15)).

5 (2) EXPIRATION.—The Secretary shall suspend
6 the collection of the surcharge authorized under
7 paragraph (1) on the date on which the Secretary
8 has collected a cumulative total of \$1,500,000,000
9 under this subsection.

10 (b) DEPOSIT.—All of the amounts collected under
11 subsection (a)(1) shall be deposited in the general fund
12 of the Treasury.