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**GAO**

United States General Accounting Office  
Washington, DC 20548

Human Resources  
Division

B-198716

AUGUST 4, 1980

The Honorable John J. Cavanaugh  
House of Representatives

Dear Mr. Cavanaugh:

Subject: Use of Comprehensive Employment and  
Training Act Funds for Prisoners  
(HRD-80-100)

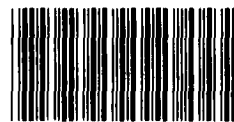
Your May 18, 1979, letter requested that we review Comprehensive Employment and Training Act (CETA) funds used to pay wages to prisoners. You were concerned that CETA wages were being paid to prisoners who were ineligible under Department of Labor regulations because they had long prison sentences remaining. Your investigation had indicated such abuses by the District of Columbia.

In a later meeting with you, we agreed to make a survey in Labor's Philadelphia region, which includes the District of Columbia. On the basis of this work, you agreed that a nationwide review would not be necessary. Our findings are summarized below and detailed in the enclosure.

Many CETA prime sponsors in Labor's Philadelphia region served prisoners during fiscal year 1979; however, the total funds used to pay prisoners' wages was an extremely small part of total CETA funds allocated to these sponsors. As of June 1980, criteria limiting participation by prisoners in CETA programs had generally been established by Labor regulations and instructions and by States, counties, and prime sponsors. Those criteria, if consistently applied, should prevent prisoners who have long sentences remaining from participating in CETA programs. In addition, Labor's current regulation, effective February 4, 1980, specifically limits prisoner participation in CETA to those who have a reasonable expectation of release, parole, or work release within 12 months of CETA enrollment.

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In June 1979 Labor's Office of Investigation and Compliance issued a report which stated that 39 of 52 prisoners who participated in the District of Columbia's CETA titles II and VI public service employment programs did not meet eligibility requirements. The report recommended that Labor's grant officer recover from the District the CETA funds paid to the ineligible prisoners.

Labor was slow to pursue recovery of the funds. After 10 months, Labor initially determined, in April 1980, that the District had paid \$426,959 to the ineligible prisoners. Labor and District officials met on May 29, 1980, to discuss the problem, after which the District supplied additional documentation. Upon reviewing that documentation and considering the matters discussed at the meeting, on June 24 Labor's grant officer in Philadelphia issued a final determination requiring recovery of about \$28,370. That figure represents the wages paid to 12 prisoners after May 23, 1979. That was the date of a District of Columbia instruction to the Department of Corrections establishing specific criteria for prisoner participation in CETA. The grant officer's final determination allowed the costs incurred before that date. In accordance with CETA regulations, on July 3 the District filed for a hearing with Labor's Chief Administrative Law Judge to appeal the final determination.

Our review of the documentation showed that it was primarily a description of various D.C. Department of Corrections' instructions concerning policies and procedures for prisoner participation in work release programs. The documentation did not indicate that any of the prisoners who participated in the District's CETA program were eligible for the work release programs. Furthermore, the documents did not show how the prisoners were selected for the District's CETA program or why prisoners with life sentences were selected. In our judgment, the documentation provided by the District was not sufficient to substantiate the grant officer's final determination that the CETA funds expended before May 23, 1979, should be allowed.

We recommend that the Secretary of Labor (1) review the final determination, given the large discrepancy between the Office of Investigation and Compliance findings and the grant officer's final decision, (2) aggressively pursue the recovery

of CETA funds used by the District of Columbia to pay wages to ineligible prisoners, and (3) act more quickly in the future to recover funds paid to ineligible participants. ]

As you requested, written comments on this matter were not obtained from Labor. However, we met with Labor Philadelphia regional office officials and considered their comments in finalizing this report. We discussed with the grant officer his basis for the final determination regarding the District's payment of CETA funds to ineligible prisoners. The grant officer's comments concerning our findings and his final determination are discussed in the enclosure.

As arranged with your office, we are sending copies of this report to the Director, Office of Management and Budget; the Secretary of Labor; and other interested parties.

Sincerely yours,

  
Gregory J. Anart  
Director

Enclosure



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ABBREVIATIONS

CETA	Comprehensive Employment and Training Act of 1973, as amended
GAO	General Accounting Office
PSE	public service employment



USE OF COMPREHENSIVE EMPLOYMENT  
AND TRAINING ACT FUNDS FOR PRISONERS

BACKGROUND

The Comprehensive Employment and Training Act of 1973, as amended (CETA) (29 U.S.C. 801), is designed

"\* \* \* to provide job training and employment opportunities for economically disadvantaged, unemployed, or underemployed persons which will result in an increase in their earned income, and to assure that training and other services lead to maximum employment opportunities and enhance self-sufficiency \* \* \*."

Under CETA, prime sponsors 1/ may provide training, public service employment (PSE), and other services to prisoners. While specific criteria have changed over the years, Labor regulations and instructions and State, county, or CETA prime sponsors have generally required that, to be eligible for CETA participation, prisoners have a reasonable expectation of release within a reasonable time of CETA enrollment.

SURVEY OBJECTIVES AND SCOPE

Our objective was to determine the types and extent of CETA resources directed to training and employment of persons in penal institutions. Specifically, we wanted to determine what eligibility criteria were being used by prime sponsors in selecting prisoners for participation in CETA programs and the extent of Labor's monitoring of these activities. Also, we wanted to assess the alleged misuse of CETA funds by the District of Columbia and Labor's investigation of the matter.

We limited our survey work to Labor's Philadelphia region, which covers Pennsylvania, Virginia, West Virginia, Maryland, Delaware, and the District of Columbia.

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1/The term "prime sponsor" is commonly used to denote a State or local unit of government or a grantee that administers CETA programs.

Most of our fieldwork was done between September and December 1979. We interviewed Labor headquarters and Philadelphia regional officials responsible for monitoring and providing technical assistance to prime sponsors funded under CETA. However, not enough detailed information was available to draw conclusions concerning the use of CETA funds for prisoners. Therefore, to determine the extent of CETA funds used for prisoners, we interviewed--either in person or by telephone--the Labor Philadelphia regional representatives responsible for monitoring the 51 prime sponsors in that region. We also reviewed Labor's grant files in Philadelphia to determine whether any prime sponsors in that region using CETA funds for prisoners had not been identified by Labor's representatives.

To test the reliability of information obtained from various sources, we made onsite reviews at the District of Columbia and five other prime sponsors. Sponsor selection was based on geographic representation and the estimated amount of funds spent for prisoners' wages and allowances. Sponsors we visited spent about \$2.2 million of the estimated \$3.9 million spent in fiscal year 1979 on programs serving prisoners in Labor's Philadelphia region. We interviewed sponsor officials and reviewed pertinent files.

Concerning the alleged misuse of CETA funds by the District of Columbia, we interviewed officials and reviewed pertinent files at the D.C. Departments of Labor and Corrections and Labor's Philadelphia regional office.

#### EXTENT OF CETA FUNDS USED FOR PRISONERS

The CETA funds spent for prisoners by prime sponsors in Labor's Philadelphia region represent an extremely small part of all CETA funds allocated to that region. For that reason, Labor's Philadelphia regional officials told us that monitoring sponsors' use of CETA funds for prisoners is not given special emphasis. The officials stated, however, that these activities are considered during reviews of each sponsor's program and they would be given special attention if a problem existed with a particular sponsor.

In July 1979 Labor's 10 regional offices surveyed the CETA sponsors in their areas to identify the extent of CETA funds spent for prisoners. The regional offices supplied the information to Labor's headquarters, which summarized it. The survey showed that nationwide an estimated \$13.3 million would be spent on behalf of prisoners during fiscal year



1979 for various services, including classroom training, work experience, PSE, on-the-job training, counseling, employability assessment, and job search assistance. The estimate included staff salaries, equipment, supplies, and participant wages and allowances.

In addition to the \$13.3 million, Labor awarded about \$2 million to 42 States or prime sponsors during August 1979 for planning grants to increase the participation level of offenders (ex-offenders and current prisoners) in CETA activities over the next 3 years. The increase in the participation level is to be 8 percent over the 3-year period. The activities are to include participants on probation, on parole, or nearing release from prison.

Labor's supporting documentation for the \$13.3 million estimate showed that, in Labor's Philadelphia region, 14 prime sponsors spent about \$3.4 million <sup>1/</sup> on programs for prisoners. We determined through our survey, however, that additional sponsors in the Philadelphia region spent funds for prisoners. Our survey showed that 25 sponsors had spent an estimated \$3.9 million during fiscal year 1979 on programs serving prisoners. Exhibit A of this enclosure provides information on those 25 sponsors.

The \$3.9 million is less than 0.5 percent of about \$871 million in CETA funds allocated to prime sponsors in the Philadelphia region during fiscal year 1979. In addition, Labor representatives advised us that their supporting information for the \$3.9 million includes, in addition to wages and allowances for prisoners, such costs as staff salaries, equipment and supplies, and services and training for ex-offenders.

Our onsite visits at the District of Columbia and five other prime sponsors verified that (1) figures reported to us by Labor's representatives included costs in addition to wages and allowances paid to prisoners and (2) at two sponsors, the wages or allowances paid to prisoners were less than reported. At one prime sponsor most of the participants were ex-offenders, and at the other sponsor the allowance paid to each prisoner was \$50 instead of \$1,975 as reported. The six sponsors we reviewed accounted for about \$2.2 million of the \$3.9 million. About 25 percent of the \$2.2 million was spent on wages and allowances. Exhibit B shows the amount

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<sup>1/</sup>Labor did not estimate the amount of funds spent by 3 of the 14 sponsors.

of program funding reported to us by Labor's Philadelphia regional office for each of the six sponsors we surveyed, our estimate of the amount of wages and allowances paid to prisoners, and the criteria the sponsors had for selecting prisoners for the CETA program.

CRITERIA EXIST THAT LIMIT PRISONER  
PARTICIPATION IN CETA PROGRAMS

Labor's CETA regulations were revised effective February 4, 1980, to limit prisoner participation in CETA to those who have a reasonable expectation of release, parole, or work release within 12 months of CETA enrollment. Before that revision, October 1977 regulations stated only that there must be a reasonable expectation of release following completion of training. Also, the CETA statute and regulations dated April 1979, although not specifically precluding prisoners with long sentences remaining from participating, did contain provisions discouraging their participation.

The effect of the February 1980 regulations is to define what is reasonable. The new regulation was designed to prevent prisoners with long sentences remaining from participating in CETA in cases where State, county, or sponsor criteria are lacking or not reasonably restrictive.

However, discussions with Labor representatives and sponsors showed that various existing State, county, and sponsor criteria already limited prisoner participation. The information we obtained through interviews with Labor representatives for each sponsor showed that 17 of the 25 sponsors that served prisoners were already operating under criteria as restrictive as the new 12-month criteria. Exhibit B shows the criteria used by the sponsors we visited.

ALLEGED MISUSE OF CETA FUNDS  
BY THE DISTRICT OF COLUMBIA

A June 1979 Labor investigation showed that the District of Columbia used CETA funds to pay PSE salaries to 39 ineligible prisoners. Labor's Philadelphia region notified the D.C. Department of Labor that it was responsible for recovering funds from the D.C. Department of Corrections, which paid the ineligible prisoners. After 10 months of inaction by the District, Labor audited payroll records of the ineligible prisoners and determined that \$426,959 had been paid to them.

However, Labor's Philadelphia region issued a final determination in June 1980 requiring recovery of only \$28,370. As of February 1980, only two prisoners remained in the District's program.

### Background

The D.C. Department of Labor received funds during fiscal years 1978 and 1979 from the U.S. Department of Labor under titles II and VI 1/ of CETA. The D.C. Department of Labor then subgranted with the D.C. Department of Corrections to run programs under those titles in the correctional system. The Department of Corrections funded PSE positions at the Lorton correctional facility. Prisoners at Lorton filled these positions and were paid CETA salaries while imprisoned.

D.C. Department of Labor officials advised us that the prisoner participants at Lorton in fiscal year 1979 represented about 20 percent of the 200 participants in the Department of Corrections' CETA title VI program. Most participants were not offenders or ex-offenders; they were regular CETA PSE participants who worked at the Department of Corrections or at one of the institutions, mainly as correctional officers' aides, clerks, medical technicians, tradeshelpers, or janitors. Our review of D.C. Departments of Labor and Corrections files showed that, during fiscal year 1979, 26 prisoners participated under title VI and 2 participated under title II.

### Department of Labor's review of Lorton PSE programs

A June 1979 report on an investigation by Labor's Office of Investigation and Compliance concluded that 39 of 52 prisoners who participated in the titles II or VI CETA PSE programs mainly during 1977-79 2/ were not eligible.

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1/Title II of CETA provides for programs including the development and creation of training, upgrading, retraining, education, and other services needed to enable persons to secure and retain employment at their maximum capacities so as to increase their earned incomes. Title II programs can include transitional PSE jobs. Title VI of CETA provides temporary PSE jobs when the national unemployment rate exceeds 4 percent.

2/Four prisoners participated during 1975 and 1976.

As a basis for that conclusion, the report cited a July 1977 Labor Philadelphia regional office field instruction which clarified CETA eligibility requirements for prisoners by stating that, to be considered for participation in title II or VI projects, prisoners must be "available for work." The field instruction stated that prisoners would be deemed "available for work" if they were eligible for work release. Work release is a program in which prisoners are released daily to work in the community and return at night for confinement. The report also cited a May 1979 memorandum prepared by Labor's Associate Solicitor for Employment and Training which stated that "A person in a penal institution who was not eligible for work release would not have been eligible for public service employment under titles II and VI of CETA."

The report went on to point out that a February 1977 D.C. Department of Corrections' procedural order established the criteria under which Lorton prisoners were eligible for its Work Training and Higher Education Furlough Program (work release). The report stated that 39 of the 52 prisoners who participated in PSE programs under titles II and VI at Lorton were ineligible for D.C.'s furlough program and therefore were also ineligible for CETA, in accordance with the Labor field instruction and the Labor solicitor's opinion.

The Office of Investigation and Compliance recommended that Labor's grant officer determine how much was paid to the ineligible participants and require the District of Columbia to refund the amount to Labor. Subsequently, by letter dated September 25, 1979, Labor's Philadelphia regional office advised the D.C. Department of Labor that, as grantor agency providing funds to the D.C. Department of Corrections, it was responsible for collecting disallowed costs connected with the ineligible participants enrolled in the Lorton program. Labor's Philadelphia regional office representative responsible for the District of Columbia CETA grants advised us that, as of February 4, 1980, the District had made no repayment.

On February 26, 1980, we brought this situation to the attention of Labor Philadelphia regional officials and suggested that they proceed to recover the funds paid to the ineligible prisoners. They reiterated that the D.C. Department of Labor, as grantor agency, was responsible for collecting disallowed costs.

After our meeting, Labor followed up on March 3, 1980, with another letter advising the D.C. Department of Labor of its responsibility to recover the disallowed costs. The District still did not act to recover the funds. Therefore, in late April Labor's Philadelphia regional office representative assigned to monitor the D.C. Department of Labor grant and a staff from the region's fiscal unit began to review the D.C. Department of Corrections' payroll records to determine the amount of wages paid to the 39 ineligible prisoners identified by Labor's Office of Investigation and Compliance. The regional staff determined that \$426,959.37 was paid to 37 ineligible prisoners during fiscal years 1975-79. Payroll data were not available on two prisoners.

Labor's Philadelphia regional office notified the D.C. Department of Labor on April 29, 1980, that it was responsible for obtaining reimbursement of the funds from its subgrantee, the Department of Corrections. Labor also advised that, if the issue could not be informally resolved within 30 days, a final determination would be issued in accordance with CETA regulations. On May 29, officials of the D.C. Departments of Labor and Corrections met to discuss the problem. An agreement was not reached on May 29; however, the D.C. officials requested and were given 10 days by the grant officer to supply additional information.

The D.C. officials sent the additional information to Labor's Philadelphia regional office in a June 13, 1980, letter. On June 24, the grant officer issued his final determination, which specified that the D.C. Department of Labor should recover \$28,370.47 from the Department of Corrections. In accordance with CETA regulations, the District filed on July 3, 1980, for a hearing with Labor's Chief Administrative Law Judge to appeal the final determination.

Because the final determination of \$28,370.47 represents such a small part of the initial determination of \$426,959.37, we discussed the determination with the grant officer and reviewed the additional documentation. The grant officer told us that the \$28,370.47 represents the amount of wages paid to 12 prisoners after May 23, 1979. That is the date of a D.C. instruction to the Department of Corrections establishing specific criteria for prisoner participation in CETA. According to the grant officer, the 12 prisoners did not meet these criteria.

The grant officer added that his decision not to require repayment of the funds paid prisoners before May 23, 1979, was also based on the D.C. officials' contention that Labor's regulations were not clear. Specifically, he said that the officials were unclear about the meaning of the requirement that a person must be "available for work" to participate in CETA. According to the grant officer, D.C. officials contended that the prisoners met the definition of available for work because they were available for work within the prison.

The grant officer also said his review of the documentation that the D.C. officials provided and discussions with them convinced him that Lorton had other work release programs besides the Work Training and Higher Education Furlough Program, for which Labor's Office of Investigation and Compliance report found that 39 prisoners were not eligible. He understood that Lorton had a Work Release Unit, which had selected the prisoners for participation in CETA. According to the grant officer, the Work Release Unit selected the prisoners they believed had the best chance of being rehabilitated and not necessarily those with the shortest remaining sentences.

We reviewed the documentation submitted by the D.C. officials and found that it consisted of various Department of Corrections' instructions dating back to May 1967. Those instructions concerned the policies and procedures for prisoner participation in D.C.'s work release programs; however, no documentation showed that any of the prisoners who participated in CETA were eligible for the work release programs. Also, no documentation showed that the prisoners were selected based on the possibility of their rehabilitation. The documentation did contain letters dated March 28 and April 28, 1980, indicating that D.C. officials did not receive a copy of Labor's Office of Investigation and Compliance report and were, therefore, not sure of how to respond to allegations concerning the possible recovery of disallowed costs. This may be one reason the matter dragged on so long.

We believe there are unanswered questions about the operation of the CETA program at Lorton that are critical to a determination of what CETA funds should be recovered. Specifically, although the D.C. officials showed that other work release programs exist, they did not provide documentation to show how prisoners were selected for the CETA program. Since the prisoners were apparently not eligible for work release, it must be shown that the selection criteria were reasonable under the circumstances.

In commenting on our report, the grant officer stated that the Office of Investigation and Compliance report was not an audit of the CETA program's specific costs; it only recommended that the grant officer determine the amounts paid to the ineligible participants and require the District to refund that amount. He added that his final determination was largely based on the May 29, 1980, meeting, and he pointed out that participants of the meeting included members of his staff, officials of the D.C. Departments of Labor and Corrections, and a representative from Labor's Office of Inspector General. He believed that his decision was consistent with the views of everyone involved at the meeting.

#### Status of Lorton's CETA PSE programs

We reviewed D.C. Department of Corrections' CETA participant files to determine whether the prisoners found ineligible by the Office of Investigation and Compliance had been terminated from the program. According to the files and interviews with D.C. Department of Corrections' officials, in October 1979 nine prisoners were participating under the fiscal year 1980 title VI grant and none under title II. However, by February 15, 1980, an official of the D.C. Department of Corrections told us that only two prisoners remained in the CETA program. One was to be eligible for parole in June 1980; however, according to Labor's Office of Investigation and Compliance June 1979 report, he was not eligible for PSE under CETA at the time of that report. The other prisoner was to be eligible for release to a halfway house in May 1980 and was not identified in Labor's report as being ineligible.

SUMMARY SCHEDULE, PRISONERS SERVED BY CETA PRIME SPONSORSIN LABOR'S PHILADELPHIA REGION, FISCAL YEAR 1979 (note a)

<u>State/prime sponsor</u>	<u>No. of prisoners</u>	<u>Reported funding</u>
<b>Pennsylvania:</b>		
Delaware Co.	46	\$ 13,779
Chester Co.	250	9,000
Lehigh Valley	20	93,000
Schuylkill/Carbon Consortium (note b)	78	195,000*
Philadelphia	83	165,942*
Lycoming/Clinton Consortium	34	19,000*
Lancaster/Lebanon Consortium (note b)	59	150,000*
Governor's Grant	503	592,500*
Beaver Co.	14	2,073*
Lawrence Co.	1	600*
Westmoreland Co.	37	31,655*
Montgomery Co.	31	39,083*
Luzerne Co.	80	(c)*
Franklin Co.	130	57,000*
Subtotal--Pennsylvania (14 sponsors)	<u>1,366</u>	<u>1,368,632</u>
<b>Maryland:</b>		
Montgomery Co.	380	80,429
Balance of State	481	322,315*
Prince George's Co. (note b)	547	522,853*
Baltimore Metropolitan Manpower Consortium (note b)	<u>189</u>	<u>288,107*</u>
Subtotal--Maryland (4 sponsors)	<u>1,597</u>	<u>1,213,704</u>
<b>Virginia:</b>		
Governor's Grant	396	256,078
Balance of State (note b)	129	156,739*
Henrico Co.	1	823*
Arlington Co.	102	20,000
Southeastern Tidewater Area Manpower Authority Consortium	<u>35</u>	<u>40,000</u>
Subtotal--Virginia (5 sponsors)	<u>663</u>	<u>473,640</u>
<b>Delaware:</b>		
City of Wilmington	20	14,296*
<b>District of Columbia:</b>		
D.C. Department of Labor (note b)	<u>202</u>	<u>873,791*</u>
Total (25 sponsors)	<u>3,848</u>	<u>\$3,944,063</u>

a/Data are based on information provided by Labor's Philadelphia regional staff.

b/After visiting these prime sponsors, we obtained more accurate information on the number of participants and on the amount of wages and allowances paid to prisoners. (See exhibit B.)

c/Not available.

\*Sponsors that paid some type of wage or allowance to participants.



SUMMARY OF FISCAL YEAR 1979 PRIME SPONSOR PROGRAMS  
PAYING WAGES OR ALLOWANCES TO PRISONERS SURVEYED BY GAO

<u>State/ prime sponsor</u>	<u>No. of prisoners receiving wages or allow- ances</u>	<u>CETA title</u>	<u>Total funding reported by Labor</u>	<u>GAO estimate of wages or allowances paid to prisoners</u>	<u>Selection criteria</u>
Virginia: Balance of State (note a)	12	II	\$ 20,326	\$ 7,579	Must be eligible for parole within 3 to 18 months of program entry. Youths 16 to 21 years old can be released in 12 to 14 months or can stay until 21.
Pennsylvania: Lancaster/Lebanon Consortium:					
Lancaster Prison (program discoun- tinued in FY 80)	19	II	150,000	35,388	Must be eligible for work release before entry. Short-term facilities--sentences range from 6 months to 2 years.
Lebanon Prison	46	II & VI	-	101,202	"
Schuylkill/Carbon Consortium	b/6	II & VI	195,000	11,605	"
Maryland:					
Baltimore Metropolitan Manpower	c/148	II	288,107	1,200	Must be eligible for work release and minimum security status.
Prince George's Co. (program discontinued in FY 80)	67	III	350,000	d/59,849	Must be eligible for parole hearing within 12 months; a reasonable expectation of release; qualified for work release and minimum security status.
District of Columbia:					
D.C. Department of Labor (note e)	156	II, III, and VI	873,791	318,260	Must have 90-percent expectation of release within 18 months.
Total (6 sponsors)	454		\$1,877,224	\$535,083	

a/The Virginia Balance of State prime sponsor had three programs that served prisoners; however, only one program paid wages or allowances. Labor's Philadelphia regional office reported to us that \$156,739 was to be spent on the three programs and that \$20,326 of the amount would be spent on the program which paid wages. The other two programs trained prisoners in various skills but did not pay wages.

b/Labor's Philadelphia regional office reported to us that 78 prisoners participated. We found, however, that there were 117 participants but only 6 were prisoners. The others were ex-offenders.

c/Indicates number of prisoners in the program. Only 24 had completed and received the \$50 allowance for completion.

d/Total wages paid for 48 participants. Data were not readily available to allow an accurate estimate of wages paid to the other 19 participants. The grant period was January 1, 1978, through June 30, 1979. Prince George's County had three programs that served prisoners. Only one paid wages in addition to providing training and employment services. Labor's regional office reported to us that the two other programs, which provided counseling, job search, and placement services to prisoners, had a total funding of \$172,853 and served 317 prisoners.

e/Wages and allowances and numbers of participants are based in part on information provided by the U.S. Department of Labor and D.C. Department of Corrections' statements of annual salaries and planned allowances and number of participants.

