

DOCUMENT RESUME

ED 065 754

AC 012 732

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TITLE A Bill: S. 3179. [Full Employment Act of 1972.]
INSTITUTION Congress of the U.S., Washington, D.C. Senate.
PUB DATE 16 Feb 72
NOTE 23p.; Introduced in the Senate of the U. S. February 16, 1972

EDRS PRICE MF-\$0.65 HC-\$3.29

DESCRIPTORS *Adult Vocational Education; Careers; Community Agencies (Public); Community Involvement; Educational Legislation; Employment Opportunities; *Employment Programs; Federal Legislation; *Federal Programs; *Financial Support; Government Role; Job Development; Labor Market; *Manpower Utilization; Unemployed

IDENTIFIERS Full Employment Act of 1972

ABSTRACT

A bill to provide opportunities for employment to unemployed and underemployed persons, to assist States and local communities in providing needed public services, and for other purposes is presented. The Act is cited as the Full Employment Act of 1972, under the authority of the Secretary of Labor, and includes such states as the District of Columbia, the Virgin Islands, the Commonwealth of Puerto Rico, Guam, American Samoa, and the Trust Territory of the Pacific Islands. A major portion of the bill deals with the financial assistance to provide for a public service employment program designed to provide employment, training and manpower services which are otherwise unavailable. Applicants for financial assistance for this program are required to supply descriptions of the following: areas designated to carry out such activities or services; areas to be served; methods to be used; unmet public service needs; jobs to be filled; wages to be paid; education, training and supportive services needed; planning for and training of supervisory personnel; career opportunities and job advancement potentials; arrangements for community action agencies; participation of the community; and other assurances, arrangements, and conditions necessary to comply with the regulation prescribed. Other areas covered are authorization, allocation of funds, eligible applicants and participants, limitations and conditions; cooperation of other agencies, and interstate agreements. (LS)

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92^d CONGRESS
2^d SESSION

S. 3179

IN THE SENATE OF THE UNITED STATES

FEBRUARY 16, 1972

Mr. HARTKE introduced the following bill; which was read twice and referred
to the Committee on Labor and Public Welfare

A BILL

To provide opportunities for employment to unemployed and
underemployed persons, to assist States and local communi-
ties in providing needed public services, and for other
purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That this Act may be cited as the "Full Employment Act
4 of 1972".

STATEMENT OF PURPOSES

5
6 SEC. 2. The Congress finds and declares that—

II

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1 (1) to attain the objective of the Employment Act
2 of 1946 "to promote maximum employment, production,
3 and purchasing power" it is necessary to assure an op-
4 portunity for a gainful, productive job to every Amer-
5 ican who seeks work and furnish the education, train-
6 ing, and job placement assistance needed by any person
7 to qualify for employment consistent with his highest
8 potential and capability;

9 (2) the United States has the capacity to provide
10 every American who is able and willing to work, full
11 opportunity, within the framework of a free society,
12 to prepare himself for and to obtain employment at the
13 highest level of productivity, responsibility, and remun-
14 eration within the limits of his abilities;

15 (3) the growth of the Nation's economic prosperity
16 and productive capacity is limited by the lack of suf-
17 ficient skilled workers to perform the demanding produc-
18 tion, service, and supervisory tasks necessary to the full
19 realization of economic abundance for all in an increas-
20 ingly technical society, while, at the same time, there
21 are many workers who are working below their capacity
22 and who, with appropriate education and training could
23 capably perform jobs requiring a higher degree of skill,
24 judgment, and attention;

25 (4) the placement of unemployed or underem-

1 ployed workers in private employment is hampered by
2 the absence of a sufficient number of appropriate em-
3 ployment opportunities;

4 (5) there are great unfilled public needs in such
5 fields as health, community improvement, education,
6 transportation, public safety, recreation, environmental
7 quality, conservation, and other fields of human better-
8 ment and public improvement, which can be met by
9 expansion of public sector employment opportunities
10 providing meaningful jobs for unemployed and under-
11 employed persons, including those who have become
12 unemployed as a result of shifts in the pattern of Federal
13 expenditures; and

14 (6) economic prosperity and stability in the United
15 States and the well-being and happiness of its citizens
16 will be enhanced by the establishment of a comprehensive
17 full employment program designed to assure every
18 American an opportunity for gainful employment.

19 DEFINITIONS

20 SEC. 3. As used in this Act, the term—

21 (1) "Secretary" means the Secretary of Labor;

22 (2) "State" includes the District of Columbia, the
23 Commonwealth of Puerto Rico, the Virgin Islands,
24 Guam, American Samoa, and the Trust Territory of the
25 Pacific Islands; and

1 (3) "city" means an incorporated municipality, or
2 other political subdivision of a State, having general
3 governmental powers.

4 **AUTHORIZED APPROPRIATIONS**

5 SEC. 4. (a) For the purposes of carrying out this Act,
6 there are authorized to be appropriated such funds as may
7 be necessary.

8 (b) Notwithstanding any other provision of law, unless
9 enacted in specific limitation of this subsection, any funds
10 appropriated to carry out this Act which are not obligated
11 prior to the end of the fiscal year for which such funds were
12 appropriated, shall remain available for obligation during
13 the succeeding fiscal year, and any funds obligated in any
14 fiscal year may be expended during a period of two years
15 from the date of obligation.

16 **ALLOCATION OF FUNDS**

17 SEC. 5. (a) Sums appropriated pursuant to this Act
18 for any fiscal year shall be allocated in the following manner:

19 (1) Not less than 80 per centum shall be appor-
20 tioned by the Secretary among the States in an equitable
21 manner, taking into consideration the proportion which
22 the total number of unemployed persons, and of persons
23 heading low-income families and unrelated low-income
24 persons, in each such State bears to such total numbers,
25 respectively, in the United States.

1 (2) The remainder shall be available as the Sec-
2 retary deems appropriate to carry out the purposes
3 of this Act.

4 (b) The amount apportioned to each State under
5 clause (1) of subsection (a) shall be apportioned among
6 areas within each such State in an equitable manner taking
7 into consideration the proportion which the total number of
8 unemployed persons in each such area bears to such total
9 numbers, respectively, in the State. To the maximum extent
10 appropriate, apportioned funds for each such area shall be
11 expended through approved applications submitted by prime
12 sponsors.

13 (c) The Secretary is authorized to make reallocations
14 for such purposes under this Act as he deems appropriate
15 of the unobligated amount of any apportionment under sub-
16 sections (a) (1) and (b) to the extent that the Secretary
17 determines that it will not be required for the period for
18 which such apportionment is available. Any funds reallo-
19 cated under this subsection are not required to be apportioned
20 in accordance with subsection (a) (1) or (b), and no re-
21 vision in the apportionments of the funds not so reallocated
22 shall be made because of such reallocations.

23 (d) As soon as practicable after funds are appropriated
24 to carry out this Act for any fiscal year, the Secretary shall

1 publish in the Federal Register the apportionments required
2 by subsections (a) (1) and (b) of this section.

3 FINANCIAL ASSISTANCE

4 SEC. 6. The Secretary shall enter into arrangements
5 with eligible applicants in accordance with the provisions
6 of this Act in order to make financial assistance available
7 for the purpose of providing employment for unemployed
8 and underemployed persons in jobs providing needed public
9 services.

10 ELIGIBLE APPLICANTS

11 SEC. 7. Financial assistance under this Act may be
12 provided by the Secretary only pursuant to applications
13 submitted by eligible applicants who shall be—

14 (1) public agencies and institutions of the Federal
15 Government;

16 (2) public agencies and institutions of States and
17 cities; and

18 (3) Indian tribes and any private nonprofit agen-
19 cies and institutions approved by the Secretary for the
20 purpose of this Act.

21 ELIGIBLE PARTICIPANTS

22 SEC. 8. Eligibility for participation in any program
23 under this Act shall be determined in accordance with the
24 provisions of this Act authorizing such program; and per-
25 sons who or persons heading families who receive benefits

1 under title IV of the Social Security Act, or food stamps
2 or surplus commodities under the Agricultural Act of 1949
3 and the Food Stamp Act of 1964, shall be included among
4 individual eligible to participate in programs assisted under
5 the provisions of this Act.

6 APPLICATION

7 SEC. 9. (a) Financial assistance under this Act may
8 be provided by the Secretary for any fiscal year only pur-
9 suant to an application which is submitted by an eligible
10 applicant and which is approved by the Secretary in accord-
11 ance with the provisions of this Act. Any such application
12 shall set forth a public service employment program designed
13 to provide employment and, where appropriate, training
14 and manpower services related to such employment which
15 are otherwise unavailable, for unemployed and underem-
16 ployed persons in such fields as health care, public safety,
17 education, transportation, maintenance of parks, streets, and
18 other public facilities, solid waste removal, pollution control,
19 housing and neighborhood improvement, rural development,
20 conservation, beautification, and other fields of human better-
21 ment and community improvement.

22 (b) An application for financial assistance for a public
23 service employment program under this Act shall include
24 provisions setting forth—

25 (1) assurances that the activities and services for

1 which assistance is sought under this Act will be ad-
2 ministered by or under the supervision of the applicant,
3 identifying any agency or agencies designated to carry
4 out such activities or services under such supervision;

5 (2) a description of the area to be served by such
6 programs, and a plan for effectively serving on an equi-
7 table basis the significant segments of the population
8 to be served, including data indicating the number of
9 potential eligible participants and their income and
10 employment status;

11 (3) a description of the methods to be used to
12 recruit, select, and orient eligible participants, includ-
13 ing specific eligibility criteria, and programs to pre-
14 pare the participants for their job responsibilities;

15 (4) a description of unmet public service needs and
16 a statement of priorities among such needs;

17 (5) description of jobs to be filled, a listing of the
18 major kinds of work to be performed and skills to be
19 acquired, and the approximate duration for which par-
20 ticipants would be assigned to such jobs;

21 (6) the wages or salaries to be paid participants and
22 a comparison with the prevailing wages in the area for
23 similar work;

24 (7) the education, training, and supportive services

1 (including counseling, medical care, and family plan-
2 ning) which complement the work performed;

3 (8) the planning for and training of supervisory
4 personnel in working with participants;

5 (9) a description of career opportunities and job
6 advancement potentialities for participants;

7 (10) appropriate arrangements with community
8 action agencies, and, to the extent appropriate, with
9 other community-based organizations serving the pov-
10 erty community, for their participation in the conduct
11 of programs for which financial assistance is provided
12 under this title;

13 (11) an indication of the full participation and
14 maximum cooperation among local public officials, area
15 residents, and representatives of private organizations
16 in the development of the program and a description
17 of their respective roles in the conduct and administration
18 of the program; and

19 (12) such other assurances, arrangements, and
20 conditions, consistent with the provisions of this Act,
21 as the Secretary deems necessary, in accordance with
22 such regulations as he shall prescribe.

23 APPROVAL OF APPLICATIONS

24 SEC. 10. An application, or modification or amendment

1 thereof, for financial assistance under this Act may be ap-
2 proved only if the Secretary determines that—

3 (1) the application meets the requirements set forth
4 in this Act;

5 (2) an opportunity has been provided to the Gov-
6 ernor of the State to submit comments with respect to
7 the application to the Secretary; and

8 (3) an opportunity has been provided to officials of
9 appropriate cities to submit comments with respect to the
10 application to the Secretary.

11 SPECIAL CONDITIONS

12 SEC. 11. (a) The Secretary shall not provide financial
13 assistance for any program under this Act unless he deter-
14 mines, in accordance with such regulations as he shall pre-
15 scribe, that—

16 (1) the program will result in an increase in em-
17 ployment opportunities over those which would other-
18 wise be available and will not result in the displacement
19 of currently employed workers (including partial dis-
20 placement such as a reduction in the hours of nonover-
21 time work or wages or employment benefits), and will
22 not impair existing contracts for services or result in the
23 substitution of Federal for other funds in connection
24 with work that would otherwise be performed;

25 (2) persons employed in a public service job under

1 this Act shall be paid wages which shall not be lower
2 than whichever is the highest of (A) the minimum wage
3 which would be applicable to the employment under the
4 Fair Labor Standards Act of 1938, as amended, if sec-
5 tion 6 (a) (1) of such Act applied to the participant
6 and if he were not exempt under section 13 thereof, (B)
7 the State or local minimum wage for the most nearly
8 comparable covered employment, or (C) the prevail-
9 ing rates of pay in the same labor market area for per-
10 sons employed in similar public occupations;

11 (3) all persons employed in a public service job
12 under this Act will be assured of workman's compensa-
13 tion, retirement, health insurance, unemployment insur-
14 ance, and other benefits at the same levels and to the
15 same extent as other employees of the employer and to
16 working conditions and promotional opportunities
17 neither more nor less favorable than such other em-
18 ployees enjoy;

19 (4) the provisions of section 2 (a) (3) of Public
20 Law 89-286 shall apply to such agreements;

21 (5) the program will, to the maximum extent fea-
22 sible, contribute to the occupational development or
23 upward mobility of individual participants; and

24 (6) every participant shall be advised, prior to en-

1 tering upon employment, of his rights and benefits
2 in connection with such employment.

3 (b) Where a labor organization represents employees
4 who are engaged in similar work in the same labor market
5 area to that proposed to be performed under any program for
6 which an application is being developed for submission un-
7 der this Act, such organization shall be notified and af-
8 farded a reasonable period of time in which to make com-
9 ments to the applicant and to the Secretary.

10 (c) The Secretary shall prescribe regulations to assure
11 that programs under this Act have adequate internal admin-
12 istrative controls, accounting requirements, personnel stand-
13 ards, evaluation procedures, and other policies as may be
14 necessary to promote the effective use of funds.

15 ADDITIONAL LIMITATIONS AND CONDITIONS

16 SEC. 12. (a) Any amounts received under chapters 11,
17 13, 31, 34, and 35 of title 38, United States Code, by any
18 veteran of any war, as defined by section 101 of title 38,
19 United States Code, who served on active duty for a period
20 of more than one hundred and eighty days or was discharged
21 or released from active duty for a service-connected disability
22 or any eligible person as defined in section 1701 of such title,
23 if otherwise eligible to participate in programs under this
24 Act, shall not be considered for purposes of determining the

1 needs or qualifications of participants in programs under this
2 Act.

3 (b) The Secretary shall not provide financial assistance
4 for any program under this Act unless he determines, in
5 accordance with regulations which he shall prescribe, that
6 periodic reports will be submitted to him containing data
7 designed to enable the Secretary and the Congress to measure
8 the effectiveness of all programs. Such data shall include,
9 but be not necessarily limited to, information on—

10 (1) enrollee characteristics, including age, sex, race,
11 health, education level, and previous wage and employ-
12 ment experience;

13 (2) duration in previous training and employment
14 situations, if any;

15 (3) total dollar cost per person, including break-
16 down between salary or stipend, supportive services,
17 and administrative costs.

18 The Secretary shall compile such information on a State,
19 regional, and national basis.

20 (c) The Secretary shall not provide financial assistance
21 for any program under this Act unless the grant, contract, or
22 agreement with respect thereto specifically provides that no
23 person with responsibilities in the operation of such program
24 will discriminate with respect to any program participant or
25 any applicant for participation in such program because of

1 race, creed, color, national origin, political affiliation, physical
2 disability, or beliefs.

3 (d) The Secretary shall not provide financial assistance
4 for any program under this Act which involves partisan
5 political activities; and neither the program, the funds pro-
6 vided therefor, or personnel employed therein, shall be, in any
7 way or to any extent, engaged in the conduct of partisan
8 political activities in contravention of chapter 15 of title 5,
9 United States Code.

10 (e) The Secretary shall not provide financial assistance
11 for any program under this Act unless he determines that
12 participants in the program will not be employed on the
13 construction, operation or maintenance of so much of any
14 facility as is used or to be used for sectarian instruction or
15 as a place for religious worship.

16 ADMINISTRATIVE PROVISIONS

17 SEC. 13. (a) The Secretary may prescribe such rules,
18 regulations, guidelines, and other published interpretations
19 or orders under this Act as he deems necessary. Such rules,
20 guidelines, regulations, and other published interpretations
21 or orders may include adjustments authorized by section 204
22 of the Intergovernmental Cooperation Act of 1968.

23 (b) The Secretary may make such grants, contracts, or
24 agreements, establish such procedures, and make such pay-
25 ments, in installments and in advance, or by way of reim-

1 bursement, or otherwise allocate and expend funds made
2 available under this Act, as he may deem necessary to carry
3 out the provisions of this Act, including (without regard to
4 the provisions of section 4774 (d) of title 10, United States
5 Code) expenditures for construction, repairs, and capital
6 improvements, and including necessary adjustments in pay-
7 ments on account of overpayments or underpayments. The
8 Secretary may also withhold funds otherwise payable under
9 this Act in order to recover any amounts expended in the
10 current or immediately prior fiscal year in violation of any
11 provision of this Act or any term or condition of assistance
12 under this Act.

13 (c) The Secretary is authorized, in carrying out his
14 functions and responsibilities under this Act, to accept in
15 the name of the Department, and employ and dispose of in
16 furtherance of the purposes of this Act, or any title thereof,
17 any money or property, real, personal, or mixed, tangible or
18 intangible, received by gift, devise, bequest, or otherwise.

19 (d) The Secretary is authorized, in carrying out his func-
20 tions and responsibilities under this Act, to accept voluntary
21 and uncompensated services, notwithstanding the provisions
22 of section 3679 (b) of the Revised Statutes (31 U.S.C.
23 665 (b)).

24 (e) The Secretary is authorized to accept and utilize in
25 carrying out the provisions of this Act funds appropriated

1 to carry out other provisions of Federal law if such funds are
2 utilized for the purposes for which they are specifically
3 authorized and appropriated.

4 (f) In addition to such other authority as he may have,
5 the Secretary is authorized, in carrying out his functions
6 under this Act, to utilize, with their assent, the services and
7 facilities of Federal agencies without reimbursement, and
8 with the consent of any State or political subdivision of a
9 State, accept and utilize the services and facilities of the
10 agencies of such State or subdivision without reimbursement.

11 (g) The Secretary is authorized, in carrying out his func-
12 tions under this Act, to expend funds without regard to any
13 other law or regulations for rent of buildings and space in
14 buildings and for repair, alteration, and improvement of
15 buildings and space in buildings rented by him only when
16 necessary to fulfill the purposes of this Act and subject to
17 prior written notification to the Administrator of General
18 Services (if the exercise of such authority would affect an
19 activity which otherwise would be under the jurisdiction of
20 the General Services Administration) of his intention to exer-
21 cise such authority and the reasons and justification for the
22 exercise of such authority.

23 ADVANCE FUNDING

24 SEC. 14. (a) For the purpose of affording adequate
25 notice of funding available under this Act, appropriations

1 under this Act are authorized to be included in the appro-
2 priations Act for the fiscal year preceding the fiscal year for
3 which they are available for obligation.

4 (b) In order to effect a transition to the advance fund-
5 ing method of timing appropriation action, the amendment
6 made by subsection (a) shall apply notwithstanding that
7 its initial application will result in the enactment in the same
8 year (whether in the same appropriation Act or otherwise)
9 of two separate appropriations, one for the current fiscal year
10 and one for the succeeding fiscal year.

11 TRANSFER OF FUNDS

12 SEC. 15. Funds appropriated under the authority of this
13 Act may be transferred, with the approval of the Director
14 of the Office of Management and Budget, between depart-
15 ments and agencies of the Federal Government, if such
16 funds are used for the purposes for which they are specifically
17 authorized and appropriated.

18 LABOR STANDARDS

19 SEC. 16. All laborers and mechanics employed in any
20 construction, alteration, or repair, including painting or
21 decorating of projects, buildings, and works which are Fed-
22 erally assisted under this Act, shall be paid wages at rates
23 not less than those prevailing on similar construction in the
24 locality as determined by the Secretary in accordance with
25 the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5).

1 All others shall be paid at a rate not less than the then pre-
2 vailing Federal minimum wage. The Secretary shall have,
3 with respect to such labor standards, the authority and func-
4 tions set forth in Reorganization Plan Numbered 14 of 1950
5 (15 F.R. 3176; 64 Stat. 1267) and section 2 of the Act of
6 June 1, 1934, as amended (48 Stat. 948, as amended; 40
7 U.S.C. 276 (c)).

8 COOPERATION OF OTHER AGENCIES

9 SEC. 17. Each department, agency, or establishment of
10 the United States is authorized and directed to cooperate
11 with the Secretary and, to the extent permitted by law, to
12 provide such services and facilities as he may request for
13 his assistance in the performance of his functions under this
14 Act.

15 (b) The Secretary shall carry out his responsibilities
16 under this Act through the utilization, to the extent appro-
17 priate, of all possible resources for skill development avail-
18 able in industry, labor, public and private educational and
19 training institutions, State, Federal, and local agencies and
20 other appropriate public and private organizations and fa-
21 cilities, with their consent.

22 ADVISORY COMMITTEE

23 SEC. 18. (a) The Secretary shall appoint an Advisory
24 Committee on Public Service Employment which shall con-
25 sist of at least thirteen but not more than seventeen members

1 and shall be composed of persons representative of labor,
2 management, agriculture, education, economic opportunity
3 programs, as well as representatives of the unemployed.
4 From the members appointed to such Committee, the Secre-
5 tary shall appoint a Chairman. Members shall be appointed
6 for terms of three years except that (1) in the case of initial
7 members, one-third of the members shall be appointed for
8 terms of one year each and one-third of the members shall be
9 appointed for terms of two years each, and (2) appointments
10 to fill the unexpired portion of any term shall be for such por-
11 tion only. Such committee shall hold not less than two meet-
12 ings during each calendar year.

13 (b) The Advisory Committee shall—

14 (1) review the administration and operation of all
15 programs under this Act and advise the Secretary of
16 Labor and other appropriate officials as to carrying out
17 their duties under this Act;

18 (2) conduct independent evaluations of programs
19 carried out under this Act and publish and distribute
20 the results thereof; and

21 (3) make recommendations (including recommen-
22 dations for changes in legislation) for the improvement
23 of the administration and operation of such programs
24 as are authorized under this Act.

25 (c) The Advisory Committee shall make an annual

1 report, and such other reports as it deems necessary and
2 appropriate, on its findings, recommendations, and activities
3 to the Secretary and to the Congress.

4 (d) The Advisory Committee may accept and employ
5 or dispose of gifts or bequests, either for carrying out specific
6 programs or for its general activities or for such responsi-
7 bilities as it may be assigned in furtherance of subsection (b)
8 of this section.

9 (e) Appointed members of the Advisory Committee
10 shall be paid compensation at a rate not to exceed the per
11 diem equivalent of the rate for GS-18 of the General Schedule
12 under section 5332 of title 5, United States Code, when
13 engaged in the work of the Advisory Committee, including
14 traveltime, and shall be allowed travel expenses and per
15 diem in lieu of subsistence as authorized by law (5 U.S.C.
16 5703) for persons in Government service employed inter-
17 mittently and receiving compensation on a per diem, when
18 actually employed, basis.

19 (f) The Advisory Committee is authorized, without re-
20 gard to the civil service laws, to engage such technical assist-
21 ance as may be required to carry out its functions; to obtain
22 the services of such full-time professional, technical, and
23 clerical personnel as may be required in the performance of
24 its duties, and to contract for such assistance as may be
25 necessary.

1 (g) For the purposes of this section, funds may be re-
2 served from the sums appropriated to carry out this Act,
3 as directed by the Director of the Office of Management and
4 Budget.

5 STATE AND LOCAL ADVISORY COMMITTEES

6 SEC. 19. For the purpose of formulating and implement-
7 ing programs under this Act, the Secretary may, where
8 appropriate, assist in the establishment of representative
9 advisory committees on a community, State, and regional
10 basis.

11 REPORTS

12 SEC. 20. (a) The Secretary of Labor shall make such
13 reports and recommendations to the President as he deems
14 appropriate pertaining to manpower requirements, resources
15 and use, and his recommendations for the forthcoming fiscal
16 year, and the President shall transmit to the Congress within
17 sixty days after the beginning of each regular session a report
18 pertaining to manpower requirements, resources and use.

19 (b) The Secretary shall transmit at least annually as
20 part of the report required under this section a detailed report
21 setting forth the activities conducted under this Act.

22 INTERSTATE AGREEMENTS

23 SEC. 21. In the event that compliance with provisions
24 of this Act requires cooperation or agreements between
25 States, the consent of Congress is hereby given to such

1 States to enter into such compacts and agreements to
2 facilitate such compliance, subject to the approval of the
3 Secretary.

4

EFFECTIVE DATE

5 SEC. 22. The effective date of this Act shall be July 1,
6 1972. Rules, regulations, guidelines and other published
7 interpretations or orders may be issued by the Secretary at
8 any time after the date of enactment of this Act.

93rd CONGRESS
2^d SESSION

S. 3179

A BILL

To provide opportunities for employment to unemployed and underemployed persons, to assist States and local communities in providing needed public services, and for other purposes.

By Mr. HARTKE

FEBRUARY 16, 1972

Read twice and referred to the Committee on Labor and Public Welfare

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on Adult Education