

Union Calendar No. 58

105<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**H. R. 1385**

[Report No. 105-93]

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## **A BILL**

To consolidate, coordinate, and improve employment, training, literacy, and vocational rehabilitation programs in the United States, and for other purposes.

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MAY 8, 1997

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 17, 1997

Mr. McKEON (for himself, Mr. GOODLING, and Mr. KILDEE) introduced the following bill; which was referred to the Committee on Education and the Workforce

MAY 8, 1997

Additional sponsors: Mr. BARRETT of Nebraska, Mr. PETERSON of Pennsylvania, Mr. RIGGS, and Mr. FATTAH

MAY 8, 1997

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on April 17, 1997]

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# A BILL

To consolidate, coordinate, and improve employment, training, literacy, and vocational rehabilitation programs in the United States, 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 **SECTION 1. SHORT TITLE.**

4        *This Act may be cited as the “Employment, Training,*  
 5 *and Literacy Enhancement Act of 1997”.*

6 **SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF**  
 7 **CONTENTS.**

8        (a) *DIVISIONS.—This Act is organized into two divi-*  
 9 *sions as follows:*

10            (1) *Division A—Employment, Training, and*  
 11 *Literacy Programs.*

12            (2) *Division B—Vocational Rehabilitation Pro-*  
 13 *grams.*

14        (b) *TABLE OF CONTENTS.—The table of contents for*  
 15 *this Act is as follows:*

*Sec. 1. Short title.*

*Sec. 2. Organization of Act into divisions; table of contents.*

**DIVISION A—EMPLOYMENT, TRAINING, AND LITERACY**  
**PROGRAMS**

**TITLE I—AMENDMENTS TO GENERAL PROVISIONS AND PROGRAM**  
**REQUIREMENTS**

*Subtitle A—General Provisions*

*Sec. 101. Statement of purpose.*

*Sec. 102. Authorization of appropriations.*

*Sec. 103. Definitions.*

*Subtitle B—State and Local Administrative Provisions*

*Sec. 111. State administrative provisions.*

*Sec. 112. Local administrative provisions.*

*Subtitle C—Program and Fiscal Provisions**CHAPTER 1—GENERAL PROVISIONS*

- Sec. 121. General program requirements.*
- Sec. 122. Benefits.*
- Sec. 123. Labor standards.*
- Sec. 124. Grievance procedure.*
- Sec. 125. Identification of additional imposed requirements.*
- Sec. 126. Authority of State legislature.*
- Sec. 127. Interstate agreements.*

*CHAPTER 2—PERFORMANCE ACCOUNTABILITY PROVISIONS*

- Sec. 131. Performance accountability provisions.*

*CHAPTER 3—OTHER PROVISIONS*

- Sec. 141. Prompt allocation of funds.*
- Sec. 142. Fiscal controls; sanctions.*
- Sec. 143. Reports; recordkeeping; and investigations.*
- Sec. 144. Administrative adjudication.*
- Sec. 145. Nondiscrimination.*
- Sec. 146. Judicial review.*
- Sec. 147. Administrative provisions.*
- Sec. 148. Presidential awards for outstanding private sector involvement in job training programs.*
- Sec. 149. Construction.*
- Sec. 150. Limitation on certain costs.*

*Subtitle D—Miscellaneous Provisions*

- Sec. 161. Criminal provisions.*
- Sec. 162. Reference.*
- Sec. 163. Repealers.*

*TITLE II—AMENDMENTS TO EMPLOYMENT AND TRAINING PROGRAMS FOR DISADVANTAGED YOUTH*

- Sec. 201. Adult training program.*
- Sec. 202. Summer youth employment and training program.*
- Sec. 203. Disadvantaged youth employment and training opportunities grants.*

*TITLE III—AMENDMENTS TO EMPLOYMENT AND TRAINING PROGRAMS FOR ADULTS*

- Sec. 301. Adult employment and training opportunities grants.*

*TITLE IV—AMENDMENTS TO FEDERALLY ADMINISTERED PROGRAMS**Subtitle A—Employment and Training Programs for Native Americans and Migrant and Seasonal Farmworkers*

- Sec. 401. Native American program.*
- Sec. 402. Migrant and seasonal farmworker program.*

*Subtitle B—Job Corps*

- Sec. 411. Statement of purpose.*  
*Sec. 412. Individuals eligible for the Job Corps.*  
*Sec. 413. Screening and selection of applicants; general provisions.*  
*Sec. 414. Job Corps centers.*  
*Sec. 415. Standards of conduct.*  
*Sec. 416. Counseling and job placement.*  
*Sec. 417. Experimental and developmental projects and coordination with other programs.*

*Subtitle C—National Activities*

- Sec. 421. Research, demonstration, evaluation, and capacity building.*  
*Sec. 422. Nontraditional employment demonstration program.*

*Subtitle D—Repealers*

- Sec. 451. Repealers.*

*TITLE V—AMENDMENTS TO ADULT EDUCATION PROGRAMS*

- Sec. 501. Repeal of Jobs for Employable Dependent Individuals Incentive Bonus Program.*  
*Sec. 502. Amendment to Adult Education Act.*  
*Sec. 503. Repeal of National Literacy Act of 1991.*  
*Sec. 504. Conforming amendments.*

*TITLE VI—MISCELLANEOUS PROVISIONS*

- Sec. 601. Repealers.*  
*Sec. 602. Conforming amendments.*

*TITLE VII—AMENDMENTS TO STATE HUMAN RESOURCE INVESTMENT COUNCIL*

- Sec. 701. Amendments to Council.*  
*Sec. 702. Transfer of Council.*  
*Sec. 703. Conforming amendments.*

*TITLE VIII—AMENDMENTS TO WAGNER-PEYSER ACT*

- Sec. 801. Definitions.*  
*Sec. 802. Functions.*  
*Sec. 803. Designation of State agencies.*  
*Sec. 804. Appropriations.*  
*Sec. 805. Disposition of allotted funds.*  
*Sec. 806. State plans.*  
*Sec. 807. Federal advisory council.*  
*Sec. 808. Regulations.*  
*Sec. 809. Effective date.*

*TITLE IX—TECHNICAL AND CONFORMING AMENDMENTS**Subtitle A—Amendments to the Job Training Partnership Act*

- Sec. 901. Short title; table of contents.*  
*Sec. 902. Definitions.*  
*Sec. 903. Amendments to title I.*

- Sec. 904. Amendments to title IV.*  
*Sec. 905. Amendments to title VI.*  
*Sec. 906. Clarification.*

*Subtitle B—Amendments to Other Acts*

- Sec. 911. Amendments to other Acts.*

**TITLE X—EFFECTIVE DATE AND TRANSITION PROVISIONS**

- Sec. 1001. Effective date.*  
*Sec. 1002. Transition provisions.*

**DIVISION B—VOCATIONAL REHABILITATION PROGRAMS**

**TITLE XXI—AMENDMENTS TO GENERAL PROVISIONS**

- Sec. 2101. Rehabilitation Services Administration.*  
*Sec. 2102. Definitions.*  
*Sec. 2103. Reports.*

**TITLE XXII—AMENDMENTS TO VOCATIONAL REHABILITATION SERVICES**

*Subtitle A—General Provisions*

- Sec. 2201. Declaration of policy; authorization of appropriations.*  
*Sec. 2202. State plans.*  
*Sec. 2203. Scope of vocational rehabilitation services.*  
*Sec. 2204. State Rehabilitation Advisory Council.*  
*Sec. 2205. Evaluation standards and performance indicators.*  
*Sec. 2206. Monitoring and review.*

*Subtitle B—Basic Vocational Rehabilitation Services*

- Sec. 2211. State allotments.*  
*Sec. 2212. Payments to States.*  
*Sec. 2213. Client assistance program.*

**TITLE XXIII—AMENDMENTS TO RESEARCH AND TRAINING**

- Sec. 2221. Authorization of appropriations.*  
*Sec. 2222. National Institute on Disability and Rehabilitation Research.*

**TITLE XXIV—AMENDMENTS TO TRAINING AND DEMONSTRATION PROJECTS**

*Subtitle A—Training Programs and Community Rehabilitation Programs*

- Sec. 2231. Training.*  
*Sec. 2232. Repealers.*  
*Sec. 2233. Authorization of appropriations.*

*Subtitle B—Special Projects and Supplementary Services*

- Sec. 2241. Special demonstration programs.*  
*Sec. 2242. Migratory workers.*  
*Sec. 2243. Repealers.*  
*Sec. 2244. Special recreational programs.*

*TITLE XXV—AMENDMENTS TO NATIONAL COUNCIL ON DISABILITY**Sec. 2251. Authorization of appropriations.**TITLE XXVI—AMENDMENTS TO RIGHTS AND ADVOCACY**Sec. 2261. Employment of individuals with disabilities.**Sec. 2262. Architectural and Transportation Barriers Compliance Board.**Sec. 2263. Protection and advocacy of individual rights.**TITLE XXVII—AMENDMENTS TO EMPLOYMENT OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES**Sec. 2271. Authorization of appropriations.**Sec. 2272. Repealers.**TITLE XXVIII—AMENDMENTS TO INDEPENDENT LIVING SERVICES AND CENTERS FOR INDEPENDENT LIVING**Sec. 2281. Authorization of appropriations.**Sec. 2282. Program authorization for centers for independent living.**TITLE XXIX—AMENDMENTS TO SPECIAL DEMONSTRATIONS AND TRAINING PROJECTS**Sec. 2291. Authorization of appropriations.**Sec. 2292. Demonstration activities.**Sec. 2293. Training activities.**TITLE XXX—AMENDMENTS TO THE HELEN KELLER NATIONAL CENTER ACT**Sec. 2295. Authorization of appropriations.**TITLE XXXI—EFFECTIVE DATE**Sec. 2297. Effective date.*

1 ***DIVISION A—EMPLOYMENT,***  
 2 ***TRAINING, AND LITERACY***  
 3 ***PROGRAMS***

4 ***TITLE I—AMENDMENTS TO GEN-***  
 5 ***ERAL PROVISIONS AND PRO-***  
 6 ***GRAM REQUIREMENTS***

7 ***Subtitle A—General Provisions***

8 ***SEC. 101. STATEMENT OF PURPOSE.***

9 *Section 2 of the Job Training Partnership Act (29*  
 10 *U.S.C. 1501) is amended to read as follows:*

1 **“SEC. 2. STATEMENT OF PURPOSE.**

2       *“The purpose of this Act is to transform the current*  
3 *array of Federal employment, training, and adult edu-*  
4 *cation and literacy programs from a collection of frag-*  
5 *mented and duplicative categorical programs into high*  
6 *quality, coherent, and accountable State and local systems*  
7 *that are designed—*

8           *“(1) to provide high quality training for today*  
9 *and for the 21st century;*

10          *“(2) to empower individuals to choose occupa-*  
11 *tions and training programs, based on accurate and*  
12 *up-to-date information, that will develop more fully*  
13 *their academic, occupational, and literacy skills, lead-*  
14 *ing to productive employment and economic self-suffi-*  
15 *ciency, and reduction in welfare dependency;*

16          *“(3) to provide resources and authority to States*  
17 *and local communities and increase ease of access to*  
18 *high quality employment, training, and literacy pro-*  
19 *grams;*

20          *“(4) to provide adults with the adult education*  
21 *services they require to participate fully in society;*

22          *“(5) to meet the needs of employers in the United*  
23 *States to be competitive; and*

24          *“(6) to ensure an adequate return on the invest-*  
25 *ment of funds in employment, training, and literacy*  
26 *programs through strong program accountability.”.*



1 **SEC. 102. AUTHORIZATION OF APPROPRIATIONS.**

2 *Section 3 of the Job Training Partnership Act (29*  
3 *U.S.C. 1502) is amended to read as follows:*

4 **“SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

5 *“(a) IN GENERAL.—There are authorized to be appro-*  
6 *propriated the following amounts for the following purposes (in*  
7 *addition to amounts otherwise available for such purposes):*

8 *“(1) TITLE II.—Such sums as may be necessary*  
9 *for each of the fiscal years 1999 through 2003 to*  
10 *carry out title II.*

11 *“(2) TITLE III.—(A) Such sums as may be nec-*  
12 *essary for each of the fiscal years 1999 through 2003*  
13 *to carry out section 312(a)(1).*

14 *“(B) Such sums as may be necessary for each of*  
15 *the fiscal years 1999 through 2003 to carry out sec-*  
16 *tion 312(a)(2).*

17 *“(3) PARTS A, C, D, AND E OF TITLE IV.—Subject*  
18 *to subsection (b), such sums as may be necessary for*  
19 *each of the fiscal years 1999 through 2003 to carry*  
20 *out parts A, C, D, and E of title IV.*

21 *“(4) PART B OF TITLE IV.—Such sums as may*  
22 *be necessary for each of the fiscal years 1999 through*  
23 *2003 to carry out part B of title IV.*

24 *“(b) RESERVATIONS.—Of the amount appropriated*  
25 *under subsection (a)(3) for a fiscal year—*

1           “(1) not less than \$70,000,000 shall be reserved  
2           for carrying out section 401;

3           “(2) not less than \$70,000,000 shall be reserved  
4           for carrying out section 402; and

5           “(3) the remainder shall be reserved for carrying  
6           out parts C, D, and E of title IV.

7           “(c) *REALLOTMENT*.—

8           “(1) *IN GENERAL*.—The Secretary of Labor shall,  
9           in accordance with this subsection, reallocate to eligible  
10          States amounts appropriated for programs authorized  
11          under titles II and title III of this Act that are avail-  
12          able for reallocation.

13          “(2) *AMOUNT*.—The amount available for real-  
14          location is equal to the amount by which the unobli-  
15          gated balance of the State allotment under title II or  
16          title III, respectively, at the end of the program year  
17          prior to the program year for which the determina-  
18          tion under this paragraph is made exceeds 15 percent  
19          of such allotment for the prior program year.

20          “(3) *REALLOTMENT*.—In making reallocations to  
21          eligible States of amounts available pursuant to para-  
22          graph (2) for a program year, the Secretary shall  
23          allocate to each eligible State an amount based on the  
24          relative amount allotted to such State under title II  
25          or title III, respectively, for the prior program year

1       *as compared to the total amount allotted to all eligi-*  
2       *ble States under title II or title III, respectively, for*  
3       *such prior program year.*

4               “(4) *ELIGIBILITY.*—*For purposes of this sub-*  
5       *section, an eligible State means a State which has ob-*  
6       *ligated at least 85 percent of its allotments under title*  
7       *II or title III, respectively, for the program year prior*  
8       *to the program year for which the determination*  
9       *under this subsection is made.*

10               “(5) *PROCEDURES.*—*The Governor of each State*  
11       *shall prescribe uniform procedures for the obligation*  
12       *of funds by workforce development areas within the*  
13       *State in order to avoid the requirement that funds be*  
14       *made available for reallocation under this subsection.*  
15       *The Governor shall further prescribe equitable proce-*  
16       *dures for making funds available from the State and*  
17       *workforce development areas in the event that a State*  
18       *is required to make funds available for reallocation*  
19       *under this paragraph.”.*

20       **SEC. 103. DEFINITIONS.**

21       *Section 4 of the Job Training Partnership Act (29*  
22       *U.S.C. 1503) is amended—*

23               (1) *in paragraph (1) to read as follows:*

24               “(1) *ADULT EDUCATION AND LITERACY ACTIVI-*  
25       *TIES.*—*The term ‘adult education and literacy activi-*

1 *ties’ means the activities authorized under section 314*  
2 *of the Adult Education and Family Literacy Act.”;*

3 *(2) by striking paragraph (2);*

4 *(3) by inserting after paragraph (1) the follow-*  
5 *ing:*

6 *“(2) APPROPRIATE SECRETARY.—The term ‘ap-*  
7 *propriate Secretary’ means—*

8 *“(A) the Secretary of Labor, with respect to*  
9 *programs authorized under titles II, III, and IV*  
10 *of this Act; and*

11 *“(B) the Secretary of Education, with re-*  
12 *spect to programs authorized under the Adult*  
13 *Education and Family Literacy Act.”;*

14 *(4) in paragraph (3), by striking “under parts*  
15 *A and C of title II” and inserting “under title II and*  
16 *title III”;*

17 *(5) in paragraph (4) to read as follows:*

18 *“(4) CHIEF ELECTED OFFICIAL.—The term ‘chief*  
19 *elected official’ means the chief elected executive officer*  
20 *of a unit of general local government in a workforce*  
21 *development area.”;*

22 *(6) in paragraph (5) to read as follows:*

23 *“(5) COMMUNITY-BASED ORGANIZATION.—The*  
24 *term ‘community-based organization’ means a private*  
25 *nonprofit organization that is representative of a*

1 *community or a significant segment of a community*  
2 *and that has demonstrated the ability, or that can*  
3 *demonstrate a capacity, to effectively administer a*  
4 *program under this Act.”;*

5 *(7) by striking paragraph (6);*

6 *(8) by inserting after paragraph (5) the follow-*  
7 *ing:*

8 *“(6) DISLOCATED WORKER.—The term ‘dis-*  
9 *located worker’ means an individual who—*

10 *“(A)(i) has been terminated or laid off, or*  
11 *who has received a notice of termination or lay-*  
12 *off, from employment;*

13 *“(ii) is eligible for or has exhausted entitle-*  
14 *ment to unemployment compensation; and*

15 *“(iii) is unlikely to return to a previous in-*  
16 *dustry or occupation;*

17 *“(B) has been terminated or laid off, or has*  
18 *received a notice of termination or layoff, from*  
19 *employment as a result of any permanent closure*  
20 *of, or and substantial layoff at, a plant, facility,*  
21 *or enterprise;*

22 *“(C) was self-employed (including a farmer*  
23 *and a rancher) but is unemployed as a result of*  
24 *general economic conditions in the community*

1           *in which the individual resides or because of nat-*  
2           *ural disasters;*

3                   “(D) *is a displaced homemaker; or*

4                   “(E) *has become unemployed as a result of*  
5           *a Federal action that limits the use of, or re-*  
6           *stricts access to, a marine natural resource.”;*

7           (9) *in paragraph (10) to read as follows:*

8                   “(10) *INDIVIDUAL WITH A DISABILITY.—(A) The*  
9           *term ‘individual with a disability’ means an individ-*  
10          *ual with any disability (as defined in section 3 of the*  
11          *Americans with Disabilities Act of 1990 (42 U.S.C.*  
12          *12102)).*

13                   “(B) *The term ‘individuals with disabilities’*  
14          *means more than one individual with a disability.”;*

15           (10) *by striking paragraph (11);*

16           (11) *in paragraph (14), by striking “section*  
17          *521(22) of the Carl D. Perkins Vocational Education*  
18          *Act” and inserting “section 14101 of the Elementary*  
19          *and Secondary Education Act of 1965 (20 U.S.C.*  
20          *8801)”;*

21           (12) *in paragraph (18), by striking all after “in-*  
22          *stitution of higher education” and inserting “(as such*  
23          *term is defined in section 481 of the Higher Edu-*  
24          *cation Act of 1965 (20 U.S.C. 1088)) that continues*

1 *to meet the eligibility and certification requirements*  
2 *under title IV of such Act (20 U.S.C. 1070 et seq.).”;*

3 *(13) by striking paragraph (19);*

4 *(14) in paragraph (21) to read as follows:*

5 *“(21) SECRETARIES.—The term ‘Secretaries’*  
6 *means the Secretary of Labor and the Secretary of*  
7 *Education.”;*

8 *(15) in paragraph (22) to read as follows:*

9 *“(22) STATE.—The term ‘State’ means each of*  
10 *the several States of the United States, the District of*  
11 *Columbia, and the Commonwealth of Puerto Rico.”;*

12 *(16) in paragraph (24) to read as follows:*

13 *“(24) SUPPORTIVE SERVICES.—The term ‘sup-*  
14 *portive services’ means services such as transpor-*  
15 *tation, child care, dependent care, and needs-based*  
16 *payments, that are necessary to enable an individual*  
17 *to participate in programs authorized under title II*  
18 *and title III of this Act, consistent with the provisions*  
19 *of such titles.”;*

20 *(17) in paragraph (27) to read as follows:*

21 *“(27) VETERAN.—The term ‘veteran’ has the*  
22 *meaning given such term in section 101(2) of title 38,*  
23 *United States Code.”;*

24 *(18) by striking paragraph (35);*

25 *(19) by striking paragraph (36);*

1           (20) in paragraph (37), by striking “post-termi-  
2           nation services authorized under sections 204(c)(4)  
3           and 264(d)(5) and follow up services authorized  
4           under section 253(d)” and inserting “follow up serv-  
5           ices authorized under this Act”; and

6           (21) by adding at the end the following:

7           “(41) *EMPLOYMENT, TRAINING AND LITERACY*  
8           *PROGRAMS.*—The term ‘employment, training and lit-  
9           eracy programs’ means programs authorized under ti-  
10          tles II and III of this Act and the Adult Education  
11          and Family Literacy Act.

12          “(42) *ENGLISH LITERACY PROGRAM.*—The term  
13          ‘English literacy program’ means a program of in-  
14          struction designed to help individuals of limited Eng-  
15          lish proficiency achieve full competence in the English  
16          language.

17          “(43) *FAMILY LITERACY SERVICES.*—The term  
18          ‘family literacy services’ means services that are of  
19          sufficient intensity in terms of hours, and of sufficient  
20          duration, to make sustainable changes in a family  
21          and that integrate all of the following activities:

22                  “(A) Interactive literacy activities between  
23                  parents and their children.



1           “(B) *Training for parents on how to be the*  
2           *primary teacher for their children and full part-*  
3           *ners in the education of their children.*

4           “(C) *Parent literacy training that leads to*  
5           *economic self-sufficiency.*

6           “(D) *An age-appropriate education to pre-*  
7           *pare children for success in school and life expe-*  
8           *riences.*

9           “(44) *FULL SERVICE ELIGIBLE PROVIDERS.—*  
10          *The term ‘full service eligible provider’ means a pro-*  
11          *vider designated under section 123(c).*

12          “(45) *HUMAN RESOURCE PROGRAMS.—The term*  
13          *‘human resource programs’ means programs identi-*  
14          *fied under section 103.*

15          “(46) *INDIVIDUAL OF LIMITED ENGLISH PRO-*  
16          *FICIENCY.—The term ‘individual of limited English*  
17          *proficiency’ means an individual—*

18                 “(A) *who has limited ability in speaking,*  
19                 *reading, or writing the English language; and*

20                 “(B)(i) *whose native language is a language*  
21                 *other than English; or*

22                 “(ii) *who lives in a family or community*  
23                 *environment where a language other than Eng-*  
24                 *lish is the dominant language.*

1           “(47) *LITERACY*.—The term ‘literacy’ used with  
2           respect to an individual, means the ability of the in-  
3           dividual to speak, read, and write English, and com-  
4           pute and solve problems, at levels of proficiency nec-  
5           essary—

6                     “(A) to function on the job, in the family of  
7           the individual, and in society;

8                     “(B) to achieve the goals of the individual;  
9           and

10                    “(C) to develop the knowledge potential of  
11           the individual.

12           “(48) *LOCAL BENCHMARKS*.—The term ‘local  
13           benchmarks’ means the expected level of performance  
14           of a local workforce development area established pur-  
15           suant to section 153(b).

16           “(49) *LOCAL BOARD*.—The term ‘local board’  
17           means a local workforce development board estab-  
18           lished under section 122.

19           “(50) *LOCAL WORKFORCE DEVELOPMENT*  
20           *AREA*.—The term ‘local workforce development area’  
21           means an area designated under section 121(a).

22           “(51) *ON-THE-JOB TRAINING*.—The term ‘on-the-  
23           job training’ means training by an employer that is  
24           provided to a paid participant while engaged in pro-  
25           ductive work in a job that—

1           “(A) provides knowledge or skills essential  
2           to the full and adequate performance of the job;

3           “(B) provides reimbursement to employers  
4           of up to 50 percent of the wage rate of the par-  
5           ticipant, for the extraordinary costs of providing  
6           the training and additional supervision related  
7           to the training; and

8           “(C) is limited in duration as appropriate  
9           to the occupation for which the participant is  
10          being trained, taking into account the content of  
11          the training, the prior work experience of the  
12          participant, and the service strategy of the par-  
13          ticipant, as appropriate.

14          “(52) *OUTLYING AREA*.—The term ‘outlying  
15          area’ means the United States Virgin Islands, Guam,  
16          American Samoa, the Commonwealth of the Northern  
17          Mariana Islands, the Republic of the Marshall Is-  
18          lands, the Federated States of Micronesia, and the Re-  
19          public of Palau.

20          “(53) *RAPID RESPONSE ASSISTANCE*.—The term  
21          ‘rapid response assistance’ means assistance provided  
22          by a State, or by an entity designated by a State,  
23          with funds provided by the State under section  
24          313(a)(2) in the case of a permanent closure or mass  
25          layoff at a plant, facility, or enterprise, or a natural

1        *or other disaster, that results in mass job dislocation,*  
2        *in order to assist dislocated workers in obtaining re-*  
3        *employment as soon as possible, with services includ-*  
4        *ing—*

5                *“(A) the establishment of onsite contact*  
6                *with employers and employee representatives—*

7                        *“(i) immediately after the State is no-*  
8                        *tified of a current or projected permanent*  
9                        *closure or mass layoff; or*

10                      *“(ii) in the case of a disaster, imme-*  
11                      *diately after the State is made aware of*  
12                      *mass job dislocation as a result of such dis-*  
13                      *aster;*

14                *“(B) the provision of information and ac-*  
15                *cess to available employment and training ac-*  
16                *tivities;*

17                *“(C) assistance in establishing voluntary*  
18                *labor management committees with the ability to*  
19                *devise and implement a strategy for assessing the*  
20                *employment and training needs of dislocated*  
21                *workers and obtaining services to meet those*  
22                *needs;*

23                *“(D) the provision of emergency assistance*  
24                *adapted to the particular closure, layoff, or dis-*  
25                *aster; and*

1           “(E) the provision of assistance to the local  
2           community in developing a coordinated response  
3           and in obtaining access to State economic devel-  
4           opment assistance.

5           “(54) REPRESENTATIVES OF EMPLOYEES.—For  
6           purposes of section 122, the term ‘representatives of  
7           employees’ means—

8                   “(A) individuals who have been elected by  
9                   organizations, associations, or a network of simi-  
10                  lar institutions to represent the economic inter-  
11                  ests of employees at a significant segment of  
12                  workplaces located in, or adjacent to, the local  
13                  workforce development area; or

14                   “(B) individuals from organizations, asso-  
15                   ciations, or a network of similar institutions,  
16                   with expertise to represent, or experience rep-  
17                   resenting, the interests of employees with respect  
18                   to the job training priorities in the local  
19                   workforce development area.

20           “(55) SKILL GRANT.—The term ‘skill grant’  
21           means a voucher or credit issued to a participant  
22           under section 314(c)(6)(A) for the purchase of train-  
23           ing services from eligible providers of such services.

24           “(56) STATE ADJUSTED BENCHMARKS.—The  
25           term ‘state adjusted benchmarks’ means a state’s ex-

1       pected levels of performance established pursuant to  
2       153(a).

3               “(57) *STATE BENCHMARK.*—The term ‘State  
4       benchmark’ means the benchmarks established by the  
5       state pursuant to section 152(a).

6               “(58) *STATEWIDE SYSTEM.*—The term ‘statewide  
7       system’ means a statewide employment and training  
8       and literacy system that includes programs author-  
9       ized under titles II and III of this Act and the Adult  
10       Education and Family Literacy Act.”.

11               ***Subtitle B—State and Local***  
12               ***Administrative Provisions***

13       ***SEC. 111. STATE ADMINISTRATIVE PROVISIONS.***

14       *Part A of title I of the Job Training Partnership Act*  
15       *(29 U.S.C. 1511 et seq.) is amended to read as follows:*

16       ***“PART A—STATE ADMINISTRATIVE PROVISIONS***

17       ***“SEC. 101. STATE PLAN.***

18               “(a) *IN GENERAL.*—For a State to be eligible to receive  
19       an allotment under title II or III, the Adult Education and  
20       Family Literacy Act, or section 6 of the Wagner-Peyser Act  
21       (29 U.S.C. 49e), the Governor of the State shall submit to  
22       Secretaries, for consideration by the appropriate Secretary,  
23       a single comprehensive State plan that provides a 3-year  
24       strategy and policy guidance with respect to the Statewide  
25       system, and programs authorized under the Wagner-Peyser

1 *Act (29 U.S.C. 49 et seq.), operated in the State. Such plan*  
2 *shall meet the requirements of this section and section 102.*

3 “(b) *CONTENTS.—The State plan shall include the fol-*  
4 *lowing:*

5 “(1) *A description of the collaborative process de-*  
6 *scribed in section 102, including a description of the*  
7 *manner in which the individuals and entities in-*  
8 *volved in such process collaborated in the development*  
9 *of the plan and will continue to collaborate in carry-*  
10 *ing out the functions described in section 102(c).*

11 “(2) *Information describing—*

12 “(A) *the needs of the State with regard to*  
13 *current and projected demands for workers, by*  
14 *occupation;*

15 “(B) *the skills and economic development*  
16 *needs of the State; and*

17 “(C) *the type and availability of employ-*  
18 *ment and training services in the State.*

19 “(3)(A) *A description of the State long-term*  
20 *goals for the Statewide system.*

21 “(B) *An identification of the benchmarks that*  
22 *the State will use to measure its progress toward*  
23 *meeting the goals described in subparagraph (A)*  
24 *based on the core indicators of performance described*  
25 *in section 154.*

1           “(C) *A description of how the goals and bench-*  
2           *marks will ensure continuous improvement of the*  
3           *Statewide system and make such system relevant and*  
4           *responsive to labor market, skill, and literacy needs at*  
5           *the State and local levels.*

6           “(4) *An identification of local workforce develop-*  
7           *ment areas in the State, including a description of*  
8           *the process used for the designation of such areas.*

9           “(5) *An identification of criteria to be used by*  
10          *local chief elected officials for the appointment of*  
11          *members of local workforce development boards, con-*  
12          *sistent with the provisions of section 122.*

13          “(6)(A) *A description of measures that will be*  
14          *taken by the State to assure coordination and consist-*  
15          *ency and avoid duplication among employment,*  
16          *training, and literacy programs receiving assistance*  
17          *under this Act, and, at a minimum, programs carried*  
18          *out under the Wagner-Peyser Act (29 U.S.C. 49 et*  
19          *seq.), the Rehabilitation Act of 1973 (20 U.S.C. 701*  
20          *et seq.), title I of the Personal Responsibility and*  
21          *Work Opportunity Reconciliation Act of 1996, and*  
22          *programs carried out by the Veterans’ Employment*  
23          *and Training Service with funds received under sec-*  
24          *tion 4103 of title 38, United States Code, including*



1       *a description of common data collection and report-*  
2       *ing processes.*

3           “(B) *Information identifying how any funds*  
4       *that a State receives through the allotments made*  
5       *under this Act will be leveraged with other private*  
6       *and public resources (including funds made available*  
7       *to the State under the Wagner-Peyser Act (29 U.S.C.*  
8       *49 et seq.)) and other human resource programs to*  
9       *maximize the effectiveness of such resources, and ex-*  
10       *pend the participation of business, industry, employ-*  
11       *ees, and individuals in the Statewide system.*

12           “(7) *A description of the process used by the*  
13       *State to provide an opportunity for public comment,*  
14       *and input into development of the plan, prior to sub-*  
15       *mission of the plan.*

16           “(8) *A description of the within-State allocation*  
17       *formulas developed through the collaborative process*  
18       *pursuant to sections 204(b)(2) and 313(b), through*  
19       *which the State will distribute funds to local*  
20       *workforce development areas, including—*

21           “(A) *a description of how the individuals*  
22       *and entities involved in the collaborative process,*  
23       *including representatives of the State legislature,*  
24       *determined the factors for such formulas;*

1           “(B) a description of how such individuals  
2           and entities consulted with chief elected officials  
3           in local workforce development areas throughout  
4           the State in determining such formulas; and

5           “(C) assurances that such formulas will re-  
6           sult in funds being distributed equitably  
7           throughout the State, that no one factor in such  
8           formulas receive disproportionate weighting, and  
9           that such formulas protect local workforce devel-  
10          opment areas from significant shifts in funding  
11          from year to year.

12          “(9) With respect to employment and training  
13          programs for disadvantaged youth authorized under  
14          title II, information describing the State’s strategy for  
15          providing comprehensive services to disadvantaged  
16          youth, particularly those youth who are recognized as  
17          having significant barriers to employment, and a de-  
18          scription of how the State intends to use its State re-  
19          serve funds (described in section 204(a)) to serve  
20          areas in the State with high concentrations of dis-  
21          advantaged youth.

22          “(10) With respect to employment and training  
23          programs for adults and dislocated workers author-  
24          ized under title III, information—

1           “(A) describing the employment and train-  
2           ing activities that will be carried out with the  
3           funds received by the State through the allot-  
4           ments made under section 312, including a de-  
5           scription of how the State will provide rapid re-  
6           sponse assistance to dislocated workers from  
7           funds reserved under section 313(a)(2);

8           “(B) describing the strategy of the State  
9           (including the timeframe for such strategy) for  
10          development of a fully operational statewide full  
11          service employment and training delivery system  
12          as described in section 123, including the steps  
13          that the State will take over the 3 years covered  
14          by the plan, working with local workforce devel-  
15          opment boards, to provide information to indi-  
16          viduals through the full service employment and  
17          training delivery system on the quality of em-  
18          ployment, training, and literacy services;

19          “(C) describing the procedures the State  
20          will use, working with local workforce develop-  
21          ment boards, to identify eligible providers of  
22          training services described in section 314(c), as  
23          required under section 124; and

24          “(D) describing how the State will serve the  
25          employment and training needs of dislocated

1           workers (including displaced homemakers), eco-  
2           nomically disadvantaged individuals (including  
3           welfare recipients), individuals training for non-  
4           traditional employment, and other individuals  
5           with multiple barriers to employment (including  
6           older workers and individuals with disabilities).

7           “(11) With respect to adult education and lit-  
8           eracy activities authorized under part A of the Adult  
9           Education and Family Literacy Act—

10                   “(A) a description of the adult education  
11                   and literacy activities that will be carried out  
12                   with any funds received such part;

13                   “(B) a description of the assessment that  
14                   will be made to determine the adult education  
15                   and family literacy needs of the State;

16                   “(C) a description of how such activities  
17                   will be integrated with other adult education, ca-  
18                   reer development, and employment and training  
19                   activities in the State or outlying area of the eli-  
20                   gible agency;

21                   “(D) a description of how the eligible agen-  
22                   cy annually will evaluate the effectiveness of the  
23                   adult education and literacy activities that are  
24                   carried out with any funds received under such  
25                   part;

1           “(E) an assurance that any funds received  
2 under such part will not be expended for any  
3 purpose other than the activities described in sec-  
4 tions 313 and 314 of the Adult Education and  
5 Family Literacy Act;

6           “(F) an assurance that the eligible agency  
7 will expend any funds received under such part  
8 only in a manner consistent with the fiscal re-  
9 quirements in section 315 of such Act;

10           “(G) an assurance that the eligible agency  
11 will award grants under such part to providers  
12 who offer flexible schedules and necessary support  
13 services (such as child care and transportation)  
14 to enable individuals, including individuals with  
15 disabilities or other special needs to participate  
16 in adult education and literacy activities; and

17           “(H) a description of the steps the State  
18 will take to ensure direct and equitable access, as  
19 stipulated in section 313(c)(2) of the Adult Edu-  
20 cation and Family Literacy Act.

21           “(12) With respect to programs authorized under  
22 the Wagner-Peyser Act (29 U.S.C. 49 et seq.), the  
23 plan information required under section 8 of such  
24 Act.

1       “(c) *PLAN SUBMISSION.*—A State plan submitted to  
2 the Secretaries under this section shall be approved by the  
3 appropriate Secretary unless such Secretary determines  
4 that such plan does not comply with the specific provisions  
5 of this Act.

6       “(d) *SPECIAL RULES.*—

7               “(1) *GOVERNOR.*—The Governor of a State shall  
8 have final authority to determine the content of the  
9 portion of the State plan described in paragraphs (1)  
10 through (10) and paragraph (12) of subsection (b).

11               “(2) *ELIGIBLE AGENCY.*—The eligible agency for  
12 adult education and literacy in a State shall have  
13 final authority to determine the content of the portion  
14 of the State plan described in paragraph (11) of sub-  
15 section (b).

16       “(e) *MODIFICATIONS TO PLAN.*—A State may submit  
17 modifications to a State plan in accordance with the re-  
18 quirements of this section and section 102 as necessary dur-  
19 ing the 3-year period covered by the plan.

20       **“SEC. 102. COLLABORATIVE PROCESS.**

21               “(a) *IN GENERAL.*—A State shall use a collaborative  
22 process in the development of the State plan described in  
23 section 101 and in carrying out the functions described  
24 under subsection (c). Such collaborative process shall be car-

1 ried out by, at a minimum, the following individuals and  
2 entities:

3 “(1) the Governor;

4 “(2) representatives, appointed by the Governor,  
5 of—

6 “(A) business and industry;

7 “(B) local chief elected officials (represent-  
8 ing both cities and counties, where appropriate);

9 “(C) local educational agencies (including  
10 adult education and literacy providers);

11 “(D) postsecondary institutions (including  
12 community and technical colleges);

13 “(E) organizations representing individuals  
14 served by programs authorized under this Act  
15 (including community-based organizations);

16 “(F) organizations serving individuals par-  
17 ticipating in programs authorized under this Act  
18 and the Adult Education and Family Literacy  
19 Act;

20 “(G) parents; and

21 “(H) employees (which may include labor);

22 “(3) the lead State agency official or officials  
23 for—

24 “(A) employment security;

25 “(B) job training;

1           “(C) the State educational agency;

2           “(D) the eligible agency for vocational edu-  
3 cation;

4           “(E) the eligible agency for adult education  
5 and literacy;

6           “(F) the State agency responsible for post-  
7 secondary education;

8           “(G) the State agency responsible for wel-  
9 fare; and

10           “(H) the State agency responsible for voca-  
11 tional rehabilitation, and where applicable, the  
12 State agency providing vocational rehabilitation  
13 program activities for the blind;

14           “(4) such other State agency officials, including  
15 officials responsible for economic development, as the  
16 Governor may designate;

17           “(5) representatives of the State legislature; and

18           “(6) the representative of the Veterans’ Employ-  
19 ment and Training Service assigned to the State  
20 under section 4103 of title 38, United States Code.

21           “(b) CLARIFICATION.—For purposes of complying with  
22 subsection (a), a State may use any State collaborative  
23 process (including a council, board, State Human Resource  
24 Investment Council established under section 103, or a



1 *similar entity) that meets or is conformed to meet the re-*  
2 *quirements of such subsection.*

3       “(c) *ADDITIONAL FUNCTIONS OF THE COLLABORATIVE*  
4 *PROCESS.—In addition to development of the State plan,*  
5 *the individuals and entities described in subsection (a) shall*  
6 *collaborate in—*

7               “(1) *the designation of local workforce areas as*  
8 *required under section 121;*

9               “(2) *the development of allocation formulas for*  
10 *the distribution of funds to local workforce develop-*  
11 *ment areas for programs authorized under title II*  
12 *and title III;*

13               “(3) *the development of the State goals and*  
14 *benchmarks as required under part C of this title, in-*  
15 *cluding the continued updating of such goals and*  
16 *benchmarks;*

17               “(4) *the provision of management guidance and*  
18 *review for all programs in the State, including review*  
19 *of the operation of programs conducted in each local*  
20 *workforce development area, and the availability, re-*  
21 *sponsiveness, and adequacy of State services, and*  
22 *make recommendations to the Governor, the State leg-*  
23 *islature, appropriate chief elected officials, local*  
24 *workforce development boards, and service providers*

1 *throughout the State regarding the findings of such*  
2 *review;*

3 *“(5) the continued development of linkages be-*  
4 *tween employment, training, literacy, and other*  
5 *human resource and workforce preparation programs*  
6 *in the State;*

7 *“(6) comment at least once annually on the*  
8 *measures taken pursuant to section 113(b)(14) of the*  
9 *Carl D. Perkins Vocational Education Act; and*

10 *“(7) review plans of all State agencies providing*  
11 *employment, training, literacy, and related services,*  
12 *and provide comments and recommendations to the*  
13 *Governor, the State legislature, the State agencies,*  
14 *and the appropriate federal agencies on the relevancy*  
15 *and effectiveness of employment, training, literacy,*  
16 *and related delivery systems in the State.”.*

17 **SEC. 112. LOCAL ADMINISTRATIVE PROVISIONS.**

18 *Part B of title I of the Job Training Partnership Act*  
19 *(29 U.S.C. 1531 et seq.) is amended by striking sections*  
20 *121 through 123 and inserting the following:*

21 **“SEC. 121. LOCAL WORKFORCE DEVELOPMENT AREAS.**

22 *“(a) IN GENERAL.—Except as provided in subsection*  
23 *(b), a State that desires to receive a grant under title II*  
24 *or title III shall, through the collaborative process estab-*  
25 *lished under section 102 and after consultation with local*

1 *chief elected officials, and after consideration of comments*  
2 *received through the public comment process as described*  
3 *in section 101(b)(7) of the State plan, designate local*  
4 *workforce development areas within the State that are con-*  
5 *sistent with labor market areas, or a substantial portion*  
6 *of a labor market area, and that take into consideration*  
7 *the following:*

8           “(1) *Units of general local government.*

9           “(2) *Geographic areas served by local edu-*  
10 *cational agencies and intermediate educational agen-*  
11 *cies.*

12           “(3) *Geographic areas served by postsecondary*  
13 *institutions and area vocational education schools.*

14           “(4) *Service delivery areas established under sec-*  
15 *tion 101 of this Act (as such section was in effect on*  
16 *the day before the date of the enactment of the Em-*  
17 *ployment, Training, and Literacy Enhancement Act*  
18 *of 1997).*

19           “(5) *The distance that individuals will need to*  
20 *travel to receive services.*

21           “(b) *SMALL STATES.—Any State determined to be eli-*  
22 *gible to receive a minimum allotment under section*  
23 *203(b)(2)(D) or paragraph (1)(B)(iv) or paragraph*  
24 *(2)(B)(iv) of section 312(b) may designate itself, through*  
25 *the collaborative process established pursuant to section 102,*

1 *and after consultation with local chief elected officials, and*  
2 *consideration of comments received through the public com-*  
3 *ment process described in section 101(b)(7) of the State*  
4 *plan, as a single State workforce development area for pur-*  
5 *poses of this Act.*

6 **“SEC. 122. LOCAL WORKFORCE DEVELOPMENT BOARDS.**

7       “(a) *ESTABLISHMENT.*—*There shall be established in*  
8 *each local workforce development area of a State, and cer-*  
9 *tified by the Governor of the State, a local workforce devel-*  
10 *opment board (hereinafter referred to as the ‘local board’),*  
11 *reflecting business and community interests in employment,*  
12 *training, and other workforce preparation activities.*

13       “(b) *MEMBERSHIP.*—

14               “(1) *STATE CRITERIA.*—*The Governor of the*  
15 *State, through the collaborative process described in*  
16 *section 102, shall establish criteria for use by local*  
17 *chief elected officials in the local workforce develop-*  
18 *ment areas for appointment of members of the local*  
19 *boards in such local areas in accordance with the re-*  
20 *quirements of paragraph (2).*

21               “(2) *COMPOSITION.*—*Such criteria shall require*  
22 *at a minimum, that the membership of each local*  
23 *board consist of—*

24                       “(A) *a majority of members who are rep-*  
25 *resentatives of business and industry in the local*

1 workforce development area, who are owners of  
2 businesses, chief executives or chief operating of-  
3 ficers of private business, and other business ex-  
4 cutives with optimum policymaking authority  
5 in local businesses, appointed from among indi-  
6 viduals nominated by local business organiza-  
7 tions and trade associations;

8 “(B) representatives of local educational en-  
9 tities, including representatives of local edu-  
10 cational agencies, local school boards, postsecond-  
11 ary educational institutions (including rep-  
12 resentatives of community colleges), and rep-  
13 resentatives of providers of adult education and  
14 literacy services, where such schools, institutions,  
15 educators, or providers, as appropriate, exist, se-  
16 lected from among individuals nominated by re-  
17 gional or local educational agencies, institutions,  
18 or organizations representing such individuals or  
19 entities;

20 “(C) representatives of community-based or-  
21 ganizations (including, as appropriate, a com-  
22 munity-based organization that provides direct  
23 job training and placement services to individ-  
24 uals with disabilities), employees (which may in-  
25 clude labor), and other representatives of the

1 public who may include program participants,  
2 parents, individuals with disabilities, older  
3 workers, veterans, or organizations serving such  
4 individuals, as nominated to the board by re-  
5 gional or local agencies, institutions, or organi-  
6 zations representing such individuals or entities;  
7 and

8 “(D) representatives of local welfare and  
9 economic development agencies.

10 “(3) CHAIRPERSON.—The local board shall elect  
11 a chairperson from among the members of the board.

12 “(c) APPOINTMENT AND CERTIFICATION OF BOARD.—

13 “(1) APPOINTMENT OF BOARD MEMBERS AND AS-  
14 SIGNMENT OF RESPONSIBILITIES.—

15 “(A) IN GENERAL.—The chief elected official  
16 in a local workforce development area is author-  
17 ized to appoint the members of the local board  
18 for such area, in accordance with the State cri-  
19 teria established under subsection (b).

20 “(B) MULTIPLE UNITS OF LOCAL GOVERN-  
21 MENT IN AREA.—

22 “(i) IN GENERAL.—In a case in which  
23 a local workforce development area includes  
24 more than 1 unit of general local govern-  
25 ment, the chief elected officials of such units

1           *may execute an agreement that specifies the*  
2           *respective roles of the individual chief elect-*  
3           *ed officials—*

4                   “(I) *in the appointment of the*  
5                   *members of the local board from the in-*  
6                   *dividuals nominated or recommended*  
7                   *to be such members in accordance with*  
8                   *the criteria established under sub-*  
9                   *section (b); and*

10                   “(II) *in carrying out any other*  
11                   *responsibilities assigned to such offi-*  
12                   *cials.*

13                   “(ii) *LACK OF AGREEMENT.—If, after*  
14                   *a reasonable effort, the chief elected officials*  
15                   *are unable to reach agreement as provided*  
16                   *under clause (i), the Governor may appoint*  
17                   *the members of the local board from indi-*  
18                   *viduals so nominated or recommended.*

19                   “(2) *CERTIFICATION.—*

20                   “(A) *IN GENERAL.—The Governor is au-*  
21                   *thorized to biennially certify 1 local board for*  
22                   *each local workforce development area in the*  
23                   *State.*

24                   “(B) *CRITERIA.—Such certification shall be*  
25                   *based on factors including the criteria established*

1           *under subsection (b) and, for a second or subse-*  
2           *quent certification, the extent to which the local*  
3           *board has ensured that employment and training*  
4           *activities and disadvantaged youth activities*  
5           *carried out in the local workforce development*  
6           *area have met expected levels of performance*  
7           *with respect to the local benchmarks negotiated*  
8           *pursuant to subsection (d)(6)(A).*

9           “(C) *FAILURE TO ACHIEVE CERTIFI-*  
10           *CATION.—Failure of a local board to achieve cer-*  
11           *tification shall result in reappointment and cer-*  
12           *tification of another local board for the local*  
13           *workforce development area pursuant to the*  
14           *process described in paragraph (1) and this*  
15           *paragraph.*

16           “(3) *DECERTIFICATION.—*

17           “(A) *FISCAL NONCOMPLIANCE.—Notwith-*  
18           *standing paragraph (2), the Governor may de-*  
19           *certify a local board if it is determined as a re-*  
20           *sult of financial and compliance audits that*  
21           *there is a substantial violation of a specific re-*  
22           *quirement under this Act and corrective action*  
23           *has not been taken, in accordance with section*  
24           *164. If the Governor decertifies a local board for*  
25           *a local workforce development area under this*



1           *subparagraph, the Governor may require that a*  
2           *new local board be appointed and certified for*  
3           *the local workforce development area pursuant to*  
4           *a reorganization plan developed by the Governor*  
5           *under section 164(b)(1) and in accordance with*  
6           *the criteria established under subsection (b).*

7           “(B) *NONPERFORMANCE.*—*Notwithstanding*  
8           *paragraph (2), the Governor may decertify a*  
9           *local board if a local workforce development area*  
10          *fails to meet the local benchmarks established*  
11          *pursuant to section 153(b) for such local area for*  
12          *two consecutive program years (in accordance*  
13          *with section 156(b)(2)). If the Governor decerti-*  
14          *fies a local board for a local workforce develop-*  
15          *ment area under this subparagraph, the Gov-*  
16          *ernor may require that a new local board be ap-*  
17          *pointed and certified for the local area pursuant*  
18          *to a reorganization plan developed by the Gov-*  
19          *ernor under section 156(b)(2) and in accordance*  
20          *with the criteria established under subsection (b).*

21          “(4) *SINGLE STATE AREA.*—*Notwithstanding*  
22          *subsection (b) and paragraphs (1) and (2), if a State*  
23          *described in section 121(b) indicates in the State plan*  
24          *that the State will be treated as a local workforce de-*  
25          *velopment area for purposes of the application of this*

1     *Act, the Governor may designate the individuals and*  
2     *entities involved in the collaborative process described*  
3     *in section 105 to carry out the functions described*  
4     *in subsection (d).*

5     “(d) *FUNCTIONS OF LOCAL BOARD.*—*The functions of*  
6     *the local board shall include the following:*

7             “(1) *LOCAL PLAN.*—

8                     “(A) *IN GENERAL.*—*Each local board shall*  
9                     *develop and submit to the Governor a com-*  
10                    *prehensive 3-year strategic local plan. The local*  
11                    *plan shall be consistent with the State goals and*  
12                    *State plan described in section 101.*

13                   “(B) *CONTENTS.*—*The local plan shall in-*  
14                    *clude—*

15                             “(i) *an identification of the workforce*  
16                             *development needs of local industries, job*  
17                             *seekers, and workers;*

18                             “(ii) *a description of the disadvan-*  
19                             *tagged youth activities and the employment*  
20                             *and training activities for adults and dis-*  
21                             *located workers to be carried out in the local*  
22                             *workforce development area as required*  
23                             *under titles II and III, that, with activities*  
24                             *authorized under the Wagner-Peyser Act (29*  
25                             *U.S.C. 49 et seq.), will contribute to the co-*

1            *herent delivery of employment, training and*  
2            *workforce preparation activities in the local*  
3            *area;*

4            *“(iii) a description of the local bench-*  
5            *marks negotiated with the Governor pursu-*  
6            *ant to paragraph (6)(A), to be used by the*  
7            *local board for measuring the performance*  
8            *of the local administrative entity (where ap-*  
9            *propriate), eligible providers of services au-*  
10           *thorized under titles II and III, and the*  
11           *performance of the full service employment*  
12           *and training delivery system in the local*  
13           *workforce development area;*

14           *“(iv) a description of the local full*  
15           *service employment and training delivery*  
16           *system to be established or designated in the*  
17           *local workforce development area, includ-*  
18           *ing—*

19           *“(I) a description of the process*  
20           *negotiated with the Governor pursuant*  
21           *to paragraph (6)(B) that the local*  
22           *board will use to designate or certify*  
23           *full service eligible providers in the*  
24           *local workforce development area,*

1           *which ensures that the most effective*  
2           *and efficient providers will be chosen;*

3           “(II) a description of how the  
4           local board will ensure the continuous  
5           improvement of such full service eligi-  
6           ble providers and that such providers  
7           will continue to meet the labor market  
8           needs of local employers and partici-  
9           pants; and

10           “(III) an identification of the  
11           roles of individual employment, train-  
12           ing, and other human resources pro-  
13           grams, as determined appropriate, in-  
14           cluding programs authorized by the  
15           Wagner-Peyser Act (20 U.S.C. 49 et  
16           seq.), in carrying out the functions of  
17           the full service employment and train-  
18           ing delivery system, including a de-  
19           scription of the funding sources to be  
20           used in the operation of the full service  
21           employment and training system;

22           “(v) an identification of the adminis-  
23           trative entity designated by the local board  
24           in accordance with paragraph (5);

1           “(vi) a description of the steps the local  
2           board will take to work with local edu-  
3           cational agencies, postsecondary educational  
4           institutions (including community colleges,  
5           where applicable), vocational educators,  
6           providers of adult education and literacy  
7           services, and other representatives of the  
8           educational community to address local em-  
9           ployment, education, and training needs,  
10          including a description of linkages estab-  
11          lished with such individuals and entities to  
12          enhance the provision of services, including  
13          supportive services, and avoid duplication;

14          “(vii) a description of the process that  
15          will be used by the local board to fully in-  
16          volve representatives of the local commu-  
17          nity, including community-based organiza-  
18          tions with experience in serving disadvan-  
19          taged youth, the local education community  
20          (including vocational educators and teach-  
21          ers), parents, youth, local law enforcement  
22          agencies, and representatives of business  
23          and employees (which may include labor)  
24          in the development and implementation of  
25          disadvantaged youth programs in the local

1           *workforce development area, including a de-*  
2           *scription of the process used (involving the*  
3           *individuals and organizations described in*  
4           *this clause) to ensure that the most effective*  
5           *and efficient providers are chosen to carry*  
6           *out the activities authorized under title II;*  
7           *and*

8           *“(viii) such other information as the*  
9           *Governor may require.*

10          “(C) *CONSULTATION.—The local board*  
11          *shall—*

12           *“(i) consult with the chief elected offi-*  
13           *cial in the appropriate local workforce de-*  
14           *velopment area in the development of the*  
15           *local plan; and*

16           *“(ii) provide the chief elected official*  
17           *with a copy of the local plan.*

18          “(D) *APPROVAL.—*

19           *“(i) IN GENERAL.—The chief elected of-*  
20           *ficial shall—*

21            *“(I) approve the local plan; or*

22            *“(II) reject the local plan and*  
23            *make recommendations to the local*  
24            *board on how to improve the local*  
25            *plan.*

1                   “(ii) *SUBMISSION.*—If, after a reason-  
2                   able effort, the local board is unable to ob-  
3                   tain the approval of the chief elected official  
4                   for the local plan, the local board may sub-  
5                   mit the plan to the Governor for approval  
6                   under subparagraph (A), and shall submit  
7                   the recommendations of the chief elected offi-  
8                   cial to the Governor along with the plan,  
9                   consistent with subsection (e)(2).

10                  “(2) *SELECTION OF PROVIDERS.*—

11                   “(A) *SELECTION OF FULL SERVICE PROVID-*  
12                   *ERS.*—Consistent with section 123 and the agree-  
13                   ment negotiated with the Governor under para-  
14                   graph (6)(B)(i), the local board is authorized to  
15                   designate or certify full service eligible providers,  
16                   and to terminate for cause, the eligibility of such  
17                   providers.

18                   “(B) *SELECTION OF DISADVANTAGED*  
19                   *YOUTH PROVIDERS.*—Consistent with section  
20                   207, the local board is authorized to award  
21                   grants on a competitive basis to eligible provid-  
22                   ers of disadvantaged youth activities in the local  
23                   workforce development area.

24                   “(3) *IDENTIFICATION OF ELIGIBLE PROVIDERS*  
25                   *OF TRAINING SERVICES.*—Consistent with section 124,

1        *the local board is authorized to work in partnership*  
2        *with the Governor concerning the identification of eli-*  
3        *gible providers of training services described in sec-*  
4        *tion 314(c) in the local workforce development area.*

5            *“(4) BUDGET AND PROGRAM OVERSIGHT.—*

6                    *“(A) BUDGETING.—*

7                            *“(i) IN GENERAL.—The local workforce*  
8                            *development board shall develop a budget*  
9                            *for the purpose of carrying out local pro-*  
10                           *grams established under titles II and III*  
11                           *and section 123.*

12                           *“(ii) APPROVAL OF BUDGET.—Such*  
13                           *budget shall be subject to the approval of the*  
14                           *chief elected official or officials in the local*  
15                           *workforce development area.*

16                           *“(B) PROGRAM OVERSIGHT.—The local*  
17                           *workforce development board, in partnership*  
18                           *with the chief elected official or officials in the*  
19                           *local workforce development area, shall conduct*  
20                           *oversight of the programs established under titles*  
21                           *II and III and section 123.*

22                           *“(5) ADMINISTRATION.—*

23                           *“(A) DESIGNATION OF ADMINISTRATIVE EN-*  
24                           *TITY.—*



1           “(i) *IN GENERAL.*—*The local workforce*  
2           *development board may designate itself as*  
3           *the administrative entity for receipt and*  
4           *disbursement of funds made available for*  
5           *carrying out programs authorized under*  
6           *title II and title III of this Act, or the local*  
7           *board may designate an administrative en-*  
8           *tity (which may be the State through a mu-*  
9           *tual agreement between the local board and*  
10           *the State), for the purpose of receipt and*  
11           *disbursement of such funds.*

12           “(ii) *ADDITIONAL FISCAL RESPON-*  
13           *SIBILITIES.*—*Each administrative entity*  
14           *shall be responsible for the distribution of*  
15           *funds and shall have responsibility to take*  
16           *action against its subcontractors, sub-*  
17           *grantees, and other recipients to eliminate*  
18           *abuses in the programs being carried out in*  
19           *the local workforce development area and to*  
20           *prevent any misuse of funds by subcontrac-*  
21           *tors, subgrantees, and other recipients.*

22           “(B) *STAFF; GRANTS AND OTHER CON-*  
23           *TRIBUTIONS.*—*The local board may employ its*  
24           *own staff, independent of local programs and*  
25           *service providers, and may solicit or accept*

1           *grants and contributions from sources other than*  
2           *from this Act.*

3           “(C) *PROHIBITION ON DIRECT PROVISION*  
4           *OF SERVICES.—*

5                     “(i) *IN GENERAL.—Except as provided*  
6                     *in clause (ii), a local board or employees of*  
7                     *such board may not directly provide serv-*  
8                     *ices under programs established under this*  
9                     *Act.*

10                    “(ii) *WAIVER.—The Governor of the*  
11                    *State in which the local board is located*  
12                    *may grant to the local board a written*  
13                    *waiver of the prohibition under clause (i)*  
14                    *where necessary to improve performance or*  
15                    *to provide a full array of services in the*  
16                    *local area as may be particularly necessary*  
17                    *in rural areas.*

18           “(D) *CONFLICT OF INTEREST.—A member*  
19           *of a local board may not—*

20                     “(i) *vote on a matter under consider-*  
21                     *ation by the local board—*

22                             “(I) *regarding the provision of*  
23                             *services by such member (or by an or-*  
24                             *ganization that such member rep-*  
25                             *resents); or*

1                   “(II) that would provide direct fi-  
2                   nancial benefit to such member or the  
3                   immediate family of such member; or  
4                   “(ii) engage in any other activity de-  
5                   termined by the Governor to constitute a  
6                   conflict of interest.

7                   “(6) NEGOTIATIONS.—

8                   “(A) LOCAL BENCHMARKS.—The local  
9                   board, the local chief elected official, and the  
10                  Governor shall negotiate and reach agreement on  
11                  local benchmarks designed to meet the State goals  
12                  described in the State plan under section 101 for  
13                  the local workforce development area. In deter-  
14                  mining such benchmarks, the Governor, the local  
15                  chief elected official, and the local board shall  
16                  take into account the State adjusted benchmarks  
17                  described in section 153(a) with respect to pro-  
18                  grams authorized under titles II and III, and  
19                  specific economic, demographic, and other char-  
20                  acteristics of the populations to be served in the  
21                  local workforce development area.

22                  “(B) LOCAL DELIVERY OF SERVICES.—

23                  “(i) IN GENERAL.—The local board, the  
24                  local chief elected official, and the Governor  
25                  shall negotiate and reach agreement on a

1           *process to be used by the local board that*  
2           *meets the requirements of subclauses (I) and*  
3           *(II) of paragraph (1)(B)(iv) for—*

4                   “(I) *the designation or certifi-*  
5                   *cation of full service eligible providers*  
6                   *(as described in section 123(c)) in the*  
7                   *local workforce development area, in-*  
8                   *cluding, consistent with State statute,*  
9                   *a determination of the role of providers*  
10                  *of activities authorized under the Wag-*  
11                  *ner-Peyser Act (29 U.S.C. 49 et seq.)*  
12                  *in the full service delivery of services*  
13                  *in the local workforce development*  
14                  *area; and*

15                   “(II) *the continued role of the*  
16                   *local board and the local elected official*  
17                   *in conducting oversight with respect to*  
18                   *full service eligible providers that are*  
19                   *providers of activities authorized under*  
20                   *the Wagner-Peyser Act (29 U.S.C. 49*  
21                   *et seq.).*

22                   “(i) *ESTABLISHED FULL SERVICE EM-*  
23                   *PLOYMENT AND TRAINING DELIVERY SYS-*  
24                   *TEM.—Notwithstanding this subsection and*  
25                   *section 123(c), if a full service employment*

1           *and training delivery system has been es-*  
2           *tablished in a local workforce development*  
3           *area prior to the date of enactment of this*  
4           *Act, or if approval has been obtained for a*  
5           *plan for a full service employment and*  
6           *training delivery system under the Wagner-*  
7           *Peyser Act (29 U.S.C. 49 et seq.) prior to*  
8           *the date of enactment of this Act, the local*  
9           *board and the Governor involved may agree*  
10          *to certify such full service employment and*  
11          *training delivery system for purposes of this*  
12          *subparagraph.*

13          “(e) *SUNSHINE PROVISION.*—

14                 “(1) *IN GENERAL.*—*The local board shall make*  
15                 *available to the public, on a regular basis, informa-*  
16                 *tion regarding the activities of the local board, includ-*  
17                 *ing information regarding membership, the designa-*  
18                 *tion and certification of full service employment and*  
19                 *training center eligible providers, and the award of*  
20                 *grants to eligible providers of disadvantaged youth*  
21                 *activities.*

22                 “(2) *LOCAL PLAN.*—*Prior to the submission of*  
23                 *the local plan to the Governor, under subsection*  
24                 *(d)(1)(D)(ii), the local board shall make such plan*  
25                 *available for review and comment to—*

1           “(A) appropriate community-based organi-  
2           zations and local educational and other public  
3           agencies in the local workforce development area;

4           “(B) local business organizations and rep-  
5           resentatives of employees in the local workforce  
6           development area; and

7           “(C) the general public through such means  
8           as public hearings and local news media.

9   **“SEC. 123. FULL SERVICE EMPLOYMENT AND TRAINING DE-**  
10                           **LIVERY SYSTEM.**

11           “(a) *IN GENERAL.*—There shall be established in a  
12   State that receives an allotment under section 312, a full  
13   service employment and training delivery system that—

14           “(1) shall provide the core services described in  
15   subsection (d), including the information described in  
16   part E of title IV and labor exchange services author-  
17   ized under the Wagner-Peyser Act (29 U.S.C. 49 et  
18   seq.);

19           “(2) shall provide access to the activities carried  
20   out under subsection (e), if any; and

21           “(3) shall provide access to intensive and train-  
22   ing services described in section 314, including serv-  
23   ing as the point of distribution of skill grants for  
24   training services to participants in accordance with  
25   section 314(c)(6)(A).

1       “(b) *ACCESS TO DELIVERY OF SERVICES.*—

2               “(1) *IN GENERAL.*—*The State’s full service em-*  
3       *ployment and training delivery system shall provide*  
4       *individuals and employers with access to the services*  
5       *described in subsection (a) through a network of eligi-*  
6       *ble providers that assures participants that such serv-*  
7       *ices will be available, regardless of where the partici-*  
8       *pants initially enter the system. At a minimum, such*  
9       *services shall be available—*

10               “(A) *through a network of full service em-*  
11       *ployment and training delivery centers, estab-*  
12       *lished in all local workforce development areas in*  
13       *the State, that provide all of the services de-*  
14       *scribed in subsection (a); or*

15               “(B) *at not less than one full service em-*  
16       *ployment and training delivery center in each*  
17       *local workforce development area in the State*  
18       *that provides all of the services described in sub-*  
19       *section (a), supplemented with multiple affili-*  
20       *ated sites that provide one or more of such serv-*  
21       *ices and are linked through electronic and tech-*  
22       *nological access points.*

23               “(2) *SPECIALIZED CENTERS.*—*Of the full service*  
24       *employment and training delivery centers or affili-*  
25       *ated sites described in paragraph (1), such centers or*

1        *sites may have a specialization in addressing special*  
2        *needs, such as the needs of dislocated workers.*

3        “(c) *ELIGIBILITY FOR DESIGNATION.*—*Any entity or*  
4        *consortium of entities located in a local workforce develop-*  
5        *ment area may be designated or certified by the local*  
6        *workforce development board (in accordance with section*  
7        *122(d)(2)(A)) through a competitive process, or through an*  
8        *agreement reached between the local board and a consor-*  
9        *tium of entities, to operate a full service employment and*  
10       *training delivery center or to participate as an affiliated*  
11       *site in the full service employment and training delivery*  
12       *system. Such entities shall be known as ‘full service eligible*  
13       *providers’ and may include—*

14                *“(1) institutions of higher education;*

15                *“(2) local employment service offices established*  
16        *under the Wagner-Peyser Act (29 U.S.C 49 et seq.);*

17                *“(3) private, nonprofit organizations (including*  
18        *community-based organizations);*

19                *“(4) private for-profit entities;*

20                *“(5) agencies of local government; and*

21                *“(6) other interested organizations and entities*  
22        *of demonstrated effectiveness, including local cham-*  
23        *bers of commerce and other business organizations,*  
24        *consistent with State criteria as described in the*  
25        *State plan under section 101.*



1           “(d) *CORE SERVICES.—Funds made available to local*  
2 *workforce development areas under section 313(b), in addi-*  
3 *tion to funds made available under the Wagner-Peyser Act,*  
4 *part E of title IV, and other related programs, shall be used*  
5 *to provide core services, which shall be available to all indi-*  
6 *viduals through the full service employment and training*  
7 *delivery system and shall, at a minimum, include—*

8                   “(1) *outreach, intake (which may include worker*  
9 *profiling), and orientation to the information and*  
10 *other services available through the full service em-*  
11 *ployment and training delivery system;*

12                   “(2) *initial assessment of skill levels, aptitudes,*  
13 *abilities, and supportive service needs;*

14                   “(3) *job search and placement assistance, and*  
15 *where appropriate, career counseling;*

16                   “(4) *provision of accurate information relating*  
17 *to local, regional, and national labor markets, includ-*  
18 *ing—*

19                           “(A) *job vacancy listings in such markets;*  
20 *and*

21                           “(B) *information relating to local occupa-*  
22 *tions in demand and the earnings and skill re-*  
23 *quirements for such occupations;*

24                   “(5) *provision of accurate information relating*  
25 *to the quality and availability of employment, train-*

1        *ing, and literacy activities authorized under titles II*  
2        *and III of this Act and the Adult Education and*  
3        *Family Literacy Act, and of vocational rehabilitation*  
4        *program activities as appropriate, and referral to*  
5        *such activities;*

6                *“(6) provision of information relating to unem-*  
7        *ployment compensation, publicly funded employment*  
8        *and training programs (including registered appren-*  
9        *ticeships), and forms of public financial assistance,*  
10        *such as student aid programs, that may be available*  
11        *in order to enable individuals to participate in em-*  
12        *ployment, training, literacy, and other workforce*  
13        *preparation activities;*

14                *“(7) soliciting and accepting job orders submit-*  
15        *ted by employers in the local workforce development*  
16        *area, and screening and referring applicants in ac-*  
17        *cordance with such orders;*

18                *“(8) dissemination of lists of eligible training*  
19        *providers and performance information regarding*  
20        *such providers in accordance with section 124; and*

21                *“(9) any additional performance information*  
22        *with respect to the full service employment and train-*  
23        *ing delivery system in the local workforce development*  
24        *area.*

1       “(e) *PERMISSIBLE SERVICES.*—*Funds made available*  
2 *to local workforce development areas under section 313(b)*  
3 *may be used to contribute to, through the full service em-*  
4 *ployment and training delivery system—*

5               “(1) *co-location of services related to employ-*  
6 *ment, training, and literacy activities, such as unem-*  
7 *ployment insurance, vocational rehabilitation pro-*  
8 *gram activities, veterans’ employment services, pro-*  
9 *grams authorized under the Wagner-Peyser Act (29*  
10 *U.S.C. 49 et seq.), employment-related services for*  
11 *welfare recipients, or other public assistance activi-*  
12 *ties;*

13               “(2) *customized screening and referral of quali-*  
14 *fied participants to employment; and*

15               “(3) *customized employment-related services to*  
16 *employers on a fee-for-service basis.*

17 **“SEC. 124. IDENTIFICATION OF TRAINING PROVIDERS.**

18       “(a) *ELIGIBILITY REQUIREMENTS.*—

19               “(1) *IN GENERAL.*—*Except as provided in sub-*  
20 *section (e), to be identified as an eligible provider of*  
21 *training services under title III and to receive funds*  
22 *made available for the provision of training services*  
23 *described in section 314(c) (referred to in this section*  
24 *as ‘training services’), a provider of such services*  
25 *shall meet the requirements of this section.*

1           “(2) *POSTSECONDARY EDUCATIONAL INSTITU-*  
2           *TION.—Subject to the provisions of this section, a*  
3           *postsecondary educational institution shall automati-*  
4           *cally be eligible to provide training services under*  
5           *title III for—*

6                     “(A) *a program that leads to an associate,*  
7                     *baccalaureate, professional, or graduate degree;*

8                     “(B) *a program that—*

9                             “(i) *is at least 2 academic years in*  
10                            *length; and*

11                           “(ii) *is acceptable for academic credit*  
12                            *toward a baccalaureate degree; or*

13                     “(C) *a program that—*

14                           “(i) *is at least 1 academic year in*  
15                            *length;*

16                           “(ii) *is a training program;*

17                           “(iii) *leads to a certificate, degree, or*  
18                            *other recognized educational credential; and*

19                           “(iv) *prepares a student for gainful*  
20                            *employment in a recognized occupation.*

21           “(3) *OTHER ELIGIBLE PROVIDERS.—*

22                     “(A) *PROCEDURE.—*

23                           “(i) *IN GENERAL.—The Governor shall*  
24                            *establish a procedure for use by local*  
25                            *workforce development boards in determin-*

1            *ing the eligibility of public and private pro-*  
2            *viders not described in paragraph (2) (in-*  
3            *cluding eligibility of postsecondary edu-*  
4            *cational institutions for programs not de-*  
5            *scribed in paragraph (2)) to receive such*  
6            *funds.*

7            *“(ii) FACTORS.—In developing such*  
8            *procedure, the Governor—*

9            *“(I) shall solicit and take into*  
10           *consideration the recommendations of*  
11           *local workforce development boards and*  
12           *providers of training services within*  
13           *the State; and*

14           *“(II) shall take into consider-*  
15           *ation—*

16           *“(aa) the specific economic,*  
17           *geographic, and demographic fac-*  
18           *tors in the local areas in which el-*  
19           *igible providers are located; and*

20           *“(bb) the characteristics of*  
21           *the populations served by the eli-*  
22           *gible providers, including the*  
23           *demonstrated difficulties in serv-*  
24           *ing such populations, where ap-*  
25           *plicable.*

1           “(B) *LEVELS OF PERFORMANCE.*—*At a*  
2           *minimum, the procedure described in subpara-*  
3           *graph (A) shall require such a provider to meet*  
4           *minimum acceptable levels of performance based*  
5           *on verifiable program-specific performance infor-*  
6           *mation described in subsection (b) and submitted*  
7           *to the State agency designated under subsection*  
8           *(c), as required under paragraphs (2) and (3) of*  
9           *subsection (c).*

10          “(b) *PERFORMANCE INFORMATION.*—

11           “(1) *REQUIRED INFORMATION.*—*Pursuant to*  
12           *subsection (c)(2), to be eligible to provide training*  
13           *services under title III, a provider shall submit infor-*  
14           *mation on—*

15           “(A) *program completion rates for individ-*  
16           *uals in the applicable program conducted by the*  
17           *provider;*

18           “(B) *the percentage of individuals in the*  
19           *applicable program who obtain employment,*  
20           *which may also include information specifying*  
21           *the percentage of individuals who obtain employ-*  
22           *ment in an occupation related to the program*  
23           *conducted; and*

24           “(C) *the earnings at placement of individ-*  
25           *uals who complete the program.*

1           “(2) *ADDITIONAL INFORMATION.*—*Subject to*  
2           *paragraph (3), in addition to the performance infor-*  
3           *mation described in paragraph (1), the Governor may*  
4           *require that a provider described in this paragraph*  
5           *submit such other performance information as the*  
6           *Governor determines to be appropriate, which may*  
7           *include information relating to—*

8                     “(A) *the retention in employment and the*  
9                     *subsequent earnings of the individuals who com-*  
10                    *plete the applicable program;*

11                   “(B) *where appropriate, the rates of licen-*  
12                    *sure or certification of individuals who complete*  
13                    *the program;*

14                   “(C) *the percentage of individuals who com-*  
15                    *plete the program who attain industry-recog-*  
16                    *nized occupational skills in the subject, occupa-*  
17                    *tion, or industry for which training is provided,*  
18                    *where applicable; and*

19                   “(D) *the adequacy of space, staff, equip-*  
20                    *ment, instructional materials, and student sup-*  
21                    *port services offered by the provider through a*  
22                    *program conducted by the provider.*

23           “(3) *CONDITIONS.*—

24                   “(A) *IN GENERAL.*—*If the Governor requests*  
25                    *additional information pursuant to paragraph*

1           (2) *that imposes extraordinary costs on provid-*  
2           *ers, the Governor shall provide access to cost-ef-*  
3           *fective methods for the collection of such informa-*  
4           *tion or provide additional resources to assist*  
5           *providers in the collection of such information*  
6           *from funds made available under section 313(a).*

7           “(B) *TRANSITION PERIOD FOR PERFORM-*  
8           *ANCE-BASED INFORMATION.—For program years*  
9           *1999 and 2000, the performance-based informa-*  
10          *tion to be submitted by a provider under this*  
11          *subsection shall only be required to be provided*  
12          *relating to the performance of participants as-*  
13          *sisted under title III in lieu of all individuals*  
14          *participating in the program of the provider.*  
15          *Nothing in this subparagraph shall be construed*  
16          *to prohibit the submission of performance-based*  
17          *information for all individuals participating in*  
18          *the program of the provider as soon as is prac-*  
19          *ticable prior to program year 2001 and each*  
20          *provider shall be encouraged to submit such in-*  
21          *formation.*

22          “(c) *ADMINISTRATION.—*

23                 “(1) *DESIGNATION.—The Governor shall des-*  
24                 *ignate a State agency to collect and disseminate the*  
25                 *performance information described in subsection (b)*



1       *and to carry out other duties described in this sub-*  
2       *section.*

3               “(2) *SUBMISSION.*—*A provider described in sub-*  
4       *section (a) shall submit the performance information*  
5       *described in subsection (b) annually to the designated*  
6       *State agency at such time and in such manner as the*  
7       *designated State agency may require. The designated*  
8       *State agency may accept program-specific perform-*  
9       *ance information consistent with the requirements for*  
10       *eligibility under title IV of the Higher Education Act*  
11       *of 1965 (20 U.S.C. 1070 et seq.) from such a provider*  
12       *for purposes of enabling the provider to fulfill the ap-*  
13       *plicable requirements of this paragraph, if such infor-*  
14       *mation is substantially similar to the information re-*  
15       *quired under subsection (b).*

16               “(3) *LIST OF ELIGIBLE PROVIDERS.*—

17                       “(A) *IN GENERAL.*—*The designated State*  
18       *agency shall compile a list of eligible providers*  
19       *accompanied by the performance information de-*  
20       *scribed in subsection (b) consisting of—*

21                               “(i) *providers determined to be auto-*  
22       *matically eligible subject to subsection*  
23       *(a)(2); and*

1                   “(ii) providers determined to be eligible  
2                   by local workforce development boards, sub-  
3                   ject to subsection (a)(3).

4                   “(B) AVAILABILITY.—The designated State  
5                   agency shall disseminate such lists and informa-  
6                   tion to the full service employment and training  
7                   delivery system and to local boards. Such list  
8                   and information shall be made widely available  
9                   to participants in employment and training pro-  
10                  grams authorized under title III and others  
11                  through the full service employment and training  
12                  delivery system described in section 123.

13                  “(d) ENFORCEMENT.—

14                  “(1) ACCURACY OF INFORMATION.—If the des-  
15                  ignated State agency determines that a provider or  
16                  individual supplying information on behalf of a pro-  
17                  vider intentionally supplies inaccurate information  
18                  under this section, the agency shall terminate the eli-  
19                  gibility of the eligible provider to receive funds de-  
20                  scribed in subsection (a) for a period of time, but not  
21                  less than 2 years, as prescribed in regulations issued  
22                  by the Governor.

23                  “(2) NONCOMPLIANCE.—If the designated State  
24                  agency, or the local workforce development board  
25                  working through the State agency, determines that an

1 *eligible provider under subsection (a) substantially*  
2 *violates any requirement under this Act, the agency,*  
3 *or the local board through the State agency, may ter-*  
4 *minate the eligibility of such provider to receive funds*  
5 *described in subsection (a) for such program or take*  
6 *such other action as the agency or local board deter-*  
7 *mines to be appropriate.*

8 “(3) *NONPERFORMANCE.*—

9 “(A) *TERMINATION FOR NONPERFORM-*  
10 *ANCE.*—(i) *If the designated State agency deter-*  
11 *mines that an eligible provider under subsection*  
12 *(a)(2) or a program of training services carried*  
13 *out by an eligible provider under subsection*  
14 *(a)(2) substantially fails to meet for 2 or more*  
15 *consecutive years, performance criteria estab-*  
16 *lished by the Governor, the agency may termi-*  
17 *nate the eligibility of such provider.*

18 “(ii) *If the designated State agency, or the*  
19 *local workforce development board working*  
20 *through the State agency, determines that an eli-*  
21 *gible provider under subsection (a)(3) or a pro-*  
22 *gram of training services carried out by such an*  
23 *eligible provider fails to meet acceptable levels of*  
24 *performance consistent with the procedure estab-*  
25 *lished under subsection (a)(3), the agency, or the*

1           local board through the State agency, may termi-  
2           nate the eligibility of such provider.

3           “(B) *FACTORS*.—In establishing the per-  
4           formance criteria described under subparagraph  
5           (A)(i), the Governor shall—

6                   “(i) solicit and take into consideration  
7                   the recommendations of local workforce de-  
8                   velopment boards and providers of training  
9                   services within the State; and

10                   “(ii) take into consideration—

11                           “(I) the specific economic, geo-  
12                           graphic, and demographic factors in  
13                           the local areas in which eligible pro-  
14                           viders are located; and

15                           “(II) the characteristics of the  
16                           populations served by the eligible pro-  
17                           viders, including the demonstrated dif-  
18                           ficulties in serving such populations,  
19                           where applicable.

20           “(4) *ELIGIBILITY UNDER THE HIGHER EDU-*  
21           *CATION ACT OF 1965*.—If the designated State agency  
22           determines that the eligibility of an eligible provider  
23           described in subsection (a)(2) under title IV of the  
24           Higher Education Act of 1965 has been terminated,  
25           the agency—

1           “(A) shall terminate the automatic eligi-  
2           bility of the provider under subsection (a)(2);  
3           and

4           “(B) shall require the provider to meet the  
5           requirements of subsection (a)(3) to be eligible to  
6           receive funds as described in subsection (a).

7           “(5) *REPAYMENT.*—A provider whose eligibility  
8           is terminated under paragraph (1) or (2) for a pro-  
9           gram shall be liable for repayment of all funds de-  
10          scribed in subsection (a) received for the program  
11          during any period of noncompliance described in such  
12          paragraph.

13          “(6) *APPEAL.*—The Governor shall establish a  
14          procedure for an eligible provider to appeal a deter-  
15          mination by the local board or the designated state  
16          agency that results in the denial or termination of  
17          eligibility under this subsection. Such procedure shall  
18          provide an opportunity for a hearing and prescribe  
19          appropriate time limits to ensure prompt resolution  
20          of the appeal.

21          “(7) *CONSTRUCTION.*—This subsection shall be  
22          construed to supplement, but not supplant, other civil  
23          and criminal remedies and penalties.

24          “(e) *ON-THE-JOB TRAINING EXCEPTION.*—

1           “(1) *IN GENERAL.*—*Providers of on-the-job train-*  
 2           *ing, and apprenticeship programs registered in ac-*  
 3           *cordance with the National Apprenticeship Act, shall*  
 4           *not be subject to the requirements of subsection (a),*  
 5           *(b), (c), or (d).*”

6           “(2) *COLLECTION AND DISSEMINATION OF INFOR-*  
 7           *MATION.*—*A full-service eligible provider in a local*  
 8           *workforce development area shall collect such perform-*  
 9           *ance information from on-the-job training providers*  
 10           *as the Governor may require, and disseminate such*  
 11           *information through the delivery of core services de-*  
 12           *scribed in section 123, as appropriate.*”

## 13           ***Subtitle C—Program and Fiscal*** 14           ***Provisions***

### 15           ***CHAPTER 1—GENERAL PROVISIONS***

#### 16           ***SEC. 121. GENERAL PROGRAM REQUIREMENTS.***

17           (a) *EMPLOYMENT AND TRAINING OPPORTUNITIES.*—  
 18           *Section 141(a) of the Job Training Partnership Act (29*  
 19           *U.S.C. 1551(a)) is amended—*

20                   (1) *by striking “and shall make efforts” and all*  
 21                   *that follows and inserting a period; and*

22                   (2) *by adding at the end the following: “In addi-*  
 23                   *tion, efforts shall be made to develop programs which*  
 24                   *contribute to occupational development, upward mo-*  
 25                   *bility, development of new careers, and overcoming*

1 *sex-stereotyping in occupations traditional for the*  
2 *other sex.”.*

3 *(b) RELOCATION.—Section 141(c) of such Act (29*  
4 *U.S.C. 1551(c)) is amended to read as follows:*

5 *“(c) RELOCATION.—*

6 *“(1) PROHIBITION ON USE OF FUNDS TO EN-*  
7 *COURAGE OR INDUCE RELOCATION.—No funds pro-*  
8 *vided under title II, III, or IV shall be used or pro-*  
9 *posed for use to encourage or induce the relocation, of*  
10 *a business or part of a business, that results in a loss*  
11 *of employment for any employee of such business at*  
12 *the original location, if such original location is with-*  
13 *in the United States.*

14 *“(2) PROHIBITION ON USE OF FUNDS FOR CUS-*  
15 *TOMIZED OR SKILL TRAINING AND RELATED ACTIVI-*  
16 *TIES AFTER RELOCATION.—No funds provided under*  
17 *title II, III, or IV for an employment and training*  
18 *activity shall be used for customized or skill training,*  
19 *on-the-job training, or company-specific assessments*  
20 *of job applicants or employees, for any business or*  
21 *part of a business, that has relocated, until 120 days*  
22 *after the date on which such business commences oper-*  
23 *ations at the new location, if the relocation of such*  
24 *business or part of a business, results in a loss of em-*  
25 *ployment for any employee of such business at the*

1       *original location and such original location is within*  
2       *the United States.*

3               “(3) *REPAYMENT.*—*If the Secretary of Labor de-*  
4       *termines that a violation of paragraph (1) or (2) has*  
5       *occurred, the Secretary shall require the State that*  
6       *has violated such paragraph to repay to the United*  
7       *States an amount equal to the amount expended in*  
8       *violation of such paragraph.”.*

9       (c) *TRAINING FOR OCCUPATIONS IN DEMAND.*—*Sub-*  
10       *section (d) of section 141 of such Act (29 U.S.C. 1551(d))*  
11       *is hereby repealed.*

12       (d) *AGREEMENTS AMONG AREAS RELATING TO EDU-*  
13       *CATION, TRAINING, AND EMPLOYMENT OF PARTICIPANTS.*—  
14       *Section 141(e) of such Act (29 U.S.C. 1551(e)) is amend-*  
15       *ed—*

16               (1) *by striking paragraph (1); and*

17               (2) *in paragraph (2)—*

18                       (A) *by striking “(2)”;*

19                       (B) *by striking “service delivery area” each*  
20       *place it appears and inserting “local workforce*  
21       *development area”;* and

22                       (C) *in the second sentence—*

23                               (i) *by striking “private industry coun-*  
24       *cil” and inserting “local workforce develop-*  
25       *ment board”;* and



1                   (ii) by striking “section 104” and in-  
2                   serting “section 122(d)(1)”.

3           (e) *PROHIBITION ON CERTAIN VOTES.*—Subsection (f)  
4 of section 141 of such Act (29 U.S.C. 1551(f)) is hereby re-  
5 pealed.

6           (f) *PAYMENTS TO EMPLOYERS FOR ON-THE-JOB*  
7 *TRAINING.*—Section 141(g) of such Act (29 U.S.C. 1551(g))  
8 is amended—

9                   (1) by striking paragraphs (1) through (3); and  
10                   (2) in paragraph (4)—

11                           (A) by striking “(4)”;

12                           (B) by striking “In accordance with regula-  
13 tions issued by the Secretary, on-the-job training  
14 contracts” and inserting “On-the-job training  
15 contracts”; and

16                           (C) by striking “with wages and employ-  
17 ment benefits” and all that follows and inserting  
18 a period.

19           (g) *DUPLICATE FACILITIES OR SERVICES.*—Section  
20 141(h) of such Act (29 U.S.C. 1551(h)) is amended to read  
21 as follows:

22           “(h)(1) Upon the approval of the Governor, real prop-  
23 erty in which, as of July 1, 1998, equity has resulted from  
24 funds provided under title III of the Social Security Act,  
25 section 903(c) of such Act (commonly referred to as the

1 *‘Reed Act’), or the Wagner-Peyser Act (29 U.S.C. 49 et seq.)*  
2 *may be used for the purposes of a full service employment*  
3 *and training delivery center.*

4       “(2) *Unless otherwise provided in a plan approved*  
5 *pursuant to section 101, subsequent to the commencement*  
6 *of the use of the property described in paragraph (1) for*  
7 *the purposes of a full service employment and training de-*  
8 *livery center, funds provided under the provisions of law*  
9 *described in paragraph (1) may only be used to acquire*  
10 *further equity in such property, or to pay operating and*  
11 *maintenance expenses relating to such property in propor-*  
12 *tion to the extent of the use of such property attributable*  
13 *to the activities authorized under such provisions of law.”.*

14       (h) *RESPONSIBILITIES OF ADMINISTRATIVE ENTI-*  
15 *TIES.—Section 141(i) of such Act (29 U.S.C. 1551(i)) is*  
16 *hereby repealed.*

17       (i) *PROHIBITION ON CERTAIN SUBSIDIZED EMPLOY-*  
18 *MENT.—Section 141(k) of such Act (29 U.S.C. 1551(k)) is*  
19 *hereby repealed.*

20       (j) *CONSULTATION REQUIREMENTS.—Section 141(n)*  
21 *of such Act (29 U.S.C. 1551(n)) is amended—*

22               (1) *by striking “private industry councils” each*  
23 *place it appears and inserting “local workforce devel-*  
24 *opment boards”;*

1           (2) *by striking “councils” and inserting*  
2           *“boards”;*

3           (3) *by striking “service delivery area” each place*  
4           *it appears and inserting “local workforce development*  
5           *area”;* *and*

6           (4) *by striking “this Act” each place it appears*  
7           *and inserting “title II or title III”.*

8           (k) *PROHIBITION ON USE OF FUNDS FOR PUBLIC*  
9           *SERVICE EMPLOYMENT.—Section 141(p) of such Act (29*  
10           *U.S.C. 1551(p)) is amended—*

11           (1) *by striking “part B of this title or part A*  
12           *or C of title II” and inserting “this Act”;* *and*

13           (2) *by inserting at the end before the period the*  
14           *following: “except as specifically authorized under*  
15           *this Act”.*

16           (l) *PROHIBITION ON USE OF FUNDS FOR CERTAIN*  
17           *ECONOMIC ACTIVITIES.—Section 141(q) of such Act (29*  
18           *U.S.C. 1551(p)) is amended in the first sentence by insert-*  
19           *ing at the end before the period the following: “which are*  
20           *not directly related to training or related services for eligi-*  
21           *ble individuals under this Act”.*

22           (m) *PRIORITY FOR EXCESS PROPERTY OF THE DE-*  
23           *PARTMENT OF DEFENSE.—Section 141(s) of such Act (29*  
24           *U.S.C. 1551(s)) is hereby repealed.*

1           (n) *PROHIBITION ON ENTITLEMENT TO SERVICE.*—  
2 *Section 141 of such Act (29 U.S.C. 1551) is amended by*  
3 *adding at the end the following:*

4           “(s) *PROHIBITION ON ENTITLEMENT TO SERVICE.*—  
5 *Nothing in this Act shall be construed to provide an indi-*  
6 *vidual with an entitlement to a service under this Act.*

7           “(t) *FEE FOR SERVICE AUTHORITY.*—*Services, facili-*  
8 *ties, and equipment funded under titles II and III may be*  
9 *used, as appropriate, on a fee for service basis, by employers*  
10 *in a local workforce development area in order to provide*  
11 *employment and training services to incumbent workers—*

12                 “(1) *when such services, facilities, or equipment*  
13 *are not in use for the provision of services for eligible*  
14 *program participants under title II or title III, re-*  
15 *spectively;*

16                 “(2) *if such use would not have an adverse affect*  
17 *on the provision of services to eligible program par-*  
18 *ticipants under title II or title III, respectively; and*

19                 “(3) *if the income derived from such fees is used*  
20 *to carry out the programs authorized under title II*  
21 *or title III, respectively.”.*

22 **SEC. 122. BENEFITS.**

23           *Section 142(a) of the Job Training Partnership Act*  
24 *(29 U.S.C. 1552(a)) is amended—*

1           (1) *by striking all that precedes paragraph (4)*  
2           *and inserting the following:*

3           “(a) *WAGES.—*

4           “(1) *IN GENERAL.—Individuals in on-the-job*  
5           *training or individuals employed in activities under*  
6           *this Act shall be compensated at the same rates, in-*  
7           *cluding periodic increases, as trainees or employees*  
8           *who are similarly situated in similar occupations by*  
9           *the same employer and who have similar training, ex-*  
10           *perience and skills, and such rates shall be in accord-*  
11           *ance with applicable law, but in no event less than*  
12           *the higher of the rate specified in section 6(a)(1) of*  
13           *the Fair Labor Standards Act of 1938 (29 U.S.C.*  
14           *206(a)(1)) or the applicable State or local minimum*  
15           *wage law.”; and*

16           (2) *by redesignating paragraph (4) as para-*  
17           *graph (2).*

18   **SEC. 123. LABOR STANDARDS.**

19           *Section 143 of the Job Training Partnership Act (29*  
20           *U.S.C. 1553) is amended to read as follows:*

21   **“SEC. 143. LABOR STANDARDS.**

22           “(a) *LIMITATIONS ON ACTIVITIES THAT IMPACT*  
23           *WAGES OF EMPLOYEES.—No funds provided under this*  
24           *title shall be used to pay the wages of incumbent employees*

1 *during their participation in economic development activi-*  
2 *ties provided through the statewide system.*

3 “(b) *DISPLACEMENT.*—

4 “(1) *PROHIBITION.*—*A participant in an activi-*  
5 *ty authorized under title II, III, or IV of this Act*  
6 *(referred to in this section as a ‘specified activity’)*  
7 *shall not displace (including a partial displacement,*  
8 *such as a reduction in the hours of nonovertime work,*  
9 *wages, or employment benefits) any currently em-*  
10 *ployed employee (as of the date of the participation).*

11 “(2) *PROHIBITION ON IMPAIRMENT OF CON-*  
12 *TRACTS.*—*A specified activity shall not impair an ex-*  
13 *isting contract for services or collective bargaining*  
14 *agreement, and no such activity that would be incon-*  
15 *sistent with the terms of a collective bargaining agree-*  
16 *ment shall be undertaken without the written concur-*  
17 *rence of the labor organization and employer con-*  
18 *cerned.*

19 “(c) *OTHER PROHIBITIONS.*—*A participant in a spec-*  
20 *ified activity shall not be employed in a job—*

21 “(1) *when any other individual is on layoff from*  
22 *the same or any substantially equivalent job;*

23 “(2) *when the employer has terminated the em-*  
24 *ployment of any regular employee or otherwise re-*  
25 *duced the workforce of the employer with the intention*

1       *of filling the vacancy so created with the participant;*  
2       *or*

3               “(3) *which is created in a promotional line that*  
4       *will infringe in any way upon the promotional op-*  
5       *portunities of currently employed individuals.*

6       “(d) *HEALTH AND SAFETY.—Health and safety stand-*  
7       *ards established under Federal and State law otherwise ap-*  
8       *plicable to working conditions of employees shall be equally*  
9       *applicable to working conditions of participants engaged in*  
10       *specified activities. To the extent that a State workers’ com-*  
11       *ensation law applies, workers’ compensation shall be pro-*  
12       *vided to participants on the same basis as the compensation*  
13       *is provided to other individuals in the State in similar em-*  
14       *ployment.*

15       “(e) *EMPLOYMENT CONDITIONS.—Individuals in on-*  
16       *the-job training or individuals employed in activities under*  
17       *this Act, shall be provided benefits and working conditions*  
18       *at the same level and to the same extent as other trainees*  
19       *or employees working a similar length of time and doing*  
20       *the same type of work.*

21       “(f) *OPPORTUNITY TO SUBMIT COMMENTS.—Inter-*  
22       *ested parties shall be provided an opportunity to submit*  
23       *comments with respect to training programs proposed to*  
24       *be funded under this Act.”.*

1 **SEC. 124. GRIEVANCE PROCEDURE.**

2 *Section 144 of the Job Training Partnership Act (29*  
3 *U.S.C. 1554) is amended to read as follows:*

4 **“SEC. 144. GRIEVANCE PROCEDURE.**

5 *“(a) IN GENERAL.—Each State receiving an allotment*  
6 *under this Act shall establish and maintain a procedure*  
7 *for grievances or complaints alleging violations of the re-*  
8 *quirements of this Act from participants and other inter-*  
9 *ested or affected parties. Such procedure shall include an*  
10 *opportunity for a hearing and be completed within 60 days*  
11 *of filing the complaint.*

12 *“(b) INVESTIGATION.—*

13 *“(1) IN GENERAL.—The Secretary shall inves-*  
14 *tigate an allegation of a violation described in sub-*  
15 *section (a) if—*

16 *“(A) a decision relating to such violation*  
17 *has not been reached within 60 days after the*  
18 *date of the filing of the grievance or complaint*  
19 *and either party appeals to the Secretary; or*

20 *“(B) a decision relating to such violation*  
21 *has been reached within such 60 days and the*  
22 *party to which such decision is adverse appeals*  
23 *such decision to the Secretary.*

24 *“(2) ADDITIONAL REQUIREMENT.—The Secretary*  
25 *shall make a final determination relating to an ap-*



1        *peal made under paragraph (1) no later than 120*  
 2        *days after receiving such appeal.*

3        “(c) *REMEDIES.—Remedies shall be limited—*

4                *“(1) to suspension or termination of payments*  
 5        *under this Act;*

6                *“(2) to prohibition of placement of a participant*  
 7        *with an employer that has violated any requirements*  
 8        *under this Act;*

9                *“(3) where applicable, to reinstatement of an em-*  
 10        *ployee, payment of lost wages and benefits, and rees-*  
 11        *tablishment of other relevant terms, conditions and*  
 12        *privileges of employment; and*

13                *“(4) where appropriate, to other equitable re-*  
 14        *lief.”.*

15        **SEC. 125. IDENTIFICATION OF ADDITIONAL IMPOSED RE-**  
 16                                **QUIREMENTS.**

17        *Section 124 of the Job Training Partnership Act (29*  
 18        *U.S.C. 1534) is amended—*

19                *(1) by redesignating such section as section 146*  
 20        *of such Act; and*

21                *(2) by inserting such section after section 145 of*  
 22        *such Act.*

23        **SEC. 126. AUTHORITY OF STATE LEGISLATURE.**

24        *Section 126 of the Job Training Partnership Act (29*  
 25        *U.S.C. 1536) is amended—*

1           (1) by adding at the end “Any funds received by  
2           a State under title II or III of this Act shall be sub-  
3           ject to appropriation by the State legislature, consist-  
4           ent with the terms and conditions required under this  
5           Act.”;

6           (2) by redesignating such section as section 147  
7           of such Act; and

8           (3) by inserting such section after section 146 of  
9           such Act, as amended by this Act.

10 **SEC. 127. INTERSTATE AGREEMENTS.**

11           Section 127 of the Job Training Partnership Act (29  
12 U.S.C. 1537) is amended—

13           (1) by redesignating such section as section 148  
14           of such Act; and

15           (2) by inserting such section after section 147 of  
16           such Act, as amended by this Act.

17                           **CHAPTER 2—PERFORMANCE**  
18                           **ACCOUNTABILITY PROVISIONS**

19 **SEC. 131. PERFORMANCE ACCOUNTABILITY PROVISIONS.**

20           The Job Training Partnership Act (29 U.S.C. 1501  
21 et seq.) is amended by inserting after part C of title I of  
22 such Act the following:

23 **“SEC. 151. PERFORMANCE ACCOUNTABILITY SYSTEM.**

24           *“In order to promote high levels of performance and*  
25 *to ensure an appropriate return on the Nation’s investment*

1 *in employment, training, and literacy programs, each State*  
2 *receiving funds under this Act or the Adult Education and*  
3 *Family Literacy Act shall implement a statewide perform-*  
4 *ance accountability system that meets the requirements of*  
5 *this subpart.*

6 **“SEC. 152. INDICATORS OF PERFORMANCE.**

7 “(a) *STATE BENCHMARKS.—*

8 “(1) *IN GENERAL.—Each State receiving funds*  
9 *under this Act shall identify indicators and related*  
10 *levels of performance (hereinafter referred to as ‘State*  
11 *benchmarks’), for each of the programs established*  
12 *under titles II, III, and V of this Act, to be used to*  
13 *measure the State’s progress in meeting the State*  
14 *long-term goals described in the State plan under sec-*  
15 *tion 101. Such State benchmarks shall, at a mini-*  
16 *mum—*

17 “(A) *include the core indicators of perform-*  
18 *ance described in section 154;*

19 “(B) *be expressed in an objective, quantifi-*  
20 *able, and measurable form; and*

21 “(C) *show the progress of the State to con-*  
22 *tinuously improve in performance over the 3-*  
23 *year period covered by the State plan.*

24 “(2) *CUSTOMER SATISFACTION.—Such State*  
25 *benchmarks may also include post-program surveys*

1        *and other measures of customer satisfaction of both*  
2        *employers and program participants.*

3        “(b) *TECHNICAL DEFINITIONS OF CORE INDICA-*  
4        *TORS.—In order to ensure nationwide comparability of per-*  
5        *formance data, the Secretary of Labor and the Secretary*  
6        *of Education, in collaboration with the States, localities,*  
7        *representatives of business and industry, employees, em-*  
8        *ployment and training service providers, State directors of*  
9        *adult education, providers of adult education and literacy*  
10       *services, individuals with expertise in serving the employ-*  
11       *ment and training needs of disadvantaged youth, partici-*  
12       *pants, parents and other interested parties with expertise*  
13       *in the provision of employment, training, literacy, and re-*  
14       *lated services, shall promulgate definitions of each of the*  
15       *core indicators of performance described in section 154,*  
16       *with the exception of the indicators described under sub-*  
17       *sections (a)(6), (b)(1), (b)(5), (c)(1), and (c)(5) of such sec-*  
18       *tion, to be used under this Act in measuring performance.*

19       **“SEC. 153. STATE ADJUSTED BENCHMARKS.**

20       “(a) *NEGOTIATION.—*

21                “(1) *IN GENERAL.—In order to ensure an ade-*  
22        *quate return on the investment of Federal funds in*  
23        *employment, training, and literacy programs author-*  
24        *ized under this Act and the Adult Education and*  
25        *Family Literacy Act, the appropriate Secretary is*

1 *authorized to negotiate with each State the levels of*  
2 *performance expected to be achieved by such State*  
3 *based upon the State’s benchmarks established pursu-*  
4 *ant to section 152(a)(1) (hereinafter referred to as the*  
5 *‘State adjusted benchmarks’), for the core indicators*  
6 *of performance described in section 154 (except for the*  
7 *indicators described under subsections (a)(6), (b)(1),*  
8 *(b)(5), (c)(1), and (c)(5) of such section). Such nego-*  
9 *tiations shall take into account—*

10 *“(A) whether the levels will enable each*  
11 *State to attain the State goals;*

12 *“(B) how the levels compare with the levels*  
13 *established by other States, taking into consider-*  
14 *ation the specific circumstances, including eco-*  
15 *nomical circumstances, of each State;*

16 *“(C) how the levels compare with the model*  
17 *levels of performance identified pursuant to sub-*  
18 *section (c); and*

19 *“(D) the extent to which such levels dem-*  
20 *onstrate continuous improvement in performance*  
21 *by such State and ensure an adequate return on*  
22 *the investment of Federal funds.*

23 *“(2) AUTHORITY OF GOVERNOR.—The Governor*  
24 *of a State is authorized to carry out the negotiation*

1       *described in paragraph (1) for programs authorized*  
2       *under titles II and III.*

3               “(3) *AUTHORITY OF ELIGIBLE STATE AGENCY.—*  
4       *The eligible State agency for adult education and lit-*  
5       *eracy programs is authorized to carry out the nego-*  
6       *tiation described in paragraph (1) for programs au-*  
7       *thorized under the Adult Education and Family Lit-*  
8       *eracy Act.*

9               “(b) *LOCAL BENCHMARKS FOR EMPLOYMENT AND*  
10       *TRAINING PROGRAMS.—Based on the expected levels of per-*  
11       *formance established pursuant to subsection (a), each State*  
12       *shall negotiate with the local workforce development board*  
13       *and the chief local elected official in each local workforce*  
14       *development area (consistent with section 122(d)(6)(A)) the*  
15       *levels of performance for each indicator that are expected*  
16       *for such local workforce development areas. Such levels of*  
17       *performance shall be known as ‘local benchmarks’.*

18               “(c) *MODEL LEVELS OF PERFORMANCE.—In order to*  
19       *encourage high levels of performance and advance the Na-*  
20       *tion’s competitiveness, the Secretary of Labor and the Sec-*  
21       *retary of Education, in collaboration with the States, local-*  
22       *ities, and with representatives of business and industry, em-*  
23       *ployees, employment and training service providers, State*  
24       *directors of adult education, providers of adult education*  
25       *and literacy services, individuals with expertise in serving*

1 *the employment and training needs of disadvantaged youth,*  
2 *participants, parents and other interested parties with ex-*  
3 *perience in the provision of employment, training, literacy,*  
4 *and related services, shall identify challenging model levels*  
5 *of performance (hereinafter referred to as ‘model levels of*  
6 *performance’) with respect to the core indicators of perform-*  
7 *ance described in section 154, with the exception of the indi-*  
8 *cators described under subsections (a)(6), (b)(1), (b)(5),*  
9 *(c)(1), and (c)(5).*

10 **“SEC. 154. CORE INDICATORS OF PERFORMANCE.**

11 *“(a) CORE INDICATORS FOR ADULT EMPLOYMENT AND*  
12 *TRAINING PROGRAMS.—The common core indicators of per-*  
13 *formance for programs authorized under title III of this Act*  
14 *shall include measures of—*

15 *“(1) placement in unsubsidized employment;*

16 *“(2) retention in unsubsidized employment for*  
17 *not less than 6 months and for not less than 12*  
18 *months, respectively;*

19 *“(3) increases in earnings or in earnings in*  
20 *combination with employer-assisted benefits;*

21 *“(4) reductions in welfare dependency;*

22 *“(5) attainment of industry-recognized occupa-*  
23 *tional skills;*

24 *“(6) attainment of a high school diploma or a*  
25 *general equivalency diploma; and*

1           “(7) such other measures of performance as the  
2           State may wish to collect.

3           “(b) *CORE INDICATORS FOR ADULT EDUCATION AND*  
4 *LITERACY PROGRAMS.*—The core indicators of performance  
5 for programs conducted under the Adult Education and  
6 Family Literacy Act shall include measures of—

7           “(1) achievement in the areas of reading, writ-  
8           ing, English language acquisition, problem solving,  
9           numeracy, and other literacy skills;

10           “(2) receipt of a high school diploma or a gen-  
11           eral equivalency diploma;

12           “(3) entry into a postsecondary school, job re-  
13           training program, employment, or career advance-  
14           ment;

15           “(4) attainment of the literacy skills and knowl-  
16           edge individuals need to be productive and responsible  
17           citizens and to become more actively involved in the  
18           education of their children; and

19           “(5) such other measures of performance as the  
20           State may wish to collect.

21           “(c) *CORE INDICATORS FOR DISADVANTAGED*  
22 *YOUTH.*—The core indicators of performance for programs  
23 conducted under title II shall include measures of—

24           “(1) attainment of challenging State academic  
25           proficiencies;



1           “(2) attainment of secondary school diplomas or  
2           *general equivalency diplomas;*

3           “(3) attainment of industry-recognized work  
4           *readiness and occupational skills;*

5           “(4) placement in, retention in, and completion  
6           *of postsecondary education or advanced training, or*  
7           *placement and retention in military service, employ-*  
8           *ment, or qualified apprenticeships; and*

9           “(5) such other measures of performance as the  
10          *State may wish to collect.*

11          “(d) *POPULATION INDICATORS.—*

12                 “(1) *ADULT EMPLOYMENT AND TRAINING PRO-*  
13                 *GRAMS.—The core indicators of performance for pro-*  
14                 *grams conducted under title III, as provided under*  
15                 *subsection (a), shall include measures of the success of*  
16                 *individuals with multiple barriers to employment, in-*  
17                 *cluding economically disadvantaged individuals (in-*  
18                 *cluding welfare recipients), displaced homemakers,*  
19                 *older workers, and other individuals as determined by*  
20                 *the State.*

21                 “(2) *ADULT EDUCATION AND LITERACY PRO-*  
22                 *GRAMS.—The core indicators of performance for pro-*  
23                 *grams conducted under the Adult Education and*  
24                 *Family Literacy Act, as provided under subsections*  
25                 *(a) and (b), shall include measures of the success of*

1 *economically disadvantaged individuals, individuals*  
2 *with limited literacy (as determined by the eligible*  
3 *agency), and other individuals as determined by the*  
4 *eligible agency.*

5 *“(3) DISADVANTAGED YOUTH PROGRAMS.—The*  
6 *core indicators of performance for programs con-*  
7 *ducted under title II, as provided under subsection*  
8 *(c), shall include measures of the success of hard to*  
9 *serve youth, including individuals who are school*  
10 *dropouts or whose educational attainment is one or*  
11 *more grade levels below the grade level appropriate to*  
12 *the age of the individual, and other individuals as de-*  
13 *termined by the State.*

14 **“SEC. 155. REPORT ON PERFORMANCE.**

15 *“(a) IN GENERAL.—Each State that receives funds*  
16 *under titles II and III of this Act and the Adult Education*  
17 *and Family Literacy Act shall annually prepare and sub-*  
18 *mit to the Secretary of Labor and the Secretary of Edu-*  
19 *cation (for consideration by the appropriate Secretary) a*  
20 *report on the levels of performance achieved by the State*  
21 *with respect to the State adjusted benchmarks identified*  
22 *pursuant to section 153(a), and by each local workforce de-*  
23 *velopment area with respect to the local benchmarks identi-*  
24 *fied pursuant to section 153(b) for programs authorized*  
25 *under title II and title III for each program year. In pre-*

1 *paring such report, the State may include information on*  
2 *such additional benchmarks as the State may establish to*  
3 *meet the State goals.*

4 “(b) *INFORMATION DISSEMINATION.—The Secretary of*  
5 *Labor and the Secretary of Education—*

6 “(1) *shall make the information contained in*  
7 *such reports available to the general public through*  
8 *publication and other appropriate methods;*

9 “(2) *shall disseminate State-by-State compari-*  
10 *sons of the information; and*

11 “(3) *shall provide the appropriate congressional*  
12 *committees with copies of such reports.*

13 **“SEC. 156. INCENTIVE GRANTS AND SANCTIONS.**

14 “(a) *INCENTIVE GRANTS.—*

15 “(1) *AWARD OF GRANTS.—From amounts made*  
16 *available under section 452 and section 502 for any*  
17 *fiscal year, the appropriate Secretary may award in-*  
18 *centive grants to States that—*

19 “(A) *exceed, during the most recent 12-*  
20 *month period for which data are available, the*  
21 *adjusted State benchmarks described under sec-*  
22 *tion 153(a);*

23 “(B) *demonstrate continuing progress to-*  
24 *ward exceeding, during the 3-year period covered*  
25 *by the State plan submitted under section 101,*

1           *the adjusted State benchmarks described under*  
2           *section 153(a); or*

3           “(C) *demonstrate significant progress in the*  
4           *coordination and integration of employment,*  
5           *training, literacy, and other human resource and*  
6           *workforce preparation programs within the*  
7           *State, and demonstrate high performance in such*  
8           *programs.*

9           “(2) *TECHNICAL ASSISTANCE.—The Secretary,*  
10          *upon request, shall provide technical assistance to any*  
11          *State that does not qualify for receipt of an incentive*  
12          *grant under paragraph (1).*

13          “(3) *USE OF FUNDS.—A State that receives an*  
14          *incentive grant under paragraph (1) may use funds*  
15          *made available under such grant only to carry out*  
16          *employment, training, or literacy activities.*

17          “(b) *SANCTIONS.—*

18                 “(1) *STATES.—*

19                         “(A) *TECHNICAL ASSISTANCE.—If a State*  
20                         *fails to meet expected levels of performance for a*  
21                         *program for any program year as established*  
22                         *pursuant to section 153(a), the Secretary of*  
23                         *Labor for programs established under title II*  
24                         *and title III, or the Secretary of Education for*  
25                         *programs established under the Adult Education*

1           *and Family Literacy Act, shall, upon request,*  
2           *provide technical assistance, including assistance*  
3           *in the development of a performance improve-*  
4           *ment plan.*

5           “(B) *REDUCTION IN AMOUNT OF GRANT.*—

6           *If such failure continues for a second consecutive*  
7           *year, the appropriate Secretary may reduce by*  
8           *not more than 5 percent, the amount of the grant*  
9           *that would (in the absence of this paragraph) be*  
10           *payable to the State under such program for the*  
11           *immediately succeeding program year. Such pen-*  
12           *alty shall be based on the degree of failure to*  
13           *meet adjusted levels of performance.*

14           “(2) *LOCAL AREAS.*—

15           “(A) *TECHNICAL ASSISTANCE.*—*If a local*  
16           *workforce development area, or other applicable*  
17           *local administrative entity, fails to meet expected*  
18           *levels of performance for a program for any pro-*  
19           *gram year under section 153(b), the Governor,*  
20           *upon request to the Secretary, shall provide tech-*  
21           *nical assistance, including the development of a*  
22           *performance improvement plan.*

23           “(B) *CORRECTIVE ACTIONS.*—

24           “(i) *IN GENERAL.*—*If such failure con-*  
25           *tinues for a second consecutive year, the*

1           Governor shall take corrective actions,  
2           which may include development of a reorga-  
3           nization plan through which the Governor  
4           may require the appointment of a new local  
5           board (consistent with the criteria estab-  
6           lished under section 122(b)), prohibit the  
7           use of designated service providers, require  
8           the redesignation of a local administrative  
9           entity (in such case chosen jointly by the  
10          Governor and the chief elected official in the  
11          local workforce development area), or such  
12          other actions as the Governor determines  
13          are appropriate, consistent with State law,  
14          and the requirements of this subparagraph.

15               “(ii) *APPEAL BY WORKFORCE DEVEL-*  
16               *OPMENT AREA.*—A workforce development  
17               area that is subject to a reorganization plan  
18               under clause (i) may, not later than 30  
19               days after receiving notice thereof, appeal to  
20               the Secretary to rescind or revise such plan.  
21               In such case, the Secretary shall make a  
22               final decision not later than 45 days after  
23               the receipt of the appeal.

24               “(iii) *EFFECTIVE DATE.*—The actions  
25               taken by the Governor under clause (i) shall

1                   not become effective until the time the ap-  
2                   peal has expired (consistent with clause  
3                   (ii)), or the Secretary has issued a final de-  
4                   cision.”.

### 5                   **CHAPTER 3—OTHER PROVISIONS**

#### 6   **SEC. 141. PROMPT ALLOCATION OF FUNDS.**

7           Section 162 of the Job Training Partnership Act (29  
8   U.S.C. 1572) is amended—

9                   (1) in the second sentence of subsection (a), by  
10                   striking “1980 Census or later data” and inserting  
11                   “the most recent satisfactory data from the Bureau of  
12                   the Census”; and

13                   (2) by striking subsection (f).

#### 14   **SEC. 142. FISCAL CONTROLS; SANCTIONS.**

15           (a) *ESTABLISHMENT OF FISCAL CONTROLS BY*  
16   *STATES.*—Section 164(a) of the Job Training Partnership  
17   Act (29 U.S.C. 1574(a)) is amended—

18                   (1) in paragraph (2)—

19                           (A) in the first sentence of the matter pre-  
20                           ceding subparagraph (A), before the period at the  
21                           end insert the following: “, consistent with ap-  
22                           propriate circulars of the Office of Management  
23                           and Budget”; and

24                           (B) in subparagraph (C), by striking “ex-  
25                           cept as specifically provided by this Act” and in-

1           serting “, and procurement transactions between  
2           workforce development boards and such govern-  
3           ments shall be conducted only on a cost-reim-  
4           bursable basis”;

5           (2) in paragraph (3)—

6                 (A) by inserting before the second comma in  
7           the first sentence “consistent with appropriate  
8           circulars of the Office of Management and Budg-  
9           et”; and

10                (B) by striking the second sentence and all  
11           that follows;

12           (3) in paragraph (4), by striking “service deliv-  
13           ery area and substate area” and inserting “workforce  
14           development area”;

15           (4) in paragraph (5), by striking “service deliv-  
16           ery area or substate area” and inserting “workforce  
17           development area”;

18           (5) in paragraph (6)(B), by striking “substate  
19           areas and service delivery areas” and inserting  
20           “workforce development areas”; and

21           (6) by striking paragraph (8).

22           (b) SANCTIONS.—Section 164(b) of such Act (29 U.S.C.  
23           1574(b)) is amended—

24           (1) in paragraph (1)—



1           (A) in the matter preceding subparagraph

2           (A)—

3                 (i) by striking “provision of” and in-  
4                 serting “requirement under”; and

5                 (ii) by striking “or the regulations  
6                 under this Act”;

7           (B) in subparagraph (A), by inserting  
8           “local” before “plan”; and

9           (C) in subparagraph (B)—

10                 (i) in clause (i), by striking “private  
11                 industry council” and inserting “workforce  
12                 development board”;

13                 (ii) in clause (iii), by striking “service  
14                 delivery” and inserting “workforce develop-  
15                 ment”; and

16                 (iii) in clause (iv), by striking “service  
17                 delivery” each place it appears and insert-  
18                 ing “workforce development”; and

19           (2) in paragraph (2)—

20                 (A) in subparagraph (A)—

21                         (i) in the matter preceding clause (i)—

22                                 (I) by striking “paragraph  
23                                 (1)(A)” and inserting “subparagraphs  
24                                 (A) and (B) of paragraph (1)”; and

1                   (II) by striking “under the same  
2                   terms and conditions as the dis-  
3                   approval of the plan”; and

4                   (ii) in clause (i), by inserting “the” be-  
5                   fore “appeal”; and

6                   (B) in subparagraph (B)—

7                   (i) by striking “The actions” and all  
8                   that follows through “, who” and inserting  
9                   “The Secretary”; and

10                  (ii) by striking “60” and inserting  
11                  “45”.

12                  (c) *EVALUATION BY COMPTROLLER GENERAL OF THE*  
13 *UNITED STATES.*—Subsection (c) of section 164 of such Act  
14 (29 U.S.C. 1574(c)) is hereby repealed.

15                  (d) *REPAYMENT OF MISEXPENDITURES TO THE UNIT-*  
16 *ED STATES.*—Subsection (d) of section 164 of such Act (29  
17 U.S.C. 1574(d)) is amended to read as follows:

18                  “(d) *REPAYMENT OF CERTAIN AMOUNTS TO THE*  
19 *UNITED STATES.*—

20                         “(1) *IN GENERAL.*—Every recipient of funds  
21                         under titles II and III of this Act shall repay to the  
22                         United States amounts found not to have been ex-  
23                         pended in accordance with this Act.

24                         “(2) *OFFSET OF REPAYMENT.*—If the Secretary  
25                         determines that a State has expended funds made

1       *available under this Act in a manner contrary to the*  
2       *requirements of this Act, the Secretary may offset re-*  
3       *payment of such expenditures against any other*  
4       *amount to which the State is or may be entitled, ex-*  
5       *cept as provided under subsection (e)(1).*

6               “(3) *REPAYMENT FROM DEDUCTION BY STATE.—*  
7       *If the Secretary requires a State to repay funds as a*  
8       *result of a determination that a local recipient or a*  
9       *subgrantee of such recipient in a local workforce de-*  
10       *velopment area of the State has expended funds con-*  
11       *trary to the requirements of this Act, the Governor of*  
12       *the State may use an amount deducted under para-*  
13       *graph (4) to repay the funds, except as provided*  
14       *under subsection (e)(1).*

15               “(4) *DEDUCTION BY STATE.—The Governor may*  
16       *deduct an amount equal to the misexpenditure de-*  
17       *scribed in paragraph (3) from subsequent program*  
18       *year allocations to the local workforce development*  
19       *area from funds reserved for the administrative costs*  
20       *of such local programs under title II or title III, as*  
21       *appropriate.*

22               “(5) *LIMITATIONS.—A deduction made by a*  
23       *State as described under paragraph (4) shall not be*  
24       *made until such time as the Governor has taken ap-*  
25       *propriate corrective action to ensure full compliance*

1       *within such local workforce development area with re-*  
2       *gard to appropriate expenditures of funds under this*  
3       *Act.”.*

4       *(e) REPAYMENT OF CERTAIN AMOUNTS TO THE UNIT-*  
5       *ED STATES.—Subsection (e) of section 164 of such Act (29*  
6       *U.S.C. 1574(e)) is amended—*

7               *(1) in paragraph (1)—*

8                       *(A) in the first sentence—*

9                               *(i) by inserting “by the Secretary”*  
10                               *after “upon a determination”;*

11                               *(ii) by striking “or failure” and insert-*  
12                               *ing “failure”; and*

13                               *(iii) by inserting before the period at*  
14                               *the end the following: “, or a pattern of fail-*  
15                               *ure with respect to paragraphs (2) and (3)*  
16                               *of subsection (d)”;* and

17                       *(B) in the second sentence—*

18                               *(i) by inserting “under this subsection*  
19                               *or subsection (d)” after “shall be made”;*  
20                               *and*

21                               *(ii) by inserting before the period at*  
22                               *the end the following: “has been given to the*  
23                               *recipient”;* and

24               *(2) in paragraph (3), by striking the second sen-*  
25       *tence.*

1           (f) *REMEDIES CONSTRUED AS EXCLUSIVE REM-*  
2 *EDIES.*—*Subsection (h) of section 164 of such Act (29*  
3 *U.S.C. 1574(h)) is hereby repealed.*

4 **SEC. 143. REPORTS; RECORDKEEPING; INVESTIGATIONS.**

5           *Section 165 of the Job Training Partnership Act (29*  
6 *U.S.C. 1575) is amended—*

7                   (1) *in subsection (d)(1)(C)—*

8                           (A) *by striking the comma after “occupa-*  
9 *tions”; and*

10                           (B) *by striking the semicolon at the end and*  
11 *inserting “and placement for participants in*  
12 *nontraditional employment;”; and*

13                   (2) *by striking subsection (h).*

14 **SEC. 144. ADMINISTRATIVE ADJUDICATION.**

15           *Section 166(a) of the Job Training Partnership Act*  
16 *(29 U.S.C. 1576(a)) is amended by striking the last sen-*  
17 *tence.*

18 **SEC. 145. NONDISCRIMINATION.**

19           *Section 167 of the Job Training Partnership Act (29*  
20 *U.S.C. 1577) is amended to read as follows:*

21 **“SEC. 167. NONDISCRIMINATION.**

22           “(a) *IN GENERAL.*—

23                   “(1) *FEDERAL FINANCIAL ASSISTANCE.*—*For the*  
24 *purpose of applying the prohibitions against dis-*  
25 *crimination on the basis of age under the Age Dis-*

1 *crimination Act of 1975 (42 U.S.C. 6101 et seq.), on*  
2 *the basis of disability under section 504 of the Reha-*  
3 *bilitation Act of 1973 (29 U.S.C. 794), on the basis*  
4 *of sex under title IX of the Education Amendments of*  
5 *1972 (20 U.S.C. 1681 et seq.), or on the basis of race,*  
6 *color, or national origin under title VI of the Civil*  
7 *Rights Act of 1964 (42 U.S.C. 2000d et seq.), pro-*  
8 *grams and activities funded or otherwise financially*  
9 *assisted in whole or in part under this Act are con-*  
10 *sidered to be programs and activities receiving Fed-*  
11 *eral financial assistance.*

12 “(2) *NONDISCRIMINATION.*—*No individual shall*  
13 *be excluded from participation in, denied the benefits*  
14 *of, subjected to discrimination under, or denied em-*  
15 *ployment in the administration of or in connection*  
16 *with any such program or activity because of race,*  
17 *color, religion, sex, national origin, age, political af-*  
18 *filiation or belief, or status as a qualified individual*  
19 *with a disability or as a participant of such program*  
20 *or activity.*

21 “(b) *SECRETARIAL AUTHORITY.*—*Whenever the Sec-*  
22 *retary finds that a State or other recipient has failed to*  
23 *comply with a provision of this section, or with an applica-*  
24 *ble regulation prescribed to carry out this section, the Sec-*  
25 *retary shall notify such State or recipient and seek compli-*

1 *ance through the processes of conciliation, mediation or per-*  
2 *suasion, as appropriate. If within a reasonable time the*  
3 *State or recipient fails or refuses to comply, the Secretary*  
4 *may—*

5           “(1) *refer the matter to the Attorney General*  
6           *with a recommendation for appropriate action; or*

7           “(2) *take such other action as may be provided*  
8           *by law.*

9           “(c) *AUTHORITY OF ATTORNEY GENERAL.—When a*  
10 *matter is referred to the Attorney General pursuant to sub-*  
11 *section (b)(1), the Attorney General may bring a civil ac-*  
12 *tion in any appropriate district court of the United States*  
13 *for such relief as may be appropriate, including injunctive*  
14 *relief.*

15           “(d) *JOB CORPS.—For the purposes of this section, Job*  
16 *Corps members shall be considered as the ultimate bene-*  
17 *ficiaries of Federal financial assistance.*

18           “(e) *REGULATIONS.—The Secretary shall issue regula-*  
19 *tions necessary to implement this section not later than one*  
20 *year after the date of the enactment of the Employment,*  
21 *Training, and Literacy Enhancement Act of 1997. Such*  
22 *regulations shall adopt standards for determining discrimi-*  
23 *nation and procedures for enforcement that are consistent*  
24 *with the Acts referred to in a subsection (a)(1), as well as*  
25 *procedures to ensure that complaints filed under this section*

1 *and such Acts are processed in a manner that avoids dupli-*  
2 *cation of effort.”.*

3 **SEC. 146. JUDICIAL REVIEW.**

4 *Section 168 of the Job Training Partnership Act (29*  
5 *U.S.C. 1578) is hereby repealed.*

6 **SEC. 147. ADMINISTRATIVE PROVISIONS.**

7 *Section 169 of the Job Training Partnership Act (29*  
8 *U.S.C. 1579) is amended—*

9 *(1) in the first sentence of subsection (a), by*  
10 *striking “such rules and regulations” and all that fol-*  
11 *lows and inserting “rules and regulations only to the*  
12 *extent necessary to administer and ensure compliance*  
13 *with the specific requirements of this Act.”; and*

14 *(2) by striking subsection (e).*

15 **SEC. 148. PRESIDENTIAL AWARDS FOR OUTSTANDING PRI-**  
16 **VATE SECTOR INVOLVEMENT IN JOB TRAIN-**  
17 **ING PROGRAMS.**

18 *Section 172 of the Job Training Partnership Act (29*  
19 *U.S.C. 1582) is hereby repealed.*

20 **SEC. 149. CONSTRUCTION.**

21 *Section 173 of the Job Training Partnership Act (29*  
22 *U.S.C. 1583) is hereby repealed.*



1 **SEC. 150. LIMITATION ON CERTAIN COSTS.**

2 *Part D of title I of the Job Training Partnership Act*  
3 *(29 U.S.C. 1571 et seq.), as amended by this Act, is further*  
4 *amended by adding at the end the following:*

5 **“SEC. 172. LIMITATION ON CERTAIN COSTS.**

6 *“(a) IN GENERAL.—The Secretary, after consultation*  
7 *with the Inspector General of the Department of Labor and*  
8 *the Comptroller General of the United States, shall develop*  
9 *regulations that define ‘administrative costs’ for purposes*  
10 *of programs under titles II and III. Such definition shall*  
11 *reflect generally accepted accounting principles.*

12 *“(b) LIMITATION.—*

13 *“(1) IN GENERAL.—Of the amounts allocated to*  
14 *local workforce development areas for a program year*  
15 *under titles II and III, not more than 10 percent of*  
16 *such amounts may be expended for administrative*  
17 *costs.*

18 *“(2) DEFINITION.—For purposes of paragraph*  
19 *(1), the term ‘allocated’ means allocated for a pro-*  
20 *gram year, as adjusted for reallocations and reallocat-*  
21 *ments and for transfers of funds in accordance with*  
22 *this Act.”.*

1                   ***Subtitle D—Miscellaneous***  
2                                   ***Provisions***

3   **SEC. 161. CRIMINAL PROVISIONS.**

4           (a) *IN GENERAL.*—Section 182 of the Job Training  
5   Partnership Act is hereby repealed.

6           (b) *SAVINGS PROVISION.*—The repeal of section 182 of  
7   such Act made by subsection (a) does not affect in any way  
8   the amendment made by such section 182.

9   **SEC. 162. REFERENCE.**

10           Section 183 of the Job Training Partnership Act (29  
11   U.S.C. 1592) is amended to read as follows:

12   **“SEC. 183. REFERENCE.**

13           “Effective on the date of the enactment of the Employ-  
14   ment, Training, and Literacy Enhancement Act of 1997,  
15   all references in any other provision of law (other than sec-  
16   tion 665 of title 18, United States Code) to the Comprehen-  
17   sive Employment and Training Act, or to the Job Training  
18   Partnership Act, as the case may be, shall be deemed to  
19   refer to Employment, Training, and Literacy Enhancement  
20   Act.”.

21   **SEC. 163. REPEALERS.**

22           (a) *IN GENERAL.*—Section 184 of the Job Training  
23   Partnership Act (29 U.S.C. 801 et seq.) is hereby repealed.

1       (b) *SAVINGS PROVISION.*—*The repeal of section 184 of*  
2 *such Act made by subsection (a) does not affect in any way*  
3 *the repealers made by such section 184.*

4       **TITLE II—AMENDMENTS TO EM-**  
5       **PLOYMENT AND TRAINING**  
6       **PROGRAMS FOR DISADVAN-**  
7       **TAGED YOUTH**

8       **SEC. 201. ADULT TRAINING PROGRAM.**

9       *Title II of the Job Training Partnership Act (29*  
10 *U.S.C. 1601 et seq.) is amended by striking part A of such*  
11 *title.*

12       **SEC. 202. SUMMER YOUTH EMPLOYMENT AND TRAINING**  
13       **PROGRAM.**

14       *Title II of the Job Training Partnership Act (29*  
15 *U.S.C. 1601 et seq.) is amended by striking part B of such*  
16 *title.*

17       **SEC. 203. DISADVANTAGED YOUTH EMPLOYMENT AND**  
18       **TRAINING OPPORTUNITIES GRANTS.**

19       (a) *AUTHORIZATION.*—*Title II of the Job Training*  
20 *Partnership Act (29 U.S.C. 1601 et seq.), as amended by*  
21 *this Act, is further amended—*

22               (1) *in the heading to read as follows:*

1 **“TITLE II—DISADVANTAGED**  
2 **YOUTH EMPLOYMENT AND**  
3 **TRAINING OPPORTUNITIES**  
4 **GRANTS”;**

5 (2) *by striking the heading for part C of such*  
6 *title;*

7 (3) *by redesignating section 261 as section 201;*  
8 *and*

9 (4) *by inserting after section 201 (as redesign-*  
10 *ated) the following:*

11 **“SEC. 202. AUTHORIZATION.**

12 *“(a) IN GENERAL.—In the case of each State that in*  
13 *accordance with the requirements of sections 101 and 102*  
14 *submits to the Secretary of Labor (hereinafter in this title*  
15 *referred to as the ‘Secretary’) a State plan, the Secretary*  
16 *shall provide a grant to the State for the purpose of provid-*  
17 *ing employment, job training, educational, and related as-*  
18 *sistance for disadvantaged youth in the State.*

19 *“(b) AMOUNT.—The grant shall consist of the allot-*  
20 *ment determined for the State under section 203.”.*

21 *(b) ALLOTMENT AND ALLOCATION AMONG STATES.—*  
22 *Title II of the Job Training Partnership Act (29 U.S.C.*  
23 *1601 et seq.), as amended by this Act, is further amended—*

24 (1) *by redesignating section 262 as section 203;*  
25 *and*

1           (2) *in section 203 (as redesignated)*—

2                   (A) *in the heading to read as follows:*

3   **“SEC. 203. ALLOTMENT AND ALLOCATION AMONG STATES.”;**

4                   (B) *by striking subsections (b) and (c);*

5                   (C) *by redesignating subsections (a) and (d)*

6           *as subsections (b) and (c), respectively;*

7                   (D) *by inserting before subsection (b) (as re-*  
8           *designated) the following:*

9           “(a) *IN GENERAL.—Of the amount appropriated pur-*  
10   *suant to section 3(a)(1) to carry out this title for a fiscal*  
11   *year, the Secretary shall allot such amount in accordance*  
12   *with subsection (b).”;*

13                   (E) *in subsection (b) (as redesignated)*—

14                           (i) *in the heading to read as follows:*

15           “(b) *ALLOTMENT AMONG STATES.—*”;

16                           (ii) *in paragraph (1) to read as fol-*  
17           *lows:*

18           “(1) *OUTLYING AREAS.—*

19                   “(A) *IN GENERAL.—From the amount ap-*  
20   *propriated for any fiscal year to carry out this*  
21   *title, the Secretary shall reserve not more than*  
22   *one quarter of one percent to provide assistance*  
23   *to—*

24                           “(i) *the outlying areas; and*

1           “(i) for each of the fiscal years 1998  
2 through 2001, to carry out the competition  
3 described in subparagraph (B), except that  
4 the amount reserved to carry out such sub-  
5 paragraph for any such fiscal year shall not  
6 exceed the amount reserved for the freely as-  
7 sociated states for fiscal year 1997, from  
8 amounts reserved under section 262(a)(1) of  
9 the Job Training Partnership Act (29  
10 U.S.C. 1642(a)(1)) (as such section was in  
11 effect on the day before the date of the enact-  
12 ment of Employment, Training, and Lit-  
13 eracy Enhancement Act of 1997).

14           “(B) LIMITATION FOR FREELY ASSOCIATED  
15 STATES.—

16           “(i) COMPETITIVE GRANTS.—The Sec-  
17 retary shall use funds described in subpara-  
18 graph (A)(ii) to award grants to Guam,  
19 American Samoa, the Commonwealth of the  
20 Northern Mariana Islands, and the freely  
21 associated states to carry out the purposes  
22 of this title.

23           “(ii) AWARD BASIS.—The Secretary  
24 shall award grants pursuant to clause (i)  
25 on a competitive basis and pursuant to the

1           *recommendations of experts in the field of*  
2           *employment and training, working through*  
3           *the Pacific Region Educational Laboratory*  
4           *in Honolulu, Hawaii.*

5           “(iii) *ASSISTANCE REQUIREMENTS.—*  
6           *Any freely associated state that desires to*  
7           *receive amounts under this title shall in-*  
8           *clude in its application for assistance—*

9                     “(I) *information demonstrating*  
10                    *that it will meet all conditions that*  
11                    *apply to States under this title;*

12                   “(II) *an assurance that, notwith-*  
13                    *standing any other provision of this*  
14                    *title, it will use such amounts only for*  
15                    *the direct provision of services; and*

16                   “(III) *such other information and*  
17                    *assurances as the Secretary may re-*  
18                    *quire.*

19           “(iv) *TERMINATION OF ELIGIBILITY.—*  
20           *Notwithstanding any other provision of law,*  
21           *the freely associated states shall not receive*  
22           *any funds under this title for any program*  
23           *year that begins after September 30, 2001.*

24           “(v) *ADMINISTRATIVE COSTS.—The*  
25           *Secretary may provide not more than 5*

1           *percent of the amount made available for*  
2           *grants under this subparagraph to pay the*  
3           *administrative costs of the Pacific Region*  
4           *Educational Laboratory in Honolulu, Ha-*  
5           *waii, regarding activities assisted under*  
6           *this section.*

7           “(C) *ADDITIONAL REQUIREMENT.*—*The pro-*  
8           *visions of Public Law 95–134, permitting the*  
9           *consolidation of grants by the outlying areas,*  
10           *shall not apply to funds provided to those areas*  
11           *or to the freely associated states under this sec-*  
12           *tion.*

13           “(D) *DEFINITION.*—*For purposes of this*  
14           *paragraph, the term ‘freely associated states’*  
15           *means the Republic of the Marshall Islands, the*  
16           *Federated States of Micronesia, and the Republic*  
17           *of Palau.”; and*

18                   *(iii) in paragraph (2)—*

19                           *(I) by inserting after the heading*  
20                           *the following:*

21                           “(A) *IN GENERAL.*—”;

22                                   *(II) by striking “82 percent of the*  
23                                   *remainder” and all that follows and*  
24                                   *inserting the following: “the remaining*  
25                                   *amount to the States pursuant to the*



1                   *formula contained in subparagraph*  
2                   *(B).”; and*

3                   *(III) by adding at the end the fol-*  
4                   *lowing:*

5                   “(B) *FORMULA.*—*Subject to the provisions*  
6                   *of subparagraphs (C) and (D) of the amounts al-*  
7                   *lotted to States for this title for each fiscal*  
8                   *year—*

9                   “(i) *33<sup>1</sup>/<sub>3</sub> percent shall be allotted on*  
10                  *the basis of the relative number of unem-*  
11                  *ployed individuals residing in areas of sub-*  
12                  *stantial unemployment within each State as*  
13                  *compared to the total number of such unem-*  
14                  *ployed individuals in all such areas of sub-*  
15                  *stantial unemployment in all States;*

16                  “(ii) *33<sup>1</sup>/<sub>3</sub> percent shall be allotted on*  
17                  *the basis of the relative excess number of un-*  
18                  *employed individuals who reside in each*  
19                  *State as compared to the total excess num-*  
20                  *ber of unemployed individuals in all States;*  
21                  *and*

22                  “(iii) *33<sup>1</sup>/<sub>3</sub> percent shall be allotted on*  
23                  *the basis of the relative number of economi-*  
24                  *cally disadvantaged youth within each*  
25                  *State as compared to the total number of*

1           *economically disadvantaged youth in all*  
2           *States.*

3           “(C) *MINIMUM ALLOTMENT.*—

4                   “(i) *MINIMUM PERCENTAGE.*—No State  
5                   *shall be allotted less than 90 percent of its*  
6                   *allotment percentage for the fiscal year pre-*  
7                   *ceding the fiscal year for which the deter-*  
8                   *mination is made.*

9                   “(ii) *MAXIMUM PERCENTAGE.*—No  
10                   *State shall be allotted more than 130 per-*  
11                   *cent of its allotment percentage for the fiscal*  
12                   *year preceding the fiscal year for which the*  
13                   *determination is made.*

14           “(D) *SMALL STATE MINIMUM ALLOT-*  
15           *MENT.*—No State shall receive less than one-  
16           *quarter of one percent of the amount available*  
17           *under this title for a fiscal year. Amounts nec-*  
18           *essary for increasing such payments to States to*  
19           *comply with the preceding sentence shall be ob-*  
20           *tained by ratably reducing the amounts to be*  
21           *paid to other States.”; and*

22                   *(F) in subsection (c)(1)(A) (as redesign-*  
23                   *ated)—*

1                   (i) in the heading, by striking “*ECO-*  
2                   *NOMICALLY DISADVANTAGED*” and inserting  
3                   “*DISADVANTAGED*”; and

4                   (ii) in the matter preceding clause (i),  
5                   by striking “*economically*”.

6           (c) *ALLOCATION WITHIN STATES*.—Title II of the Job  
7 *Training Partnership Act* (29 U.S.C. 1601 et seq.), as  
8 amended by this Act, is further amended by inserting after  
9 section 203 the following:

10 **“SEC. 204. ALLOCATION WITHIN STATES.**

11           “(a) *RESERVATION FOR STATE ACTIVITIES*.—

12                   “(1) *IN GENERAL*.—

13                           “(A) *RESERVATION*.—The Governor of the  
14                           State shall reserve not more than 25 percent of  
15                           the amount allotted to the State under section  
16                           203(b) for a fiscal year to carry out the activities  
17                           described in this subsection.

18                           “(B) *MATCHING FUNDS FOR OUT-OF-*  
19                           *SCHOOL YOUTH PROGRAMS*.—Of the amount re-  
20                           served under subparagraph (A), the Governor  
21                           shall reserve 10 percent of the total amount  
22                           allotted to the State under section 203(b) for any  
23                           fiscal year to award grants in accordance with  
24                           this title to programs for disadvantaged youth  
25                           services that—

1                   “(i) serve only out-of-school youth; and

2                   “(ii) agree to provide funds from non-  
3                   Federal sources for such services in an  
4                   amount equal to the Federal funds received  
5                   under this title.

6                   “(2) *REQUIRED ACTIVITIES.*—Activities de-  
7                   scribed in paragraph (1)(A) shall include the provi-  
8                   sion of additional assistance to areas that have high  
9                   concentrations of disadvantaged youth to carry out  
10                  the activities described in section 206.

11                  “(3) *DISCRETIONARY ACTIVITIES.*—Activities de-  
12                  scribed in paragraph (1)(A) may include—

13                         “(A) subject to paragraph (4), administra-  
14                         tion by the State of programs under this title;

15                         “(B) capacity building and technical assist-  
16                         ance to local workforce development areas and to  
17                         providers of disadvantaged youth services as au-  
18                         thorized under this title, including the develop-  
19                         ment and training of staff, members of local  
20                         workforce development boards, and employers  
21                         and workplace mentors providing training  
22                         through programs authorized under this title;

23                         “(C) incentives for program coordination  
24                         and integration, performance awards, and re-  
25                         search and demonstrations;

1           “(D) implementation of innovative dis-  
2           advantaged youth employment and training pro-  
3           grams, pilot projects, and demonstration projects  
4           which further the purposes of this title; and

5           “(E) support for a common management  
6           information system across employment, training,  
7           literacy, and human resource programs as iden-  
8           tified in section 103.

9           “(4) LIMITATION.—Of the amount reserved by  
10          the Governor under paragraph (1)(A), not more than  
11          5 percent of the total amount allotted to the State  
12          under section 203(b) may be used for administration  
13          by the State of programs under this title.

14          “(b) WITHIN STATE ALLOCATION.—

15                 “(1) IN GENERAL.—The Governor of the State  
16                 shall allocate the remainder of the amount allotted to  
17                 the State under section 203(b) to workforce develop-  
18                 ment areas designated under section 121, for the pur-  
19                 pose of providing services for disadvantaged youth in  
20                 accordance with section 206.

21                 “(2) WITHIN STATE FORMULA.—

22                         “(A) ESTABLISHMENT.—The Governor,  
23                         through the collaborative process under section  
24                         102, and after consultation with local chief elect-  
25                         ed officials in the local workforce development

1           *areas, shall develop a formula for the allocation*  
2           *of the remainder of funds described in paragraph*  
3           *(1) to workforce development areas, taking into*  
4           *account—*

5                     *“(i) the relative number of unemployed*  
6                     *individuals residing in areas of substantial*  
7                     *unemployment within each local workforce*  
8                     *development area, as compared to the total*  
9                     *number of such unemployed individuals re-*  
10                    *siding within the State;*

11                    *“(ii) the relative number of disadvan-*  
12                    *tagged youth residing within each local*  
13                    *workforce development area as compared to*  
14                    *the total number of disadvantaged youth re-*  
15                    *siding within the State;*

16                    *“(iii) the relative excess number of un-*  
17                    *employed individuals who reside within*  
18                    *each local workforce development area as*  
19                    *compared to the total excess number of un-*  
20                    *employed individuals residing within the*  
21                    *State; and*

22                    *“(iv) such additional factors as are de-*  
23                    *termined appropriate by the State.*

1           “(B) *ADDITIONAL FACTORS.*—*In establish-*  
2           *ing such formula, the Governor shall ensure*  
3           *that—*

4                     “(i) *funds are distributed equitably*  
5                     *throughout the State;*

6                     “(ii) *factors described in subparagraph*  
7                     *(A) do not receive disproportionate*  
8                     *weighting; and*

9                     “(iii) *such formula protects local*  
10                    *workforce development areas from signifi-*  
11                    *cant funding shifts from year to year.”.*

12           (d) *ELIGIBILITY FOR SERVICES.*—*Title II of the Job*  
13           *Training Partnership Act (29 U.S.C. 1601 et seq.), as*  
14           *amended by this Act, is further amended—*

15                    (1) *by redesignating section 263 as section 205;*

16           *and*

17                    (2) *in section 205 (as redesignated)—*

18                             (A) *in subsection (a)—*

19                                     (i) *in the heading to read as follows:*

20                                     “(a) *IN GENERAL.*—”;

21                                     (ii) *in the matter preceding paragraph*

22                                     (1)—

23   (I) *by striking “subsections (e)*  
24   *and (g)” and inserting “subsection*  
25   *(c)”;*

1                   (II) by striking “who is in  
2                   school”; and

3                   (III) by striking “part” and in-  
4                   serting “title”; and

5                   (iii) in paragraph (1)(B) to read as  
6                   follows:

7                   “(B) if provided in the local plan developed pur-  
8                   suant to section 122(d)(1), is age 14 through 24;  
9                   and”;

10                  (B) in subsection (b)—

11                   (i) by amending the heading to read as  
12                   follows:

13                  “(b) *PRIORITY FOR SERVICE.*—”;

14                   (ii) by redesignating paragraphs (1)  
15                   through (7) as subparagraphs (B) through  
16                   (H), respectively, and moving the margin  
17                   for each such subparagraph two ems to the  
18                   right;

19                   (iii) by inserting before subparagraph  
20                   (B) (as redesignated) the following:

21                   “(A) *Individuals who are school dropouts.*”;

22                   (iv) in subparagraph (H) (as redesi-  
23                   gnated) to read as follows:



1           “(H) Other disadvantaged youth who face  
2           serious barriers to employment as identified by  
3           the local workforce development area.”; and

4           (v) by amending the matter preceding  
5           subparagraph (A) (as added by clause (iii))  
6           to read as follows:

7           “(1) *PRIORITY*.—Of the disadvantaged youth de-  
8           scribed in subsection (a), priority for service shall be  
9           given to school dropouts and to other hard-to-serve  
10          youth.

11          “(2) *DEFINITION*.—For the purposes of this title,  
12          the term ‘hard-to-serve youth’ includes—”;

13          (C) by striking subsections (c), (d), (f), (g),  
14          and (h);

15          (D) by redesignating subsection (e) as sub-  
16          section (c); and

17          (E) in subsection (c) (as redesignated)—

18                 (i) by striking “subsection (a)(2) or  
19                 (c)(2)” and inserting “subsection (a)”; and

20                 (ii) by striking “of individuals who  
21                 face” and all that follows and inserting “de-  
22                 scribed in subparagraphs (A) through (G) of  
23                 subsection (b)(2).”.

1       (e) *USE OF FUNDS.—Title II of the Job Training*  
2 *Partnership Act (29 U.S.C. 1601 et seq.), as amended by*  
3 *this Act, is further amended—*

4           (1) *by redesignating section 264 as section 206;*

5       *and*

6           (2) *in section 206 (as redesignated)—*

7               (A) *by striking subsection (a);*

8               (B) *by redesignating subsections (b), (c),*

9               *and (d) as subsections (a), (b), and (c), respec-*  
10               *tively;*

11           (C) *in subsection (a) (as redesignated)—*

12               (i) *in the heading to read as follows:*

13               “*(a) PROGRAM DESIGN.—*”;

14               (ii) *in paragraph (1)—*

15                   (I) *in the heading to read as fol-*

16                   *lows:*

17               “*(1) ESSENTIAL ELEMENTS.—*”;

18               (II) *in the matter preceding sub-*

19               *paragraph (A)—*

20                   (aa) *by striking “part” and*

21                   *inserting “title”; and*

22                   (bb) *by striking “include”;*

23               (III) *in subparagraph (A)—*

24                   (aa) *by inserting “provide”*

25                   *after “(A)”;*

1                    *(bb) by striking “skill levels*  
2                    *and service needs” and inserting*  
3                    *“academic levels, skill levels, and*  
4                    *service needs”;* and

5                    *(cc) by striking “and sup-*  
6                    *portive service needs” and insert-*  
7                    *ing “supportive service needs, and*  
8                    *developmental needs of such par-*  
9                    *ticipants”;*

10                   *(IV) in subparagraph (B)—*

11                    *(aa) by striking “develop-*  
12                    *ment of” and inserting “develop”;*  
13                    *and*

14                    *(bb) by inserting “for each*  
15                    *participant” after “service strate-*  
16                    *gies”;* and

17                    *(V) by amending subparagraphs*  
18                    *(C) and (D) to read as follows:*

19                    *“(C) integrate academic, occupational, and*  
20                    *work-based learning opportunities;*

21                    *“(D) provide comprehensive guidance and*  
22                    *counseling;*

23                    *“(E) provide postsecondary educational or*  
24                    *training opportunities, where appropriate;*

- 1           “(F) involve employers and parents in the  
2           design and implementation of programs; and  
3           “(G) provide adult mentoring.”;
- 4           (iii) in paragraph (2)—
- 5           (I) in subparagraph (A)—
- 6           (aa) in the matter preceding  
7           clause (i), by striking “service de-  
8           livery” and inserting “workforce  
9           development”; and
- 10          (bb) in clause (i), by striking  
11          “service delivery” and inserting  
12          “workforce development”; and
- 13          (II) in subparagraph (B)—
- 14          (aa) in clause (i), by striking  
15          “(i) SERVICE PROVIDERS.—”; and
- 16          (bb) by striking clause (ii);
- 17          (D) in subsection (b) (as redesignated)—
- 18          (i) in the matter preceding paragraph  
19          (1), by striking “part” and inserting  
20          “title”;
- 21          (ii) in paragraph (1)—
- 22          (I) in subparagraph (A), by strik-  
23          ing “section 204(b)(1)” and inserting  
24          “section 314(c)(4)”;

1           (II) in subparagraph (C), by  
2 striking “section 141(o)(1)” and insert-  
3 ing “section 141(11)(A)”;

4           (III) in subparagraph (F), by in-  
5 sserting after “(F)” the following: “paid  
6 and unpaid work experience, including  
7 summer employment opportunities that  
8 are directly linked to academic, occu-  
9 pational, and workbased learning op-  
10 portunities, which may include”;

11           (IV) in subparagraph (G)—

12           (aa) by striking “in public  
13 agencies, nonprofit agencies, and  
14 other appropriate agencies, insti-  
15 tutions, and organizations”;

16           (bb) by adding “and” at the  
17 end;

18           (V) by amending subparagraph  
19 (H) to read as follows:

20           “(H) such other training and transition  
21 services that assist disadvantaged youth in mak-  
22 ing the transition to employment or to post-  
23 secondary education or training, as determined  
24 appropriate by the local workforce development  
25 area.”; and

1                   (VI) by striking subparagraphs

2                   (I) through (L); and

3                   (iii) in paragraph (2)—

4                   (I) in subparagraph (A) to read

5                   as follows:

6                   “(A) assessment, outreach, staff develop-  
7                   ment, job development, and job search assistance  
8                   activities;”;

9                   (II) in subparagraph (C), by  
10                   striking “and” at the end;

11                   (III) in subparagraph (D)—

12                   (aa) by striking “cash”; and

13                   (bb) by striking the period at  
14                   the end and inserting “; and”;

15                   and

16                   (IV) by adding at the end the fol-  
17                   lowing:

18                   “(E) peer-centered activities encouraging re-  
19                   sponsibility and other positive social behaviors  
20                   during non-school hours.”;

21                   (E) in subsection (c) (as redesignated)—

22                   (i) in paragraph (1)—

23                   (I) by striking “service delivery”  
24                   and inserting “workforce development”;

1                   (II) by striking “private industry  
2                   council” and inserting “local board”;  
3                   and

4                   (III) by striking “section 453(c)”  
5                   and inserting “part D of title IV”;

6                   (ii) in clauses (i) through (iii) of para-  
7                   graph (2)(B), by striking “service delivery”  
8                   each place it occurs and inserting  
9                   “workforce development”;

10                  (iii) in paragraph (3)—

11                   (I) in subparagraph (A)—

12                   (aa) in the heading to read  
13                   as follows:

14                   “(A) WORK-RELATED ACTIVITIES.—”;

15                   (bb) in the first sentence, by  
16                   inserting after “work maturity  
17                   skills training” the following: “,  
18                   summer employment, job search  
19                   assistance, job club activities, and  
20                   other work-related activities”;

21                   (cc) in the first sentence, by  
22                   striking “part” and inserting  
23                   “title”;

24                   (dd) in the first sentence, by  
25                   striking “by either work experi-

1 *ence or other additional services”*  
2 *and inserting “by occupational*  
3 *and academic learning opportuni-*  
4 *ties”;*

5 *(ee) in the first sentence, by*  
6 *striking “basic education or occu-*  
7 *pational skills” and inserting*  
8 *“basic education and occupational*  
9 *skills”;* and

10 *(ff) in the second sentence, by*  
11 *striking “, including the Job*  
12 *Corps”;*

13 *(II) by striking subparagraph*  
14 *(B);*

15 *(III) by redesignating subpara-*  
16 *graph (C) as subparagraph (B); and*

17 *(IV) in subparagraph (B) (as re-*  
18 *designated)—*

19 *(aa) by striking clause (i);*

20 *(bb) by redesignating clause*  
21 *(i) as clause (i);*

22 *(cc) in clause (i) (as redesign-*  
23 *ated), by striking “part” and in-*  
24 *serting “title”; and*



1                    *(dd) by redesignating clause*  
2                    *(iii) as clause (ii);*  
3                    *(iv) in paragraph (5)—*  
4                    *(I) in the heading, by striking*  
5                    *“COUNSELING” and inserting “FOL-*  
6                    *LOW-UP, COUNSELING”;*  
7                    *(II) by striking “part” and in-*  
8                    *serting “title”; and*  
9                    *(III) by striking “for a period of*  
10                   *up to 1 year”;*  
11                   *(v) by striking paragraph (6);*  
12                   *(vi) in paragraph (7), by striking*  
13                   *“service delivery” and inserting “workforce*  
14                   *development” and*  
15                   *(vii) by redesignating paragraph (7)*  
16                   *as paragraph (6).*

17            *(f) SELECTION OF SERVICE PROVIDERS.—Title II of*  
18            *the Job Training Partnership Act (29 U.S.C. 1601 et seq.),*  
19            *as amended by this Act, is further amended by adding after*  
20            *section 206 (as redesignated), the following:*

21            **“SEC. 207. SELECTION OF SERVICE PROVIDERS.**

22            *“From funds made available under section 204(b) to*  
23            *a local workforce development area, the local board for such*  
24            *local area shall award grants, on a competitive basis, to*

1 *eligible providers to carry out the disadvantaged youth pro-*  
2 *grams described in section 206.”.*

3 *(g) EDUCATIONAL LINKAGES.—Title II of the Job*  
4 *Training Partnership Act (29 U.S.C. 1601 et seq.), as*  
5 *amended by this Act, is further amended—*

6 *(1) by redesignating section 265 as section 208;*

7 *and*

8 *(2) in section 208 (as redesignated)—*

9 *(A) in subsection (a), by striking “service*  
10 *delivery” and inserting “workforce development”;*

11 *(B) in subsection (b)—*

12 *(i) in the matter preceding paragraph*  
13 *(1), by striking “service delivery” and in-*  
14 *serting “workforce development”; and*

15 *(ii) in paragraph (6) to read as fol-*  
16 *lows:*

17 *“(6) title I of the Personal Responsibility and*  
18 *Work Opportunity Reconciliation Act of 1996;”;*

19 *(C) in subsection (c)—*

20 *(i) in the first sentence, by striking*  
21 *“service delivery” and inserting “workforce*  
22 *development”; and*

23 *(ii) in the second sentence, by striking*  
24 *“, including programs conducted under part*  
25 *A”; and*

1 *(D) by striking subsection (d).*

2 *(h) TRANSFER OF FUNDS.—Title II of the Job Train-*  
 3 *ing Partnership Act (29 U.S.C. 1601 et seq.), as amended*  
 4 *by this Act, is further amended by striking section 266.*

5 **TITLE III—AMENDMENTS TO EM-**  
 6 **PLOYMENT AND TRAINING**  
 7 **PROGRAMS FOR ADULTS**

8 **SEC. 301. ADULT EMPLOYMENT AND TRAINING OPPORTUNI-**  
 9 **TIES GRANTS.**

10 *Title III of the Job Training Partnership Act (29*  
 11 *U.S.C. 1651 et seq.) is amended to read as follows:*

12 **“TITLE III—ADULT EMPLOYMENT**  
 13 **AND TRAINING OPPORTUNI-**  
 14 **TIES GRANTS**

15 **“SEC. 301. PURPOSE.**

16 *“The purpose of this title is to establish a high-quality,*  
 17 *efficient system of employment, job training, and related*  
 18 *assistance that—*

19 *“(1) provides individuals with choice in the se-*  
 20 *lection of employment and training options that will*  
 21 *facilitate the transition of such individuals into pro-*  
 22 *ductive, high skills, private sector jobs;*

23 *“(2) provides quality training of such individ-*  
 24 *uals for the 21st century; and*

1           “(3) drives resources and authority to States and  
2           local communities for the design of job training pro-  
3           grams.

4           **“PART A—ADULT EMPLOYMENT AND TRAINING**  
5                                   **OPPORTUNITIES GRANTS**

6           **“SEC. 311. AUTHORIZATION.**

7           “(a) *IN GENERAL.*—In the case of each State that in  
8           accordance with the requirements of sections 101 and 102  
9           submits to the Secretary of Labor (hereinafter in this title  
10          referred to as the ‘Secretary’) a State plan, the Secretary  
11          shall provide funds to the State for the purpose of providing  
12          employment, job training, and related assistance for adults  
13          and dislocated workers in the State, in accordance with this  
14          title.

15          “(b) *AMOUNT.*—The funds described in subsection (a)  
16          shall consist of the allotments determined for the State  
17          under section 312.

18          **“SEC. 312. ALLOTMENT AMONG STATES.**

19          “(a) *IN GENERAL.*—Of the amount appropriated pur-  
20          suant to section 3(a)(2) to carry out this title for a fiscal  
21          year, the Secretary—

22                  “(1) shall allot the total amount appropriated  
23                  pursuant to section 3(a)(2)(A) in accordance with  
24                  subsection (b)(1); and

1           “(2)(A) shall allot 80 percent of the amount ap-  
2           propriated pursuant to section 3(a)(2)(B) in accord-  
3           ance with the subsection (b)(2); and

4           “(B) shall reserve the remainder of the amount  
5           appropriated pursuant to section 3(a)(2)(B) for use  
6           under part B.

7           “(b) ALLOTMENT AMONG STATES.—

8           “(1) ADULT EMPLOYMENT AND TRAINING.—

9           “(A) RESERVATION FOR OUTLYING  
10          AREAS.—

11          “(i) IN GENERAL.—Of the amount al-  
12          lotted under subsection (a)(1), the Secretary  
13          shall allot not more than one quarter of one  
14          percent among the outlying areas.

15          “(ii) APPLICABILITY OF ADDITIONAL  
16          REQUIREMENTS.—Of the amount allotted  
17          under clause (i), the Secretary shall award  
18          grants to Guam, American Samoa, the  
19          Commonwealth of the Northern Mariana Is-  
20          lands, and the freely associated states in ac-  
21          cordance with the requirements of section  
22          203(b)(1).

23          “(B) STATES.—

24          “(i) IN GENERAL.—After determining  
25          the amount to be allotted under subpara-

1            *graph (A), the Secretary shall allot the re-*  
2            *maining amount to the States pursuant to*  
3            *the formula contained in clause (ii).*

4            *“(ii) FORMULA.—Subject to the provi-*  
5            *sions of clause (iii), of the amounts allotted*  
6            *to States for adult employment and train-*  
7            *ing under this title for each fiscal year—*

8            *“(I) 33<sup>1</sup>/<sub>3</sub> percent shall be allotted*  
9            *on the basis of the relative number of*  
10           *unemployed individuals residing in*  
11           *areas of substantial unemployment*  
12           *within each State as compared to the*  
13           *total number of such unemployed indi-*  
14           *viduals in all such areas of substantial*  
15           *unemployment in all States;*

16           *“(II) 33<sup>1</sup>/<sub>3</sub> percent shall be allot-*  
17           *ted on the basis of the relative excess*  
18           *number of unemployed individuals*  
19           *within each State as compared to the*  
20           *total excess number of unemployed in-*  
21           *dividuals in all States; and*

22           *“(III) 33<sup>1</sup>/<sub>3</sub> percent shall be allot-*  
23           *ted on the basis of the relative number*  
24           *of economically disadvantaged adults*  
25           *within each State as compared to the*

1 *total number of economically disadvan-*  
2 *taged adults in all States.*

3 “(iii) *MINIMUM ALLOTMENT.*—

4 “(I) *MINIMUM PERCENTAGE.*—*No*  
5 *State shall be allotted less than 90 per-*  
6 *cent of its allotment percentage for the*  
7 *fiscal year preceding the fiscal year for*  
8 *which the determination is made.*

9 “(II) *MAXIMUM PERCENTAGE.*—  
10 *No State shall be allotted more than*  
11 *130 percent of its allotment percentage*  
12 *for the fiscal year preceding the fiscal*  
13 *year for which the determination is*  
14 *made.*

15 “(iv) *SMALL STATE MINIMUM ALLOT-*  
16 *MENT.*—*No State shall receive less than one-*  
17 *quarter of one percent of the amount avail-*  
18 *able under this subparagraph for a fiscal*  
19 *year. Amounts necessary for increasing such*  
20 *payments to States to comply with the pre-*  
21 *ceding sentence shall be obtained by ratably*  
22 *reducing the amounts to be paid to other*  
23 *States.*

24 “(2) *DISLOCATED WORKERS.*—

1           “(A) *RESERVATION FOR OUTLYING*  
2 *AREAS.—*

3           “(i) *IN GENERAL.—Of the amount al-*  
4 *lotted under subsection (a)(2)(A), the Sec-*  
5 *retary shall allot not more than one quarter*  
6 *of one percent among the outlying areas.*

7           “(ii) *APPLICABILITY OF ADDITIONAL*  
8 *REQUIREMENTS.—Of the amount allotted*  
9 *under clause (i), the Secretary shall award*  
10 *grants to Guam, American Samoa, the*  
11 *Commonwealth of the Northern Mariana Is-*  
12 *lands, and the freely associated states in ac-*  
13 *cordance with the requirements of section*  
14 *203(b)(1).*

15           “(B) *STATES.—*

16           “(i) *IN GENERAL.—After determining*  
17 *the amount to be allotted under subpara-*  
18 *graph (A), the Secretary shall allot the re-*  
19 *maining amount to the States pursuant to*  
20 *the formula contained in clause (ii).*

21           “(ii) *FORMULA.—Subject to the provi-*  
22 *sions of clause (iii), of the amounts allotted*  
23 *to States for dislocated worker employment*  
24 *and training under this title for each fiscal*  
25 *year—*



1           “(I)  $33\frac{1}{3}$  percent shall be allotted  
2 among the States on the basis of the  
3 relative number of unemployed indi-  
4 viduals who reside in each State as  
5 compared to the total number of unem-  
6 ployed individuals in all the States;

7           “(II)  $33\frac{1}{3}$  percent shall be allot-  
8 ted among the States on the basis of  
9 the relative excess number of unem-  
10 ployed individuals who reside in each  
11 State as compared to the total excess  
12 number of unemployed individuals in  
13 all the States (for purposes of this sub-  
14 clause, the term ‘excess number’ means  
15 the number which represents unem-  
16 ployed individuals in excess of 4.5 per-  
17 cent of the civilian labor force in the  
18 State); and

19           “(III)  $33\frac{1}{3}$  percent shall be allot-  
20 ted among the States on the basis of  
21 the relative number of individuals who  
22 have been unemployed for 15 weeks or  
23 more and who reside in each State as  
24 compared to the total number of such  
25 individuals in all the States.

1 “(iii) *MINIMUM ALLOTMENT.*—

2 “(I) *MINIMUM PERCENTAGE.*—No  
3 State shall be allotted less than 90 per-  
4 cent of its allotment percentage for the  
5 fiscal year preceding the fiscal year for  
6 which the determination is made.

7 “(II) *MAXIMUM PERCENTAGE.*—  
8 No State shall be allotted more than  
9 130 percent of its allotment percentage  
10 for the fiscal year preceding the fiscal  
11 year for which the determination is  
12 made.

13 “(iv) *SMALL STATE MINIMUM ALLOT-*  
14 *MENT.*—No State shall receive less than one-  
15 quarter of one percent of the amount avail-  
16 able under this subparagraph for a fiscal  
17 year. Amounts necessary for increasing such  
18 payments to States to comply with the pre-  
19 ceding sentence shall be obtained by ratably  
20 reducing the amounts to be paid to other  
21 States.

22 **“SEC. 313. ALLOCATION WITHIN STATES.**

23 “(a) *RESERVATIONS FOR STATE ACTIVITIES.*—

24 “(1) *ADULT EMPLOYMENT AND TRAINING.*—

1           “(A) *IN GENERAL.*—*The Governor of the*  
2           *State shall reserve not more than 15 percent of*  
3           *the total amount allotted to the State under sec-*  
4           *tion 312(b)(1) for a fiscal year for statewide ac-*  
5           *tivities for employment, job training, and related*  
6           *assistance for adults.*

7           “(B) *ALLOWABLE ACTIVITIES.*—*Such activi-*  
8           *ties may include—*

9                   “(i) *subject to subparagraph (C), ad-*  
10                   *ministration by the State of programs*  
11                   *under this title;*

12                   “(ii) *capacity building and technical*  
13                   *assistance to local workforce development*  
14                   *areas, full service employment and training*  
15                   *delivery systems, and service providers in-*  
16                   *cluding the development and training of*  
17                   *staff and the development of exemplary pro-*  
18                   *gram activities;*

19                   “(iii) *incentives for program coordina-*  
20                   *tion and integration, performance awards,*  
21                   *and research and demonstrations;*

22                   “(iv) *implementation of innovative in-*  
23                   *cumbent worker training programs, which*  
24                   *may include the establishment and imple-*  
25                   *mentation of an employer loan program to*

1           *assist in skills upgrading, and the establish-*  
2           *ment and implementation of programs tar-*  
3           *geted to empowerment zones;*

4           “(v) *implementation of experimen-*  
5           *tation, model activities, pilot projects, and*  
6           *demonstration projects which further the*  
7           *goals and purposes of this Act;*

8           “(vi) *additional assistance for the de-*  
9           *velopment and implementation of the full*  
10          *service employment and training delivery*  
11          *system established in accordance with sec-*  
12          *tion 123;*

13          “(vii) *support for a common manage-*  
14          *ment information system across employ-*  
15          *ment, training, literacy, and human re-*  
16          *source programs as identified in section*  
17          *103;*

18          “(viii) *support for the identification of*  
19          *eligible training providers as required*  
20          *under section 124; and*

21          “(ix) *implementation of innovative*  
22          *programs for displaced homemakers and*  
23          *programs to increase the number of individ-*  
24          *uals training and placed in nontraditional*  
25          *employment.*

1           “(C) *LIMITATION.*—*Of the amount reserved*  
2           *by the Governor under subparagraph (A) not*  
3           *more than 5 percent of the total amount allotted*  
4           *to the State under section 312(b)(1) for a fiscal*  
5           *year may be used for administration by the*  
6           *State of programs under this part.*

7           “(2) *DISLOCATED WORKERS EMPLOYMENT AND*  
8           *TRAINING.*—

9           “(A) *IN GENERAL.*—*The Governor of the*  
10           *State shall reserve not more than 30 percent of*  
11           *the total amount allotted to the State under sec-*  
12           *tion 312(b)(2) for a fiscal year for statewide ac-*  
13           *tivities for employment, job training, and related*  
14           *assistance for dislocated workers.*

15           “(B) *REQUIRED ACTIVITIES.*—*Such activi-*  
16           *ties shall include—*

17                   “(i) *rapid response activities carried*  
18                   *out by a designated State dislocated worker*  
19                   *unit, working in conjunction with the local*  
20                   *workforce development board and the chief*  
21                   *elected official in an affected local workforce*  
22                   *development area; and*

23                   “(ii) *additional assistance to areas*  
24                   *that experience disasters, mass layoffs or*  
25                   *plant closings, or other events that precipi-*

1            *tate substantial increases in the number of*  
2            *unemployed workers, working in conjunc-*  
3            *tion with the local workforce development*  
4            *board and the chief elected official in af-*  
5            *ected local workforce development areas.*

6            “(C) *DISCRETIONARY ACTIVITIES.*—*Such*  
7            *activities may include those activities described*  
8            *in paragraph (1)(B).*

9            “(D) *LIMITATION.*—*Of the amount reserved*  
10           *by the Governor under subparagraph (A) not*  
11           *more than 10 percent of the total amount allot-*  
12           *ted to the State under section 312(b)(2) for a fis-*  
13           *cal year may be used for activities described in*  
14           *paragraph (1)(B) and of that amount not more*  
15           *than 5 percent of the total amount allotted to the*  
16           *State under section 312(b)(2) for a fiscal year*  
17           *may be used for administration by the State of*  
18           *programs under this part.*

19           “(b) *WITHIN STATE ALLOCATION.*—

20           “(1) *ALLOCATION.*—

21           “(A) *IN GENERAL.*—*The Governor of the*  
22           *State shall allocate the remainder of the amounts*  
23           *allotted to the State under section 312 to*  
24           *workforce development areas designated under*  
25           *section 121 for the purpose of providing a single*

1 *system of employment and training services for*  
2 *adults and dislocated workers in accordance with*  
3 *section 314.*

4 “(B) *ADDITIONAL REQUIREMENTS.—(i)*  
5 *Funds allocated under paragraph (2)(B), shall*  
6 *be used by a local workforce development area to*  
7 *contribute proportionately to the costs of the*  
8 *local full service employment and training deliv-*  
9 *ery system, and to pay for services provided to*  
10 *adults, in the local area, consistent with section*  
11 *314.*

12 “(ii) *Funds allocated under paragraph*  
13 *(2)(C), shall be used by a local workforce devel-*  
14 *opment area to contribute proportionately to the*  
15 *costs of the local full service employment and*  
16 *training delivery system, and to pay for services*  
17 *provided to dislocated workers, in the local area,*  
18 *consistent with section 314.*

19 “(2) *METHODS.—*

20 “(A) *IN GENERAL.—The Governor, through*  
21 *the collaborative process under section 102, and*  
22 *after consultation with local chief elected officials*  
23 *in the local workforce development areas, shall*  
24 *allocate the remainder of funds described in sub-*  
25 *section (a)(1)(A) for adult employment and*

1           *training in accordance with subparagraph (B),*  
2           *and the funds described in subsection (a)(2)(A)*  
3           *for dislocated workers in accordance with sub-*  
4           *paragraph (C).*

5           “(B) *ADULT EMPLOYMENT AND TRAINING*  
6           *FORMULA.—In allocating the funds for adult em-*  
7           *ployment and training, the individuals described*  
8           *in subparagraph (A) shall take into account—*

9                   “(i) *the relative number of unemployed*  
10                   *individuals residing in local areas of sub-*  
11                   *stantial unemployment within each*  
12                   *workforce development area in the State as*  
13                   *compared to the total number of such unem-*  
14                   *ployed individuals in all such areas of sub-*  
15                   *stantial unemployment in the State;*

16                   “(ii) *the relative excess number of un-*  
17                   *employed individuals within each local*  
18                   *workforce development area of the State as*  
19                   *compared to the total excess number of un-*  
20                   *employed individuals in the State;*

21                   “(iii) *the relative number of economi-*  
22                   *cally disadvantaged adults within each*  
23                   *workforce development area of the State as*  
24                   *compared to the total number of economi-*  
25                   *cally disadvantaged adults in the State; and*



1                   “(iv) such other factors as determined  
2                   appropriate by the State.

3                   “(C) *DISLOCATED WORKER FORMULA.*—In  
4                   allocating funds for dislocated workers, individ-  
5                   uals described in subparagraph (A) shall take  
6                   into account—

7                   “(i) the relative number of unemployed  
8                   individuals residing in local areas of sub-  
9                   stantial unemployment within each  
10                  workforce development area in the State as  
11                  compared to the total number of such unem-  
12                  ployed individuals in all such areas of sub-  
13                  stantial unemployment in the State;

14                  “(ii) the relative excess number of un-  
15                  employed individuals within each local  
16                  workforce development area of the State as  
17                  compared to the total excess number of un-  
18                  employed individuals in the State;

19                  “(iii) the relative number of individ-  
20                  uals who have been unemployed for 15  
21                  weeks or more within each workforce devel-  
22                  opment area of the State as compared to the  
23                  total number of such unemployed individ-  
24                  uals in the State; and

1                   “(iv) such other factors as determined  
2                   appropriate by the State, which may in-  
3                   clude—

4                               “(I) insured unemployment data;

5                               “(II) unemployment concentra-  
6                   tions;

7                               “(III) plant closing and mass lay-  
8                   off data;

9                               “(IV) declining industries data;

10                              “(V) farmer-rancher economic  
11                   hardship data; and

12                              “(VI) long-term unemployment  
13                   data.

14                   “(3) *ADDITIONAL FACTORS.*—In establishing the  
15                   formulas described in paragraph (2), the Governor  
16                   shall ensure that—

17                              “(A) such formulas distribute funds equi-  
18                   tably throughout the State;

19                              “(B) no one factor described in paragraph  
20                   (2) receives disproportionate weighting; and

21                              “(C) such formulas protect local workforce  
22                   development areas from significant funding  
23                   shifts from year to year.

24                   “(4) *TRANSFER AUTHORITY.*—A local workforce  
25                   development area is authorized to transfer up to 20

1       *percent of the funds received under this subsection be-*  
2       *tween adult employment and training and dislocated*  
3       *worker allocations if such transfer is approved by the*  
4       *Governor.*

5       **“SEC. 314. USE OF AMOUNTS.**

6       “(a) *CORE SERVICES.—Amounts allocated for adults*  
7       *under section 313(b)(2)(B) and for dislocated workers under*  
8       *section 313(b)(2)(C) shall be used to provide core services*  
9       *described in section 123(d) to adults and dislocated workers,*  
10       *respectively, through a full service employment and train-*  
11       *ing delivery system in accordance with such section.*

12       “(b) *INTENSIVE SERVICES.—*

13               “(1) *IN GENERAL.—Amounts allocated for adults*  
14       *under section 313(b)(2)(B) and for dislocated workers*  
15       *under section 313(b)(2)(C) shall be used to provide*  
16       *intensive services to adults and dislocated workers, re-*  
17       *spectively—*

18                       “(A)(i) *who are unable to obtain employ-*  
19       *ment through core services under subsection (a);*  
20       *and*

21                       “(ii) *who have been determined to be in*  
22       *need of more intensive services in order to gain*  
23       *employment; or*

1           “(B)(i) who are employed but are economi-  
2           cally disadvantaged despite such employment;  
3           and

4           “(ii) who are determined to be in need of  
5           such intensive services in order to gain employ-  
6           ment that allows for self-sufficiency.

7           “(2) *DELIVERY OF SERVICES.*—Such intensive  
8           services shall be provided—

9           “(A) directly through full service eligible  
10           providers identified pursuant to section 123(c);  
11           or

12           “(B) through contracts through full service  
13           employment and training delivery systems with  
14           service providers approved by the local workforce  
15           development board, which may include private,  
16           for-profit providers.

17           “(3) *TYPES OF SERVICES.*—Such intensive serv-  
18           ices may include the following:

19           “(A) Comprehensive and specialized assess-  
20           ments of the skill levels and service needs of  
21           adults, which may include—

22           “(i) diagnostic testing and other assess-  
23           ment tools; and

1                   “(ii) *in-depth interviewing and evalua-*  
2                   *tion to identify employment barriers and*  
3                   *appropriate employment goals.*

4                   “(B) *Development of an individual employ-*  
5                   *ment plan, to identify the employment goals, ap-*  
6                   *propriate achievement objectives, and the appro-*  
7                   *priate combination of services for the participant*  
8                   *to achieve the employment goal.*

9                   “(C) *Group counseling.*

10                  “(D) *Individual counseling and career*  
11                  *planning.*

12                  “(E) *Case management for participants re-*  
13                  *ceiving training services under subsection (c).*

14                  “(F) *Follow-up services for participants*  
15                  *placed in training or employment, for up to 1*  
16                  *year, to assist in retention or advancement in*  
17                  *employment.*

18                  “(c) *TRAINING SERVICES.—*

19                  “(1) *IN GENERAL.—Amounts allocated for adults*  
20                  *under section 313(b)(2)(B) and for dislocated workers*  
21                  *under section 313(b)(2)(C) shall be used to provide*  
22                  *training services to adults and dislocated workers, re-*  
23                  *spectively—*

24                  “(A) *who are unable to obtain employment*  
25                  *through core services under subsection (a);*

1           “(B) who are in need of training services in  
2 order to gain employment as a result of deter-  
3 minations made through—

4                   “(i) initial assessments under sub-  
5 section (a); or

6                   “(ii) comprehensive and specialized as-  
7 sessments under subsection (b)(3)(A); or

8           “(C)(i) who are employed but are economi-  
9 cally disadvantaged despite such employment;  
10 and

11                   “(ii) who are determined to be in need of  
12 such training services in order to gain employ-  
13 ment that allows for self-sufficiency.

14           “(2) PARTICIPANT QUALIFICATION.—

15                   “(A) REQUIREMENTS.—Except as provided  
16 in subparagraph (B), provision of such training  
17 services shall be limited to participants who—

18                           “(i) are unable to obtain other grant  
19 assistance for such services, including Fed-  
20 eral Pell Grants established under title IV of  
21 the Higher Education Act of 1965 (20  
22 U.S.C. 1070 et seq.); or

23                           “(ii) require assistance beyond the as-  
24 sistance made available under other grant

1           *assistance programs, including Federal Pell*  
2           *Grants.*

3           “(B) *REIMBURSEMENTS.*—*Training services*  
4           *may be provided under this subsection to an in-*  
5           *dividual who otherwise meets the requirements of*  
6           *this subsection while an application for a Fed-*  
7           *eral Pell Grant or other grant assistance is*  
8           *pending, except that if such individual is subse-*  
9           *quently awarded a Federal Pell Grant or other*  
10          *grant assistance, appropriate reimbursement*  
11          *shall be made to the local workforce development*  
12          *area from such Federal Pell Grant or other grant*  
13          *assistance.*

14          “(3) *PROVIDER QUALIFICATION.*—*Such training*  
15          *services shall be provided through training providers*  
16          *identified under in accordance with section 124.*

17          “(4) *TYPES OF SERVICES.*—*Such training serv-*  
18          *ices may include the following:*

19                  “(A) *Basic skills training, including reme-*  
20                  *dial education, literacy training, and English*  
21                  *literacy program instruction.*

22                  “(B) *Occupational skills training, including*  
23                  *training for nontraditional employment.*

24                  “(C) *On-the-job training.*

1           “(D) *Programs that combine workplace*  
2 *training with related instruction, which may in-*  
3 *clude cooperative education programs.*

4           “(E) *Training programs operated by the*  
5 *private sector.*

6           “(F) *Skill upgrading and retraining.*

7           “(G) *Entrepreneurial training.*

8           “(H) *Employability training to enhance*  
9 *basic workplace competencies.*

10          “(I) *Customized training conducted with a*  
11 *commitment by an employer or group of employ-*  
12 *ers to employ an individual upon successful com-*  
13 *pletion of the training.*

14          “(5) *INDIVIDUAL CHOICE REQUIREMENTS.—*

15               “(A) *IN GENERAL.—All training services*  
16 *under this section shall be provided through serv-*  
17 *ice delivery methods that, to the extent prac-*  
18 *ticable, maximize consumer choice in the selec-*  
19 *tion of eligible providers of training services.*

20               “(B) *INFORMATION ON ELIGIBLE PROVID-*  
21 *ERS.—Each local workforce development board,*  
22 *through the full service employment and training*  
23 *delivery system, shall make available—*

24                       “(i) *the list of eligible providers of*  
25 *training services required under section*



1           124, with a description of the training  
2           courses available from such providers and a  
3           list of the names of on-the-job training pro-  
4           viders; and

5                   “(ii) the performance information de-  
6           scribed in section 124 relating to such pro-  
7           viders.

8                   “(C) *PURCHASE OF SERVICES.*—An indi-  
9           vidual eligible for training services under this  
10          section may select an eligible provider of train-  
11          ing services from the list of providers described  
12          in subparagraph (B)(i). Upon such selection, the  
13          full service eligible provider shall, to the extent  
14          practicable, refer such individual to the selected  
15          eligible provider of training services and arrange  
16          for payment for such services.

17          “(6) *ADDITIONAL REQUIREMENTS.*—

18                   “(A) *USE OF SKILL GRANTS.*—

19                           “(i) *IN GENERAL.*—Except as provided  
20                           in clause (ii) and clause (iii), training serv-  
21                           ices under this section shall be provided  
22                           through the use of skill grants in accordance  
23                           with this subsection, and shall be distrib-  
24                           uted to eligible individuals through full

1           *service eligible providers or affiliated sites*  
2           *as described in section 123.*

3           “(ii) *EXCEPTIONS.—Training services*  
4           *authorized under this title may be provided*  
5           *pursuant to a contract for services in lieu*  
6           *of a skill grant if the requirements of para-*  
7           *graph (5) are met and if—*

8                   “(I) *such services are on-the-job*  
9                   *training provided by an employer;*

10                   “(II) *the local workforce develop-*  
11                   *ment board determines there are an in-*  
12                   *sufficient number of qualified providers*  
13                   *of training services in the workforce*  
14                   *development area to accomplish the*  
15                   *purposes of a skill grant system;*

16                   “(III) *the local workforce develop-*  
17                   *ment board determines that the quali-*  
18                   *fied providers of training services in*  
19                   *the workforce development area are un-*  
20                   *able to provide effective services to spe-*  
21                   *cial participant populations; or*

22                   “(IV) *the local workforce develop-*  
23                   *ment board decides to enter into a di-*  
24                   *rect training contract with a commu-*  
25                   *nity based organization.*

1                   “(iii) *TRANSITION.*—*Each State shall,*  
2                   *not later than three years after the date of*  
3                   *the enactment of the Employment, Train-*  
4                   *ing, and Literacy Enhancement Act of*  
5                   *1997, fully implement the requirements of*  
6                   *clause (i). Nothing in this Act shall prohibit*  
7                   *a State from beginning such implementa-*  
8                   *tion at an earlier date.*

9                   “(B) *LINKAGE TO OCCUPATIONS IN DE-*  
10                  *MAND.*—*Training services under this subsection*  
11                  *shall be directly linked to occupations for which*  
12                  *there is a demand in the local workforce develop-*  
13                  *ment area, or in another area to which an adult*  
14                  *receiving such services is willing to relocate, ex-*  
15                  *cept that a local workforce development board*  
16                  *may approve training in occupations determined*  
17                  *by the local board to be in sectors of the economy*  
18                  *which have a high potential for sustained de-*  
19                  *mand or growth in the local workforce develop-*  
20                  *ment area.*

21                  “(d) *ADDITIONAL USES OF AMOUNTS.*—

22                  “(1) *SUPPORTIVE SERVICES.*—*Amounts allocated*  
23                  *for adults under section 313(b)(2)(B) and for dis-*  
24                  *located workers under section 313(b)(2)(C) may be*

1       *used to provide supportive services for adults and dis-*  
2       *located workers, respectively—*

3               “(A) *who are receiving assistance under*  
4               *any of subsections (a) through (c); and*

5               “(B) *who are unable to receive such services*  
6               *through other programs providing such services.*

7       “(2) *NEEDS-RELATED PAYMENTS.—*

8               “(A) *IN GENERAL.—Amounts allocated*  
9               *under section 313(b) may be used to provide*  
10              *needs-related payments to adults and dislocated*  
11              *workers who are unemployed and do not qualify*  
12              *for (or have ceased to qualify for) unemployment*  
13              *compensation for the purpose of enabling such*  
14              *individuals to participate in training programs*  
15              *under subsection (c).*

16              “(B) *ADDITIONAL ELIGIBILITY REQUIRE-*  
17              *MENTS.—In addition to the requirements con-*  
18              *tained in subparagraph (A), a dislocated worker*  
19              *who has exhausted unemployment insurance ben-*  
20              *efits may be eligible to receive needs-related pay-*  
21              *ments under this paragraph only if such worker*  
22              *was enrolled in training by the end of the 13th*  
23              *week of the worker’s most recent layoff, or, if*  
24              *later, by the end of the 8th week after the worker*

1           is informed that a short-term layoff will in fact  
2           exceed 6 months.

3           “(e) *PRIORITY.*—From funds allocated to local  
4 workforce development areas for adult employment and  
5 training under section 313(b)(1)(B)(i), priority shall be  
6 given to welfare recipients and other economically dis-  
7 advantaged individuals with multiple barriers to employ-  
8 ment for receipt of intensive services and training services  
9 provided under subsections (b) and (c) of section 314, re-  
10 spectively.

11           **“PART B—NATIONAL PROGRAMS**

12           **“SEC. 321. NATIONAL EMERGENCY GRANTS.**

13           “(a) *IN GENERAL.*—From the amount reserved under  
14 section 312(a)(2), the Secretary of Labor is authorized to  
15 award national emergency grants in a timely manner—

16           “(1) to an entity described in subsection (b) to  
17 provide employment and training assistance to work-  
18 ers affected by major economic dislocations, such as  
19 plant closures, mass layoffs, or closures and realign-  
20 ments of military installations; and

21           “(2) to provide assistance to the Governor of any  
22 State within the boundaries of which is an area that  
23 has suffered an emergency or a major disaster as de-  
24 fined in paragraphs (1) and (2), respectively, of sec-  
25 tion 102 of The Robert T. Stafford Disaster Relief

1       *and Emergency Assistance Act (42 U.S.C. 5122 (1)*  
2       *and (2)) (referred to in this section as the ‘disaster*  
3       *area’).*

4       “(b) *EMPLOYMENT AND TRAINING ASSISTANCE RE-*  
5       *QUIREMENTS.—*

6               “(1) *APPLICATION.—To be eligible to receive a*  
7       *grant under subsection (a)(1), an entity shall submit*  
8       *an application to the Secretary of Labor at such time,*  
9       *in such manner, and accompanied by such informa-*  
10       *tion, as the Secretary may reasonably require.*

11               “(2) *ELIGIBLE ENTITY.—For purposes of this*  
12       *section, the term ‘entity’ means a State, local*  
13       *workforce development board, employer or employer*  
14       *association, worker-management transition assistance*  
15       *committee or other employer-employee entity, rep-*  
16       *resentative of employees, community development cor-*  
17       *poration or community-based organization, or an in-*  
18       *dustry consortia*

19       “(c) *DISASTER RELIEF EMPLOYMENT ASSISTANCE*  
20       *REQUIREMENTS.—*

21               “(1) *IN GENERAL.—Funds made available under*  
22       *subsection (a)(2)—*

23                       “(A) *shall be used exclusively to provide em-*  
24       *ployment on projects that provide food, clothing,*  
25       *shelter, and other humanitarian assistance for*

1           *disaster victims, and projects regarding demoli-*  
2           *tion, cleaning, repair, renovation, and recon-*  
3           *struction of damaged and destroyed structures,*  
4           *facilities, and lands located within the disaster*  
5           *area; and*

6                     *“(B) may be expended through public and*  
7           *private agencies and organizations engaged in*  
8           *such projects.*

9                     *“(2) ELIGIBILITY.—An individual shall be eligi-*  
10          *ble to be offered disaster relief employment under this*  
11          *section if such individual is a dislocated worker or is*  
12          *temporarily or permanently laid off as a consequence*  
13          *of the disaster.*

14                    *“(3) LIMITATIONS ON DISASTER RELIEF EMPLOY-*  
15          *MENT.—No individual shall be employed under this*  
16          *part for more than 6 months for work related to re-*  
17          *covery from a single natural disaster.*

18   **“SEC. 322. SKILL UPGRADING PROJECTS IN ENTERPRISE**  
19                            **ZONES OR EMPOWERMENT COMMUNITIES.**

20                    *“From funds made available under section 312(a)(2),*  
21          *the Secretary of Labor is authorized to award grants to as-*  
22          *sist projects that provide training to upgrade the skill of*  
23          *employed workers who reside and are employed in enter-*  
24          *prise zones or empowerment communities.”.*

1 **TITLE IV—AMENDMENTS TO**  
2 **FEDERALLY ADMINISTERED**  
3 **PROGRAMS**

4 **Subtitle A—Employment and Train-**  
5 **ing Programs for Native Ameri-**  
6 **cans and Migrant and Seasonal**  
7 **Farmworkers**

8 **SEC. 401. NATIVE AMERICAN PROGRAM.**

9 *Section 401 of the Job Training Partnership Act (29*  
10 *U.S.C. 1671) is amended to read as follows:*

11 **“SEC. 401. NATIVE AMERICAN PROGRAMS.**

12 **“(a) PURPOSE.—**

13 **“(1) IN GENERAL.—***The purpose of this section is*  
14 *to support employment and training activities for In-*  
15 *Indian, Alaska Native, and Native Hawaiian individ-*  
16 *uals in order—*

17 **“(A) to develop more fully the academic, oc-**  
18 **cupational, and literacy skills of such individ-**  
19 **uals;**

20 **“(B) to make such individuals more com-**  
21 **petitive in the workforce; and**

22 **“(C) to promote the economic and social de-**  
23 **velopment of Indian, Alaska Native, and Native**  
24 **Hawaiian communities in accordance with the**  
25 **goals and values of such communities.**



1           “(2) *INDIAN POLICY.*—All programs assisted  
2           under this section shall be administered in a manner  
3           consistent with the principles of the Indian Self-Deter-  
4           mination and Education Assistance Act (25 U.S.C.  
5           450 *et seq.*) and the government-to-government rela-  
6           tionship between the Federal Government and Indian  
7           tribal governments.

8           “(b) *DEFINITIONS.*—As used in this section:

9           “(1) *ALASKA NATIVE.*—The term ‘Alaska Native’  
10           means a Native as such term is defined in section  
11           3(b) of the Alaska Native Claims Settlement Act (43  
12           U.S.C. 1602(b)).

13           “(2) *INDIAN, INDIAN TRIBE, AND TRIBAL ORGANI-*  
14           *ZATION.*—The terms ‘Indian’, ‘Indian tribe’, and  
15           ‘tribal organization’ have the meanings given such  
16           terms in subsections (d), (e), and (l), respectively, of  
17           section 4 of the Indian Self-Determination and Edu-  
18           cation Assistance Act (25 U.S.C. 450b).

19           “(3) *NATIVE HAWAIIAN AND NATIVE HAWAIIAN*  
20           *ORGANIZATION.*—The terms ‘Native Hawaiian’ and  
21           ‘Native Hawaiian organization’ have the meanings  
22           given such terms in paragraphs (1) and (3), respec-  
23           tively, of section 9212 of the Native Hawaiian Edu-  
24           cation Act (20 U.S.C. 7912).

1       “(c) *PROGRAM AUTHORIZED.*—*The Secretary of Labor*  
2 *shall make grants to, or enter into contracts or cooperative*  
3 *agreements with, Indian tribes, tribal organizations, Alaska*  
4 *Native entities, Indian-controlled organizations serving In-*  
5 *dians, or Native Hawaiian organizations to carry out the*  
6 *authorized activities described in subsection (d).*

7       “(d) *AUTHORIZED ACTIVITIES.*—

8               “(1) *IN GENERAL.*—*Funds made available under*  
9 *this section shall be used to carry out the activities*  
10 *described in paragraphs (2) and (3) that—*

11                       “(A) *are consistent with this section; and*

12                       “(B) *are necessary to meet the needs of In-*  
13 *dians or Native Hawaiians preparing to enter,*  
14 *reenter, or retain unsubsidized employment.*

15               “(2) *EMPLOYMENT AND TRAINING ACTIVITIES*  
16 *AND SUPPLEMENTAL SERVICES.*—

17                       “(A) *IN GENERAL.*—*Funds made available*  
18 *under this section shall be used for—*

19                               “(i) *comprehensive workforce and ca-*  
20 *reer development activities for Indians or*  
21 *Native Hawaiians; or*

22                               “(ii) *supplemental services for Indian*  
23 *or Native Hawaiian youth on or near In-*  
24 *Indian reservations and in Oklahoma, Alaska,*  
25 *or Hawaii.*

1           “(B) *SPECIAL RULE.*—Notwithstanding any  
2           *other provision of this section, individuals who*  
3           *were eligible to participate in programs under*  
4           *section 401 of the Job Training Partnership Act*  
5           *(29 U.S.C. 1671) (as such section was in effect*  
6           *on the day before the date of enactment of this*  
7           *Act) shall be eligible to participate in an activ-*  
8           *ity assisted under subparagraph (A)(i).*

9           “(e) *PROGRAM PLAN.*—In order to receive a grant or  
10          *enter into a contract or cooperative agreement under this*  
11          *section an entity described in subsection (c) shall submit*  
12          *to the Secretary of Labor a plan that describes a 2-year*  
13          *strategy for meeting the needs of Indian or Native Hawai-*  
14          *ian individuals, as appropriate, in the area served by such*  
15          *entity. Such plan—*

16               “(1) *shall be consistent with the purposes of this*  
17          *section;*

18               “(2) *shall identify the population to be served;*

19               “(3) *shall identify the education and employ-*  
20          *ment needs of the population to be served and the*  
21          *manner in which the services to be provided will*  
22          *strengthen the ability of the individuals served to ob-*  
23          *tain or retain unsubsidized employment;*

1           “(4) shall describe the services to be provided and  
2           the manner in which such services are to be inte-  
3           grated with other appropriate services; and

4           “(5) shall describe the goals and benchmarks to  
5           be used to assess the performance of entities in carry-  
6           ing out the activities assisted under this section.

7           “(f) *CONSOLIDATION OF FUNDS.*—Each entity receiv-  
8           ing assistance under this section may consolidate such as-  
9           sistance with assistance received from related programs in  
10          accordance with the provisions of the Indian Employment,  
11          Training and Related Services Demonstration Act of 1992  
12          (25 U.S.C. 3401 et seq.).

13          “(g) *NONDUPLICATIVE AND NONEXCLUSIVE SERV-*  
14          *ICES.*—Nothing in this section shall be construed—

15                 “(1) to limit the eligibility of any entity de-  
16                 scribed in subsection (c) to participate in any activ-  
17                 ity offered by a State or local entity under this Act;  
18                 or

19                 “(2) to preclude or discourage any agreement,  
20                 between any entity described in subsection (c) and  
21                 any State or local entity, to facilitate the provision  
22                 of services by such entity or to the population served  
23                 by such entity.

24          “(h) *ADMINISTRATIVE PROVISIONS.*—

1           “(1) *ORGANIZATIONAL UNIT ESTABLISHED.*—*The*  
2           *Secretary of Labor shall designate a single organiza-*  
3           *tional unit that shall have as its primary responsibil-*  
4           *ity the administration of the activities authorized*  
5           *under this section.*

6           “(2) *REGULATIONS.*—*The Secretary of Labor*  
7           *shall consult with the entities described in subsection*  
8           *(c)(1) in establishing regulations to carry out this sec-*  
9           *tion, including performance measures for entities re-*  
10           *ceiving assistance under such subsection, taking into*  
11           *account the economic circumstances of such groups,*  
12           *and in developing a funding distribution plan that*  
13           *takes into consideration previous levels of funding.*

14           “(3) *TECHNICAL ASSISTANCE.*—*The Secretary of*  
15           *Labor, through the unit established under paragraph*  
16           *(1), are authorized to provide technical assistance to*  
17           *entities described in subsection (c) that receive assist-*  
18           *ance under this section to enable such entities to im-*  
19           *prove the workforce and career development activities*  
20           *provided by such entities.”.*

21 **SEC. 402. MIGRANT AND SEASONAL FARMWORKER PRO-**  
22 **GRAM.**

23           *Section 402 of the Job Training Partnership Act (29*  
24 *U.S.C. 1672) is amended to read as follows:*

1 **“SEC. 402. MIGRANT AND SEASONAL FARMWORKER PRO-**  
2 **GRAM.**

3 *“(a) IN GENERAL.—The Secretary of Labor shall make*  
4 *grants to, or enter into contracts with, eligible entities to*  
5 *carry out the activities described in subsection (d).*

6 *“(b) ELIGIBLE ENTITIES.—To be eligible to receive a*  
7 *grant or enter into a contract under this section, an entity*  
8 *shall have an understanding of the problems of migrant*  
9 *farmworkers and seasonal farmworkers, a familiarity with*  
10 *the area to be served, and the ability to demonstrate a ca-*  
11 *capacity to administer effectively a diversified program of*  
12 *workforce and career development activities for migrant*  
13 *farmworkers and seasonal farmworkers.*

14 *“(c) PROGRAM PLAN.—*

15 *“(1) IN GENERAL.—To be eligible to receive a*  
16 *grant or enter into a contract under this section, an*  
17 *entity described in subsection (b) shall submit to the*  
18 *Secretary of Labor a plan that describes a 2-year*  
19 *strategy for meeting the needs of migrant farmworkers*  
20 *and seasonal farmworkers and their dependents in the*  
21 *area to be served by such entity.*

22 *“(2) CONTENTS.—Such plan shall—*

23 *“(A) identify the education and employ-*  
24 *ment needs of the population to be served and the*  
25 *manner in which the services to be provided will*  
26 *strengthen the ability of the eligible farmworkers*

1           *and dependents to obtain or be retained in*  
2           *unsubsidized employment or stabilize their*  
3           *unsubsidized employment;*

4           “(B) *describe the related assistance and*  
5           *supportive services to be provided and the man-*  
6           *ner in which such services are to be integrated*  
7           *and coordinated with other appropriate services;*  
8           *and*

9           “(C) *describe the goals and benchmarks to*  
10          *be used to assess the performance of such entity*  
11          *in carrying out the activities assisted under this*  
12          *section.*

13          “(d) *AUTHORIZED ACTIVITIES.—Funds made avail-*  
14          *able under this section shall be used to carry out comprehen-*  
15          *sive workforce and career development activities and related*  
16          *services for migrant farmworkers and seasonal farmworkers*  
17          *which may include employment, training, educational as-*  
18          *sistance, literacy assistance, an English literacy program,*  
19          *worker safety training, housing, supportive services, and the*  
20          *continuation of the case management database on partici-*  
21          *pating migrant farmworkers and seasonal farmworkers.*

22          “(e) *CONSULTATION WITH GOVERNORS AND LOCAL*  
23          *BOARDS.—In making grants and entering into contracts*  
24          *under this section, the Secretary of Labor shall consult with*  
25          *the Governors and local boards of the States in which the*

1 *eligible entities will carry out the activities described in*  
2 *subsection (d).*

3 “(f) *REGULATIONS.*—*The Secretaries shall consult*  
4 *with migrant and seasonal farmworker groups and States*  
5 *in establishing regulations to carry out this section, includ-*  
6 *ing performance measures for eligible entities which take*  
7 *into account the economic circumstances of migrant farm-*  
8 *workers and seasonal farmworkers.*

9 “(g) *DEFINITIONS.*—*As used in this section:*

10 “(1) *MIGRANT FARMWORKER.*—*The term ‘mi-*  
11 *grant farmworker’ means a seasonal farmworker*  
12 *whose farm work requires travel such that the worker*  
13 *is unable to return to a permanent place of residence*  
14 *within the same day.*

15 “(2) *SEASONAL FARMWORKER.*—*The term ‘sea-*  
16 *sonal farmworker’ means a person who during the eli-*  
17 *gibility determination period (12 consecutive months*  
18 *out of 24 months prior to application)—*

19 “(A) *has been primarily employed in farm*  
20 *work that is characterized by chronic unemploy-*  
21 *ment or under employment; and*

22 “(B) *is economically disadvantaged at the*  
23 *time of application.”.*



## **Subtitle B—Job Corps**

### **2 SEC. 411. STATEMENT OF PURPOSE.**

3        *Section 421 of the Job Training Partnership Act (29*  
4 *U.S.C. 1691) is amended in the first sentence by inserting*  
5 *after “a distinct national program” the following: “carried*  
6 *out in collaboration with States and localities”.*

### **7 SEC. 412. INDIVIDUALS ELIGIBLE FOR THE JOB CORPS.**

8        *Section 423 of the Job Training Partnership Act (29*  
9 *U.S.C. 1693) is amended—*

10            *(1) in paragraph (1), by striking “14” and in-*  
11 *serting “16”;*

12            *(2) in paragraph (2), by striking “, and who re-*  
13 *quires” and all that follows and inserting a semi-*  
14 *colon;*

15            *(3) by redesignating paragraphs (3), (4), and (5)*  
16 *as paragraphs (4), (5), and (6), respectively; and*

17            *(4) by inserting after paragraph (2) the follow-*  
18 *ing:*

19            *“(3) is an individual who—*

20                    *“(A) is deficient in basic skills;*

21                    *“(B) is a school dropout;*

22                    *“(C) is homeless or a runaway;*

23                    *“(D) is a single parent; or*

24                    *“(E) requires additional education, train-*  
25 *ing, or intensive counseling and related assist-*

1           *ance in order to secure and hold meaningful em-*  
2           *ployment, participate successfully in regular*  
3           *school work, qualify for other suitable training*  
4           *programs, or satisfy Armed Forces require-*  
5           *ments;”.*

6 **SEC. 413. SCREENING AND SELECTION OF APPLICANTS;**

7                           **GENERAL PROVISIONS.**

8           *Section 424(a) of the Job Training Partnership Act*  
9           *(29 U.S.C. 1694(a)) is amended—*

10                   (1) *in the first sentence, by adding at the end be-*  
11                   *fore the period the following: “after considering input*  
12                   *from State, local, and community groups and other*  
13                   *interested parties”;*

14                   (2) *in the second sentence—*

15                           (A) *by inserting after “public employment*  
16                           *offices,” the following: “full service eligible pro-*  
17                           *viders,”; and*

18                           (B) *by striking “and agencies” and insert-*  
19                           *ing “and entities”; and*

20                   (3) *in the third sentence, by inserting after “The*  
21                   *rules shall” the following: “require Job Corps appli-*  
22                   *cants to pass background checks, conducted in accord-*  
23                   *ance with procedures established by the Secretary,*  
24                   *and”.*

1 **SEC. 414. JOB CORPS CENTERS.**

2 *Section 427 of the Job Training Partnership Act (29*  
3 *U.S.C. 1697) is amended—*

4 *(1) in subsection (a)(1), by adding at the end the*  
5 *following: “In selecting any entity to serve as an op-*  
6 *erator or to provide services for a Job Corps center,*  
7 *the Secretary shall take into consideration the pre-*  
8 *vious performance of the entity, if any, relating to op-*  
9 *erating or providing services for a Job Corps center.”;*

10 *(2) in subsection (c) to read as follows:*

11 *“(c) The Secretary may select an entity to operate a*  
12 *Civilian Conservation Center on a competitive basis if such*  
13 *a center fails to meet performance criteria established by*  
14 *the Secretary.”; and*

15 *(3) by adding at the end the following:*

16 *“(d) Notwithstanding any other provision of law, any*  
17 *proceeds from the sale of Job Corps center facilities shall*  
18 *be retained by the Secretary to carry out the Job Corps*  
19 *program.”.*

20 **SEC. 415. STANDARDS OF CONDUCT.**

21 *Section 430(a) of the Job Training Partnership Act*  
22 *(29 U.S.C. 1700(a)) is amended—*

23 *(1) in the first sentence, by adding at the end be-*  
24 *fore the period the following: “, including a policy of*  
25 *zero tolerance for violence and illegal drugs under*  
26 *which enrollees will receive mandatory terminations*

1       *for specific actions in accordance with regulations is-*  
2       *sued by the Secretary”;*

3               *(2) by inserting after the first sentence the fol-*  
4       *lowing: “As part of the zero tolerance policy, drug*  
5       *testing of all students shall be required in accordance*  
6       *with procedures established by the Secretary.”; and*

7               *(3) in the third sentence, by inserting after “If*  
8       *violations” the following: “of center standards other*  
9       *than those covered by the zero tolerance policy”.*

10   **SEC. 416. COUNSELING AND JOB PLACEMENT.**

11       *Section 432(b) of the Job Training Partnership Act*  
12       *(29 U.S.C. 1702(b)) is amended in the first sentence by in-*  
13       *serting after “determine their capabilities and” the follow-*  
14       *ing: “, based on these capabilities,”.*

15   **SEC. 417. EXPERIMENTAL AND DEVELOPMENTAL PROJECTS**  
16                       **AND COORDINATION WITH OTHER PRO-**  
17                       **GRAMS.**

18       *Section 433(c)(1) of the Job Training Partnership Act*  
19       *(29 U.S.C. 1703(c)(1)) is amended in the first sentence by*  
20       *striking “disseminate information” and inserting “dissemi-*  
21       *nate to Federal, State, and local workforce development pro-*  
22       *grams information and best practices”.*

1       ***Subtitle C—National Activities***

2       ***SEC. 421. RESEARCH, DEMONSTRATION, EVALUATION, AND***  
3                               ***CAPACITY BUILDING.***

4               *Part D of the Job Training Partnership Act (29*  
5 *U.S.C. 1731 et seq.) is amended by striking sections 451*  
6 *through 454 and inserting the following:*

7       ***“SEC. 451. RESEARCH, DEMONSTRATION, EVALUATION, AND***  
8                               ***CAPACITY BUILDING.***

9               *“(a) IN GENERAL.—The Secretary is authorized to es-*  
10 *tablish and carry out research, demonstration, evaluation,*  
11 *and capacity building activities described in subsections (b)*  
12 *through (f).*

13               *“(b) NATIONAL PARTNERSHIP AND SPECIAL TRAIN-*  
14 *ING.—The Secretary may award special grants to eligible*  
15 *entities to carry out programs that are most appropriately*  
16 *administered at the national level. Such activities may in-*  
17 *clude—*

18                       *“(1) partnership programs with national organi-*  
19 *zations with special expertise in developing, organiz-*  
20 *ing, and administering employment and training*  
21 *services at the national, State, and local levels, such*  
22 *as industry and labor associations, public interest*  
23 *groups, community-based organizations representative*  
24 *of groups that encounter special difficulties in the*  
25 *labor market, and other organizations with special*

1       *knowledge or capabilities in education and training;*  
2       *and*

3           “(2) *activities that—*

4               “(A) *address industry-wide skill shortages;*

5               “(B) *meet training needs that are best ad-*  
6       *dressed on a multi-state basis;*

7               “(C) *further the goals of increasing the com-*  
8       *petitiveness of the United States labor force;*

9               “(D) *require technical expertise available at*  
10       *the national level to serve the needs of particular*  
11       *client groups that encounter significant barriers*  
12       *to employment and who the Secretary determines*  
13       *require special assistance; or*

14               “(E) *promote and experiment with model*  
15       *activities, pilot projects, and demonstration*  
16       *projects which further the goals and purposes of*  
17       *this Act.*

18       “(c) *RESEARCH.—The Secretary is authorized to con-*  
19       *duct continuing research, which may include studies and*  
20       *other methods and techniques, that will aid in the solution*  
21       *of the employment and training problems of the United*  
22       *States. Such studies may include the extent to which indi-*  
23       *viduals who participate in programs established under this*  
24       *title achieve self-sufficiency as a result of such participa-*  
25       *tion, including the identification by States and localities,*

1 *to the extent practicable, of indicators measuring such self-*  
2 *sufficiency.*

3 “(d) *PILOT AND DEMONSTRATION PROGRAMS.*—

4 “(1) *IN GENERAL.*—*The Secretary is authorized*  
5 *to conduct pilot and demonstration programs for the*  
6 *purpose of developing and improving techniques and*  
7 *demonstrating the effectiveness of specialized methods*  
8 *in addressing employment and training needs which*  
9 *may include—*

10 “(A) *the establishment of advanced manu-*  
11 *facturing technology skill centers developed*  
12 *through local partnerships of industry, labor,*  
13 *education, community-based organizations, and*  
14 *economic development organizations to meet*  
15 *unmet, high-tech skills of local communities;*

16 “(B) *programs conducted jointly with the*  
17 *Department of Defense to develop training pro-*  
18 *grams utilizing computer-based and other inno-*  
19 *vative learning technologies;*

20 “(C) *projects that promote the use of dis-*  
21 *tance learning, enabling students to take courses*  
22 *through the use of media technology such as vid-*  
23 *eos, teleconferencing computers, and the Internet;*

24 “(D) *projects that assist in providing com-*  
25 *prehensive services to increase the employment*

1           *rates of out-of-school youth residing in targeted*  
2           *high poverty areas within empowerment zones*  
3           *and enterprise communities;*

4           “(E) *the establishment of partnerships with*  
5           *national organizations with special expertise in*  
6           *developing, organizing, and administering em-*  
7           *ployment and training services for persons with*  
8           *disabilities at the national, State, and local lev-*  
9           *els; and*

10           “(F) *projects that assist local workforce de-*  
11           *velopment areas to develop and implement local*  
12           *self-sufficiency standards to evaluate the degree*  
13           *to which program participants are achieving*  
14           *self-sufficiency.*

15           “(2) *GRANTS AND CONTRACTS.—The Secretary*  
16           *may award grants and enter into contracts with enti-*  
17           *ties to carry out this subsection.*

18           “(3) *EVALUATION AND EFFECTIVENESS.—Dem-*  
19           *onstration programs assisted under this subsection*  
20           *shall include a formal, rigorous evaluation compo-*  
21           *nent. Pilot programs assisted under this subsection*  
22           *shall include an appropriate evaluation component.*

23           “(4) *SPECIAL RULE.—A demonstration program*  
24           *under this subsection may not be assisted under this*  
25           *subsection for a period of more than 7 years. A pilot*



1        *program under this subsection may not be assisted*  
2        *under this subsection for a period of more than 3*  
3        *years.*

4        “(e) *EVALUATION.*—

5            “(1) *ACTIVITIES.*—

6                    “(A) *JOB TRAINING.*—*The Secretary shall*  
7                    *provide for the continuing evaluation of pro-*  
8                    *grams conducted under this Act.*

9                    “(B) *OTHER PROGRAMS.*—*The Secretary*  
10                   *may conduct evaluations of federally-funded em-*  
11                   *ployment-related activities under other provi-*  
12                   *sions of law.*

13            “(2) *TECHNIQUES.*—

14                   “(A) *METHODS.*—*Evaluations conducted*  
15                   *under paragraph (1) shall utilize sound statis-*  
16                   *tical methods and techniques for the behavioral*  
17                   *and social sciences, including the use of control*  
18                   *groups chosen by scientific random assignment*  
19                   *methodologies when feasible.*

20                   “(B) *EFFECTIVENESS.*—*The Secretary shall*  
21                   *evaluate the effectiveness of programs authorized*  
22                   *under this Act with respect to—*

23                            “(i) *the statutory goals; and*

1           “(ii) the cost effectiveness and return-  
2           on-investment of such programs based on  
3           the extent to which the programs—

4                   “(I) enhance the employment and  
5                   earnings of participants;

6                   “(II) reduce income support costs  
7                   (including the receipt of welfare assist-  
8                   ance);

9                   “(III) improve the employment  
10                  competencies of participants in com-  
11                  parison to comparable persons who did  
12                  not participate in such programs; and

13                  “(IV) to the extent feasible, in-  
14                  crease the level of total employment  
15                  over the level that would have existed  
16                  in the absence of such programs.

17           “(f) *TECHNICAL ASSISTANCE, DISSEMINATION, AND*  
18 *REPLICATION ACTIVITIES.*—The Secretary shall provide,  
19 coordinate, and support the development of, appropriate  
20 training, technical assistance, staff development, and other  
21 activities, including assistance in replicating programs of  
22 demonstrated effectiveness, to States and localities.

23           **“SEC. 452. INCENTIVE GRANTS.**

24           “From amounts authorized to be appropriated pursu-  
25 ant to section 3(a)(3) to carry out this part for a fiscal

1 *year, the Secretary is authorized to award incentive grants*  
2 *to States consistent with the requirements of section*  
3 *156(a).”.*

4 **SEC. 422. NONTRADITIONAL EMPLOYMENT DEMONSTRATION PROGRAM.**  
5

6 *Section 456 of the Job Training Partnership Act (29*  
7 *U.S.C. 1737) is hereby repealed.*

8 ***Subtitle D—Repealers***

9 **SEC. 451. REPEALERS.**

10 *Parts F, G, H, I, and J of title IV of the Job Training*  
11 *Partnership Act (29 U.S.C. 1771 et seq.) are hereby re-*  
12 *pealed.*

13 ***TITLE V—AMENDMENTS TO***  
14 ***ADULT EDUCATION PROGRAMS***

15 **SEC. 501. REPEAL OF JOBS FOR EMPLOYABLE DEPENDENT**  
16 ***INDIVIDUALS INCENTIVE BONUS PROGRAM.***

17 *Title V of the Job Training Partnership Act (29 U.S.C.*  
18 *1791 et seq.) is repealed.*

19 **SEC. 502. AMENDMENT TO ADULT EDUCATION ACT.**

20 *The Adult Education Act (20 U.S.C. 1201 et seq.) is*  
21 *amended to read as follows:*

1 **“TITLE III—ADULT EDUCATION**  
2 **AND FAMILY LITERACY PRO-**  
3 **GRAMS**

4 **“SEC. 301. SHORT TITLE.**

5 *“This title may be cited as the ‘Adult Education and*  
6 *Family Literacy Act’.*

7 **“SEC. 302. STATEMENT OF PURPOSE.**

8 *“It is the purpose of this title to assist States and out-*  
9 *lying areas to provide—*

10 *“(1) to adults, the basic educational skills nec-*  
11 *essary for employment and self-sufficiency; and*

12 *“(2) to adults who are parents, the educational*  
13 *skills necessary to be full partners in the educational*  
14 *development of their children.*

15 **“SEC. 303. DEFINITION.**

16 *“For purposes of this title:*

17 *“(1) ADULT EDUCATION.—The term ‘adult edu-*  
18 *cation’ means services or instruction below the post-*  
19 *secondary level for individuals—*

20 *“(A) who have attained 16 years of age;*

21 *“(B) who are not enrolled or required to be*  
22 *enrolled in secondary school under State law;*  
23 *and*

24 *“(C) who—*

1                   “(i) *lack sufficient mastery of basic*  
2                   *educational skills to enable the individuals*  
3                   *to function effectively in society;*

4                   “(ii) *do not have a certificate of grad-*  
5                   *uation from a school providing secondary*  
6                   *education and who have not achieved an*  
7                   *equivalent level of education; or*

8                   “(iii) *are unable to speak, read, or*  
9                   *write the English language.*

10                   “(2) *ADULT EDUCATION AND LITERACY ACTIVI-*  
11                   *TIES.—The term ‘adult education and literacy activi-*  
12                   *ties’ has the meaning given such term in section 4 of*  
13                   *the Employment, Training, and Literacy Enhance-*  
14                   *ment Act.*

15                   “(3) *COMMUNITY-BASED ORGANIZATION.—The*  
16                   *term ‘community-based organization’ has the mean-*  
17                   *ing given such term in section 4 of the Employment,*  
18                   *Training, and Literacy Enhancement Act.*

19                   “(4) *DIRECT AND EQUITABLE ACCESS.—The*  
20                   *term ‘direct and equitable access’, when used with re-*  
21                   *spect to the requirement in section 313(c)(2), means*  
22                   *that—*

23                   “(A) *all eligible providers are given the*  
24                   *same opportunity to apply for and receive funds*  
25                   *under part A; and*

1           “(B) *the same announcement and applica-*  
2           *tion process is used for all eligible providers.*

3           “(5) *ELIGIBLE AGENCY.*—*The term ‘eligible*  
4           *agency’ means—*

5           “(A) *the individual, entity, or agency in a*  
6           *State or an outlying area responsible for admin-*  
7           *istering or setting policies for adult education*  
8           *and literacy services in such State or outlying*  
9           *area pursuant to the law of the State or outlying*  
10          *area; or*

11          “(B) *if no individual, entity, or agency is*  
12          *responsible for administering or setting such*  
13          *policies pursuant to the law of the State or out-*  
14          *lying area, the individual, entity, or agency in*  
15          *a State or outlying area responsible for admin-*  
16          *istering or setting policies for adult education*  
17          *and literacy services in such State or outlying*  
18          *area on the date of the enactment of the Employ-*  
19          *ment, Training, and Literacy Enhancement Act*  
20          *of 1997.*

21          “(6) *ELIGIBLE PROVIDER.*—*The term ‘eligible*  
22          *provider’, used with respect to adult education and*  
23          *literacy activities described in section 314(b), means*  
24          *a provider determined to be eligible for assistance in*  
25          *accordance with section 313.*

1           “(7) *ENGLISH LITERACY PROGRAM.*—*The term*  
2           *‘English literacy program’ has the meaning given*  
3           *such term in section 4 of the Employment, Training,*  
4           *and Literacy Enhancement Act.*

5           “(8) *FAMILY LITERACY SERVICES.*—*The term*  
6           *‘family literacy services’ has the meaning given such*  
7           *term in section 4 of the Employment, Training, and*  
8           *Literacy Enhancement Act.*

9           “(9) *INDIVIDUAL OF LIMITED ENGLISH PRO-*  
10          *FICIENCY.*—*The term ‘individual of limited English*  
11          *proficiency’ has the meaning given such term in sec-*  
12          *tion 4 of the Employment, Training, and Literacy*  
13          *Enhancement Act.*

14          “(10) *INDIVIDUAL WITH A DISABILITY.*—*The*  
15          *terms ‘individual with a disability’ and ‘individuals*  
16          *with disabilities’ have the meaning given such terms*  
17          *in section 4 of the Employment, Training, and Lit-*  
18          *eracy Enhancement Act.*

19          “(11) *LITERACY.*—*The term ‘literacy’ has the*  
20          *meaning given such term in section 4 of the Employ-*  
21          *ment, Training, and Literacy Enhancement Act.*

22          “(12) *LOCAL EDUCATIONAL AGENCY.*—*The term*  
23          *‘local educational agency’ has the meaning given such*  
24          *term in section 14101 of the Elementary and Second-*  
25          *ary Education Act of 1965 (20 U.S.C. 8801).*

1           “(13) *OUTLYING AREA*.—*The term ‘outlying*  
2 *area’ has the meaning given such term in section 4*  
3 *of the Employment, Training, and Literacy Enhance-*  
4 *ment Act.*

5           “(14) *POSTSECONDARY EDUCATIONAL INSTITU-*  
6 *TION*.—*The term ‘postsecondary educational institu-*  
7 *tion’ has the meaning given such term in section 4*  
8 *of the Employment, Training, and Literacy Enhance-*  
9 *ment Act.*

10           “(15) *SECRETARY*.—*The term ‘Secretary’ means*  
11 *the Secretary of Education.*

12           “(16) *STATE*.—*The term ‘State’ has the meaning*  
13 *given such term in section 4 of the Employment,*  
14 *Training, and Literacy Enhancement Act.*

15 **“SEC. 304. AUTHORIZATION OF APPROPRIATIONS.**

16           “(a) *IN GENERAL*.—*There are authorized to be appro-*  
17 *priated to carry out this title such sums as may be nec-*  
18 *essary for fiscal years 1998 through 2003.*

19           “(b) *RESERVATION OF FUNDS FOR NATIONAL LEADER-*  
20 *SHIP ACTIVITIES*.—*For any fiscal year, the Secretary shall*  
21 *reserve—*

22           “(1) *1.5 percent of the amount appropriated*  
23 *under subsection (a) (but not more than \$6,500,000)*  
24 *to carry out section 321; and*



1           “(2) 1.5 percent of the amount appropriated  
2           under subsection (a) (but not more than \$6,500,000)  
3           to establish and carry out the program of national  
4           leadership and evaluation activities described in sec-  
5           tion 322.

6           **“PART A—GRANTS TO ELIGIBLE AGENCIES**

7           **“SEC. 311. AUTHORITY TO MAKE GRANTS.**

8           “(a) *IN GENERAL.*—In the case of each eligible agency  
9           that in accordance with section 101 of the Employment,  
10          Training, and Literacy Enhancement Act submits to the  
11          Secretary a plan, the Secretary shall make a grant for each  
12          fiscal year for which such plan is in effect to the eligible  
13          agency for the purpose specified in subsection (b). The grant  
14          shall consist of the initial and additional allotments deter-  
15          mined for the eligible agency under section 312.

16          “(b) *PURPOSE OF GRANTS.*—The Secretary may make  
17          a grant under subsection (a) only if the applicant involved  
18          agrees to expend the grant for adult education and literacy  
19          activities in accordance with the provisions of this part.

20          **“SEC. 312. ALLOTMENTS.**

21          “(a) *INITIAL ALLOTMENTS.*—From the sums available  
22          for the purpose of making grants under this part for any  
23          fiscal year, the Secretary shall allot to each eligible agency  
24          that in accordance with section 101 of the Employment,

1 *Training, and Literacy Enhancement Act submits to the*  
2 *Secretary a plan for the year an initial amount as follows:*

3           “(1) \$100,000, in the case of an eligible agency  
4           of the United States Virgin Islands, Guam, American  
5           Samoa, the Commonwealth of the Northern Mariana  
6           Islands, the Republic of the Marshall Islands, the Fed-  
7           erated States of Micronesia, and the Republic of  
8           Palau.

9           “(2) \$250,000, in the case of any other eligible  
10          agency.

11         “(b) *ADDITIONAL ALLOTMENTS.*—

12                 “(1) *IN GENERAL.*—From the remainder avail-  
13                 able for the purpose of making grants under this part  
14                 for any fiscal year after the application of subsection  
15                 (a), the Secretary shall allot to each eligible agency  
16                 that receives an initial allotment under such sub-  
17                 section an additional amount that bears the same re-  
18                 lationship to such remainder as the number of quali-  
19                 fying adults in the State or outlying area of the agen-  
20                 cy bears to the number of such adults in all States  
21                 and outlying areas.

22                 “(2) *QUALIFYING ADULT.*—For purposes of this  
23                 subsection, the term ‘qualifying adult’ means an adult  
24                 who—

1           “(A) is at least 16 years of age, but less  
2           than 61 years of age;

3           “(B) is beyond the age of compulsory school  
4           attendance under the law of the State or outlying  
5           area;

6           “(C) does not have a certificate of gradua-  
7           tion from a school providing secondary education  
8           and has not achieved an equivalent level of edu-  
9           cation; and

10           “(D) is not currently enrolled in secondary  
11           school.

12           “(c) *SPECIAL RULE.*—

13           “(1) *IN GENERAL.*—Using funds not to exceed  
14           the amount appropriated and reserved under the  
15           Adult Education Act for fiscal year 1997 for the Re-  
16           public of the Marshall Islands, the Federated States  
17           of Micronesia, and the Republic of Palau, the Sec-  
18           retary shall award grants, from funds made available  
19           under subsections (a) and (b), to Guam, American  
20           Samoa, the Commonwealth of the Northern Mariana  
21           Islands, the Republic of the Marshall Islands, the Fed-  
22           erated States of Micronesia, or the Republic of Palau  
23           to carry out activities described in this part in ac-  
24           cordance with the provisions of this part that the Sec-

1        *retary determines are not inconsistent with this sub-*  
2        *section.*

3            “(2) *AWARD BASIS.*—*The Secretary shall award*  
4        *grants pursuant to paragraph (1) on a competitive*  
5        *basis and pursuant to recommendations from the Pa-*  
6        *cific Region Educational Laboratory in Honolulu,*  
7        *Hawaii.*

8            “(3) *TERMINATION OF ELIGIBILITY.*—*Notwith-*  
9        *standing any other provision of law, the Republic of*  
10       *the Marshall Islands, the Federated States of Microne-*  
11       *sia, and the Republic of Palau shall not receive any*  
12       *funds under this part for any fiscal year that begins*  
13       *after September 30, 2001.*

14           “(4) *ADMINISTRATIVE COSTS.*—*The Secretary*  
15       *may provide not more than 5 percent of the funds*  
16       *made available for grants under this subsection to*  
17       *pay the administrative costs of the Pacific Region*  
18       *Educational Laboratory regarding activities assisted*  
19       *under this subsection.*

20        “(d) *HOLD-HARMLESS.*—

21           “(1) *IN GENERAL.*—*Notwithstanding subsection*  
22       *(a)—*

23                   “(A) *for fiscal year 1998, no eligible agency*  
24                   *shall receive an allotment that is less than 90*  
25                   *percent of the payments made to the State of the*

1           *agency for fiscal year 1997 for programs for*  
2           *which funds were authorized to be appropriated*  
3           *under section 313 of the Adult Education Act (as*  
4           *such Act was in effect on the day before the date*  
5           *of the enactment of the Employment, Training,*  
6           *and Literacy Enhancement Act of 1997); and*

7           *“(B) for fiscal year 1999 and each succeed-*  
8           *ing fiscal year, no eligible agency shall receive*  
9           *an allotment that is less than 90 percent of the*  
10           *amount the agency received for the preceding fis-*  
11           *cal year for programs under this Act.*

12           *“(2) RATABLE REDUCTION.—If for any fiscal*  
13           *year the amount available for allotment under this*  
14           *section is insufficient to satisfy the provisions of*  
15           *paragraph (1), the Secretary shall ratably reduce the*  
16           *payments to all eligible agencies, as necessary.*

17           *“(e) REALLOTMENT.—The portion of any eligible agen-*  
18           *cy’s allotment under subsection (a) or (b) for a fiscal year*  
19           *that the Secretary determines will not be required for the*  
20           *period such allotment is available for carrying out activities*  
21           *under this part, shall be available for reallocation from time*  
22           *to time, on such dates during such period as the Secretary*  
23           *shall fix, to other eligible agencies in proportion to the origi-*  
24           *nal allotments to such agencies under such subsection for*  
25           *such year.*

1 **“SEC. 313. USE OF FUNDS.**

2       “(a) *IN GENERAL.*—*Of the sum that is made available*  
3 *under this part to an eligible agency for any program*  
4 *year—*

5               “(1) *not less than 85 percent shall be made*  
6 *available to award grants in accordance with this sec-*  
7 *tion to carry out adult education and literacy activi-*  
8 *ties; and*

9               “(2) *not more than 15 percent shall be made*  
10 *available to carry out activities described in section*  
11 *314(a), of which not more than 5 percentage points,*  
12 *or \$50,000, whichever is greater, shall be made avail-*  
13 *able for administrative expenses at the State level (or*  
14 *the level of the outlying area).*

15       “(b) *GRANTS.*—

16               “(1) *IN GENERAL.*—*Except as provided in para-*  
17 *graph (2), from the amount made available to an eli-*  
18 *gible agency for adult education and literacy under*  
19 *subsection (a)(1) for a program year, such agency*  
20 *shall award grants, on a competitive basis, to local*  
21 *educational agencies, correctional education agencies,*  
22 *community-based organizations of demonstrated effec-*  
23 *tiveness, volunteer literacy organizations, libraries,*  
24 *public or private nonprofit agencies, postsecondary*  
25 *educational institutions, public housing authorities,*  
26 *and other nonprofit institutions, that have the ability*

1 *to provide literacy services to adults and families, or*  
2 *consortia of agencies, organizations, or institutions*  
3 *described in this subsection, to enable such agencies,*  
4 *organizations, institutions, and consortia to carry out*  
5 *adult education and literacy activities.*

6 “(2) *CONSORTIA.*—*An eligible agency may*  
7 *award a grant under this section to a consortium that*  
8 *includes a provider described in paragraph (1) and*  
9 *a for-profit agency, organization, or institution, if*  
10 *such agency, organization, or institution—*

11 “(A) *can make a significant contribution to*  
12 *carrying out the objectives of this title; and*

13 “(B) *enters into a contract with such pro-*  
14 *vider to carry out adult education and literacy*  
15 *activities.*

16 “(c) *GRANT REQUIREMENTS.*—

17 “(1) *REQUIRED LOCAL ACTIVITIES.*—*An eligible*  
18 *agency shall require that each provider receiving a*  
19 *grant under this section use the grant in accordance*  
20 *with section 314(b).*

21 “(2) *EQUITABLE ACCESS.*—*Each eligible agency*  
22 *awarding a grant under this section for adult edu-*  
23 *cation and literacy activities shall ensure that the*  
24 *providers described in subsection (b) will be provided*

1       *direct and equitable access to all Federal funds pro-*  
2       *vided under this section.*

3           “(3) *SPECIAL RULE.—Each eligible agency*  
4       *awarding a grant under this section shall not use any*  
5       *funds made available under this title for adult edu-*  
6       *cation and literacy activities for the purpose of sup-*  
7       *porting or providing programs, services, or activities*  
8       *for individuals who are not individuals described in*  
9       *subparagraphs (A) and (B) of section 303(1), except*  
10       *that such agency may use such funds for such purpose*  
11       *if such programs, services, or activities are related to*  
12       *family literacy services.*

13           “(4) *CONSIDERATIONS.—In awarding grants*  
14       *under this section, the eligible agency shall consider—*

15           “(A) *the past effectiveness of a provider de-*  
16       *scribed in subsection (b) in providing services*  
17       *(especially with respect to recruitment and reten-*  
18       *tion of educationally disadvantaged adults and*  
19       *the learning gains demonstrated by such adults);*

20           “(B) *the degree to which the provider will*  
21       *establish measurable goals for client outcomes,*  
22       *such as levels of literacy achieved and the attain-*  
23       *ment of a high school diploma or its equivalent,*  
24       *that are tied to challenging State performance*  
25       *standards for literacy proficiency;*



1           “(C) the degree to which the program is  
2           staffed by well-trained instructors and adminis-  
3           trators;

4           “(D) the degree to which the provider will  
5           coordinate with other available resources in the  
6           community, such as by establishing strong links  
7           with elementary and secondary schools, post-  
8           secondary educational institutions, full service  
9           employment and training delivery centers, job  
10          training programs, and other literacy and social  
11          service available in the community;

12          “(E) the commitment of the provider to  
13          serve individuals in the community who are  
14          most in need of literacy services, including indi-  
15          viduals who are low income, who have minimal  
16          literacy skills, or both;

17          “(F) whether or not the program is of suffi-  
18          cient intensity and duration for participants to  
19          achieve substantial learning gains;

20          “(G) the degree to which the provider will  
21          offer flexible schedules and necessary support  
22          services (such as child care and transportation)  
23          to enable individuals, including individuals with  
24          disabilities or other special needs, to participate  
25          in adult education and literacy activities;

1           “(H) whether such provider has been suc-  
2           cessful in recruiting, retaining, and improving  
3           the literacy skills of, individuals; and

4           “(I) whether, not later than 1 year after the  
5           date of the enactment of the Employment, Train-  
6           ing, and Literacy Enhancement Act of 1997,  
7           such provider has been successful in retraining  
8           and improving the literacy skills of individuals,  
9           consistent with the core indicators of perform-  
10          ance set forth in section 154 of the Employment,  
11          Training, and Literacy Enhancement Act.

12          “(d) LOCAL ADMINISTRATIVE COST LIMITS.—

13                 “(1) IN GENERAL.—Except as provided in para-  
14                 graph (2), of the funds provided under this section by  
15                 an eligible agency to a provider described in sub-  
16                 section (b), not less than 95 percent shall be expended  
17                 for provision of adult education and literacy activi-  
18                 ties. The remainder shall be used for planning, ad-  
19                 ministration, personnel development, and interagency  
20                 coordination.

21                 “(2) SPECIAL RULE.—In cases where the cost  
22                 limits described in paragraph (1) will be too restric-  
23                 tive to allow for adequate planning, administration,  
24                 personnel development, and interagency coordination  
25                 supported under this section, the eligible agency shall

1       *negotiate with the provider described in subsection (b)*  
2       *in order to determine an adequate level of funds to be*  
3       *used for noninstructional purposes.*

4       **“SEC. 314. ADULT EDUCATION AND LITERACY ACTIVITIES.**

5       “(a) *PERMISSIBLE AGENCY ACTIVITIES.*—*An eligible*  
6       *agency may use funds made available to the eligible agency*  
7       *under section 313(a)(2) for activities that may include—*

8               “(1) *the establishment or operation of profes-*  
9               *sional development programs to improve the quality*  
10              *of instruction provided pursuant to local activities re-*  
11              *quired under subsection (b), including instruction*  
12              *provided by volunteers or by personnel of a State or*  
13              *outlying area;*

14              “(2) *the provision of technical assistance to eligi-*  
15              *ble providers of activities authorized under this sec-*  
16              *tion;*

17              “(3) *the provision of technology assistance, in-*  
18              *cluding staff training, to eligible providers of activi-*  
19              *ties authorized under this section to enable the pro-*  
20              *viders to improve the quality of such activities;*

21              “(4) *the support of State or regional networks of*  
22              *literacy resource centers;*

23              “(5) *the monitoring and evaluation of the qual-*  
24              *ity of, and the improvement in, activities and services*  
25              *authorized under this section;*

1           “(6) incentives for—

2                   “(A) program coordination and integration;

3           and

4                   “(B) performance awards;

5           “(7) developing and disseminating curricula;

6           “(8) other activities of statewide significance

7           that promote the purposes of this title; and

8                   “(9) the provision of support services, such as

9           transportation, child care, and other assistance de-

10          signed to increase rates of enrollment in, and success-

11          ful completion of, adult education and literacy activi-

12          ties, to adults enrolled in such activities.

13          “(b) *REQUIRED LOCAL ACTIVITIES.*—The eligible

14          agency shall require that each eligible provider receiving a

15          grant under section 313 use the grant to establish or operate

16          1 or more programs that provide instruction or services in

17          1 or more of the following categories:

18                   “(1) Adult education and literacy services, in-

19                  cluding services provided on the work site.

20                   “(2) Family literacy services.

21                   “(3) English literacy programs.

22          “(c) *STATE-IMPOSED REQUIREMENTS.*—Whenever a

23          State implements any rule or policy relating to the admin-

24          istration or operation of a program authorized under this

25          title that has the effect of imposing a requirement that is

1 *not imposed under Federal law (including any rule or pol-*  
2 *icy based on a State interpretation of a Federal statute,*  
3 *regulation, or guideline), it shall identify, to eligible provid-*  
4 *ers, the rule or policy as being State-imposed.*

5 **“SEC. 315. FISCAL REQUIREMENTS AND RESTRICTIONS RE-**  
6 **LATED TO USE OF FUNDS.**

7 “(a) *SUPPLEMENT NOT SUPPLANT.—Funds made*  
8 *available under this part for adult education and literacy*  
9 *activities shall supplement, and may not supplant, other*  
10 *public funds expended to carry out activities described in*  
11 *section 314.*

12 “(b) *MAINTENANCE OF EFFORT.—*

13 “(1) *IN GENERAL.—*

14 “(A) *DETERMINATION.—An eligible agency*  
15 *may receive funds under this Act for any fiscal*  
16 *year if the Secretary finds that the fiscal effort*  
17 *per student or the aggregate expenditures of such*  
18 *eligible agency for adult education and literacy,*  
19 *in the second preceding fiscal year, was not less*  
20 *than 90 percent of the fiscal effort per student or*  
21 *the aggregate expenditures of such eligible agency*  
22 *for adult education and literacy, in the third*  
23 *preceding fiscal year.*

24 “(B) *PROPORTIONATE REDUCTION.—Subject*  
25 *to paragraphs (2), (3), and (4), for any program*

1           year with respect to which the Secretary deter-  
2           mines under subparagraph (A) that the fiscal ef-  
3           fort and the aggregate expenditures of an eligible  
4           agency for the preceding program year were less  
5           than such effort and expenditures for the second  
6           preceding program year, the Secretary—

7                   “(i) shall determine the percentage de-  
8                   creases in such effort and in such expendi-  
9                   tures; and

10                   “(ii) shall decrease the payment made  
11                   under this part for such program year to  
12                   the agency for adult education and literacy  
13                   activities by the lesser of such percentages.

14           “(2) COMPUTATION.—In computing the fiscal ef-  
15           fort and aggregate expenditures under paragraph (1),  
16           the Secretary shall exclude capital expenditures and  
17           special one-time project costs.

18           “(3) DECREASE IN FEDERAL SUPPORT.—If the  
19           amount made available for adult education and lit-  
20           eracy activities under this part for a fiscal year is  
21           less than the amount made available for adult edu-  
22           cation and literacy activities under this part for the  
23           preceding fiscal year, then the fiscal effort per student  
24           and the aggregate expenditures of an eligible agency  
25           required in order to avoid a reduction under para-

1        *graph (1)(B) shall be decreased by the same percent-*  
2        *age as the percentage decrease in the amount so made*  
3        *available.*

4                *“(4) WAIVER.—The Secretary may waive the re-*  
5        *quirements of this subsection for 1 fiscal year only, if*  
6        *the Secretary determines that a waiver would be equi-*  
7        *table due to exceptional or uncontrollable cir-*  
8        *cumstances, such as a natural disaster or an unfore-*  
9        *seen and precipitous decline in the financial resources*  
10       *of the State of the eligible agency. If the Secretary*  
11       *grants a waiver under the preceding sentence for a*  
12       *fiscal year, the level of effort required under para-*  
13       *graph (1) shall not be reduced in the subsequent fiscal*  
14       *year because of the waiver.*

15                *“(c) EXPENDITURES OF NON-FEDERAL FUNDS FOR*  
16       *ADULT EDUCATION AND LITERACY ACTIVITIES.—For any*  
17       *program year for which a grant is made to an eligible agen-*  
18       *cy under this part, the eligible agency shall expend, on pro-*  
19       *grams and activities relating to adult education and lit-*  
20       *eracy activities, an amount, derived from sources other than*  
21       *the Federal Government, equal to 25 percent of the amount*  
22       *made available to the eligible agency under this part for*  
23       *adult education and literacy activities.*

1                   **“PART B—NATIONAL PROGRAMS**

2   **“SEC. 321. NATIONAL INSTITUTE FOR LITERACY.**

3           “(a) *PURPOSE.—The National Institute for Literacy*  
4 *shall—*

5                   “(1) *provide national leadership with respect to*  
6 *literacy in the United States;*

7                   “(2) *coordinate literacy services; and*

8                   “(3) *serve as a national resource for adult edu-*  
9 *cation and family literacy by providing the best and*  
10 *most current information available and supporting*  
11 *the creation of new ways to offer services of proven*  
12 *effectiveness.*

13           “(b) *ESTABLISHMENT.—*

14                   “(1) *IN GENERAL.—There is established the Na-*  
15 *tional Institute for Literacy (in this section referred*  
16 *to as the ‘Institute’). The Institute shall be adminis-*  
17 *tered under the terms of an interagency agreement en-*  
18 *tered into by the Secretary of Education with the Sec-*  
19 *retary of Labor and the Secretary of Health and*  
20 *Human Services (in this section referred to as the*  
21 *‘Interagency Group’). The Interagency Group may*  
22 *include in the Institute any research and development*  
23 *center, institute, or clearinghouse established within*  
24 *the Department of Education, the Department of*  
25 *Labor, or the Department of Health and Human*  
26 *Services whose purpose is determined by the Inter-*



1        *agency Group to be related to the purpose of the Insti-*  
2        *tute.*

3            “(2) *OFFICES.*—*The Institute shall have offices*  
4        *separate from the offices of the Department of Edu-*  
5        *cation, the Department of Labor, and the Department*  
6        *of Health and Human Services.*

7            “(3) *BOARD RECOMMENDATIONS.*—*The Inter-*  
8        *agency Group shall consider the recommendations of*  
9        *the National Institute for Literacy Advisory Board*  
10       *(in this section referred to as the ‘Board’) established*  
11       *under subsection (d) in planning the goals of the In-*  
12       *stitute and in the implementation of any programs to*  
13       *achieve such goals.*

14           “(4) *DAILY OPERATIONS.*—*The daily operations*  
15       *of the Institute shall be carried out by the Director of*  
16       *the Institute appointed under subsection (g).*

17        “(c) *DUTIES.*—

18           “(1) *IN GENERAL.*—*In order to provide leader-*  
19       *ship for the improvement and expansion of the system*  
20       *for delivery of literacy services, the Institute is au-*  
21       *thorized—*

22           “(A) *to establish, and make accessible, a na-*  
23       *tional electronic data base of information that*  
24       *disseminates information to the broadest possible*

1           *audience within the literacy and basic skills*  
2           *field, and that includes—*

3                   “(i) *effective practices in the provision*  
4                   *of literacy and basic skills instruction, in-*  
5                   *cluding the integration of such instruction*  
6                   *with occupational skills training;*

7                   “(ii) *public and private literacy and*  
8                   *basic skills programs and Federal, State,*  
9                   *and local policies affecting the provision of*  
10                  *literacy services at the national, State, and*  
11                  *local levels;*

12                  “(iii) *opportunities for technical assist-*  
13                  *ance, meetings, conferences, and other op-*  
14                  *portunities that lead to the improvement of*  
15                  *literacy and basic skills services; and*

16                  “(iv) *a communication network for lit-*  
17                  *eracy programs, providers, social service*  
18                  *agencies, and students;*

19                  “(B) *to coordinate support for the provision*  
20                  *of literacy and basic skills services across Federal*  
21                  *agencies and at the State and local levels;*

22                  “(C) *to coordinate the support of research*  
23                  *and development on literacy and basic skills in*  
24                  *families and adults across Federal agencies, espe-*  
25                  *cially with the Office of Educational Research*

1           *and Improvement in the Department of Edu-*  
2           *cation, and to carry out basic and applied re-*  
3           *search and development on topics that are not*  
4           *being investigated by other organizations or*  
5           *agencies;*

6           “(D) *to collect and disseminate information*  
7           *on methods of advancing literacy that show great*  
8           *promise;*

9           “(E) *funding a network of State or regional*  
10          *adult literacy resource centers to assist State and*  
11          *local public and private nonprofit efforts to im-*  
12          *prove literacy by—*

13               “(i) *encouraging the coordination of*  
14               *literacy services;*

15               “(ii) *carrying out evaluations of the ef-*  
16               *fectiveness of adult education and literacy*  
17               *activities;*

18               “(iii) *enhancing the capacity of State*  
19               *and local organizations to provide literacy*  
20               *services; and*

21               “(iv) *serving as a reciprocal link be-*  
22               *tween the Institute and providers of adult*  
23               *education and literacy activities for the*  
24               *purpose of sharing information, data, re-*  
25               *search, expertise, and literacy resources;*

1           “(F) to coordinate and share information  
2           with national organizations and associations  
3           that are interested in literacy and workforce de-  
4           velopment;

5           “(G) to inform the development of policy  
6           with respect to literacy and basic skills; and

7           “(H) to undertake other activities that lead  
8           to the improvement of the Nation’s literacy deliv-  
9           ery system and that complement other such ef-  
10          forts being undertaken by public and private  
11          agencies and organizations.

12          “(2) GRANTS, CONTRACTS, AND AGREEMENTS.—  
13          *The Institute may make grants to, or enter into con-*  
14          *tracts or cooperative agreements with, individuals,*  
15          *public or private institutions, agencies, organizations,*  
16          *or consortia of such institutions, agencies, or organi-*  
17          *zations to carry out the activities of the Institute.*  
18          *Such grants, contracts, or agreements shall be subject*  
19          *to the laws and regulations that generally apply to*  
20          *grants, contracts, or agreements entered into by Fed-*  
21          *eral agencies.*

22          “(d) LITERACY LEADERSHIP.—

23                 “(1) FELLOWSHIPS.—*The Institute, in consulta-*  
24                 *tion with the Board, may award fellowships, with*  
25                 *such stipends and allowances as the Director consid-*

1        *ers necessary, to outstanding individuals pursuing ca-*  
2        *reers in adult education or literacy in the areas of in-*  
3        *struction, management, research, or innovation.*

4            “(2) *USE OF FELLOWSHIPS.*—*Fellowships*  
5        *awarded under this subsection shall be used, under*  
6        *the auspices of the Institute, to engage in research,*  
7        *education, training, technical assistance, or other ac-*  
8        *tivities to advance the field of adult education or lit-*  
9        *eracy, including the training of volunteer literacy*  
10       *providers at the national, State, or local level.*

11           “(3) *INTERNS AND VOLUNTEERS.*—*The Institute,*  
12       *in consultation with the Board, may award paid and*  
13       *unpaid internships to individuals seeking to assist the*  
14       *Institute in carrying out its mission. Notwithstand-*  
15       *ing section 1342 of title 31, United States Code, the*  
16       *Institute may accept and use voluntary and uncom-*  
17       *pensated services as the Institute determines nec-*  
18       *essary.*

19           “(e) *NATIONAL INSTITUTE FOR LITERACY ADVISORY*  
20 *BOARD.*—

21            “(1) *ESTABLISHMENT.*—

22            “(A) *IN GENERAL.*—*There is established a*  
23        *National Institute for Literacy Advisory Board.*  
24        *The Board shall consist of 10 individuals, ap-*

1           *pointed by the Interagency Group, from individ-*  
2           *uals who—*

3                   *“(i) are not otherwise officers or em-*  
4                   *ployees of the Federal Government; and*

5                   *“(ii) are representative of entities or*  
6                   *groups described in subparagraph (B).*

7                   *“(B) ENTITIES OR GROUPS DESCRIBED.—*  
8           *The entities or groups referred to in subpara-*  
9           *graph (A) are—*

10                   *“(i) literacy organizations and provid-*  
11                   *ers of literacy services, including—*

12                           *“(I) nonprofit providers of lit-*  
13                           *eracy services;*

14                           *“(II) providers of programs and*  
15                           *services involving English language in-*  
16                           *struction; and*

17                           *“(III) providers of services receiv-*  
18                           *ing assistance under this title;*

19                   *“(ii) businesses that have demonstrated*  
20                   *interest in literacy programs;*

21                           *“(iii) literacy students;*

22                           *“(iv) experts in the area of literacy re-*  
23                   *search;*

24                           *“(v) State and local governments;*

25                           *“(vi) representatives of employees; and*

1                   “(vii) *State directors of adult edu-*  
2                   *cation.*

3                   “(2) *DUTIES.—The Board—*

4                   “(A) *shall make recommendations concern-*  
5                   *ing the appointment of the Director and staff of*  
6                   *the Institute;*

7                   “(B) *shall provide independent advice on*  
8                   *the operation of the Institute; and*

9                   “(C) *shall receive reports from the Inter-*  
10                  *agency Group and the Director.*

11                  “(3) *FEDERAL ADVISORY COMMITTEE ACT.—Ex-*  
12                  *cept as otherwise provided, the Board established by*  
13                  *this subsection shall be subject to the provisions of the*  
14                  *Federal Advisory Committee Act (5 U.S.C. App.).*

15                  “(4) *TERMS.—*

16                  “(A) *IN GENERAL.—Each member of the*  
17                  *Board shall be appointed for a term of 3 years,*  
18                  *except that the initial terms for members may be*  
19                  *1, 2, or 3 years in order to establish a rotation*  
20                  *in which  $\frac{1}{3}$  of the members are selected each*  
21                  *year. Any such member may be appointed for*  
22                  *not more than 2 consecutive terms.*

23                  “(B) *VACANCY APPOINTMENTS.—Any mem-*  
24                  *ber appointed to fill a vacancy occurring before*  
25                  *the expiration of the term for which the member’s*

1           *predecessor was appointed shall be appointed*  
2           *only for the remainder of that term. A member*  
3           *may serve after the expiration of that member's*  
4           *term until a successor has taken office. A va-*  
5           *vacancy in the Board shall be filled in the manner*  
6           *in which the original appointment was made. A*  
7           *vacancy in the Board shall not affect the powers*  
8           *of the Board.*

9           “(5) *QUORUM.*—*A majority of the members of*  
10          *the Board shall constitute a quorum but a lesser num-*  
11          *ber may hold hearings. Any recommendation of the*  
12          *Board may be passed only by a majority of the*  
13          *Board's members present.*

14          “(6) *ELECTION OF OFFICERS.*—*The Chairperson*  
15          *and Vice Chairperson of the Board shall be elected by*  
16          *the members of the Board. The term of office of the*  
17          *Chairperson and Vice Chairperson shall be 2 years.*

18          “(7) *MEETINGS.*—*The Board shall meet at the*  
19          *call of the Chairperson or a majority of the members*  
20          *of the Board.*

21          “(f) *GIFTS, BEQUESTS, AND DEVISES.*—*The Institute*  
22          *may accept, administer, and use gifts or donations of serv-*  
23          *ices, money, or property, both real and personal.*

24          “(g) *MAILS.*—*The Board and the Institute may use the*  
25          *United States mails in the same manner and under the*



1 *same conditions as other departments and agencies of the*  
2 *Federal Government.*

3       “(h) *DIRECTOR.*—*The Interagency Group, after con-*  
4 *sidering recommendations made by the Board, shall ap-*  
5 *point and fix the pay of a Director.*

6       “(i) *APPLICABILITY OF CERTAIN CIVIL SERVICE*  
7 *LAWS.*—*The Director and staff of the Institute may be ap-*  
8 *pointed without regard to the provisions of title 5, United*  
9 *States Code, governing appointments in the competitive*  
10 *service, and may be paid without regard to the provisions*  
11 *of chapter 51 and subchapter III of chapter 53 of that title*  
12 *relating to classification and General Schedule pay rates,*  
13 *except that an individual so appointed may not receive pay*  
14 *in excess of the maximum rate payable under section 5376*  
15 *of title 5, United States Code.*

16       “(j) *EXPERTS AND CONSULTANTS.*—*The Board and*  
17 *the Institute may procure temporary and intermittent serv-*  
18 *ices under section 3109(b) of title 5, United States Code.*

19       “(k) *REPORT.*—*The Institute shall submit a report bi-*  
20 *ennially to the committees of the United States House of*  
21 *Representatives and the Senate having jurisdiction over this*  
22 *title. Each report submitted under this subsection shall in-*  
23 *clude—*

24               “(1) *a comprehensive and detailed description of*  
25 *the Institute’s operations, activities, financial condi-*

1        *tion, and accomplishments in the field of literacy for*  
2        *the period covered by the report;*

3            *“(2) a description of how plans for the operation*  
4        *of the Institute for the succeeding two fiscal years will*  
5        *facilitate achievement of the goals of the Institute and*  
6        *the goals of the literacy programs within the Depart-*  
7        *ment of Education, the Department of Labor, and the*  
8        *Department of Health and Human Services; and*

9            *“(3) any additional minority, or dissenting*  
10       *views submitted by members of the Board.*

11        *“(l) FUNDING.—Any amounts appropriated to the Sec-*  
12       *retary of Education, the Secretary of Labor, or the Sec-*  
13       *retary of Health and Human Services for purposes that the*  
14       *Institute is authorized to perform under this section may*  
15       *be provided to the Institute for such purposes.*

16       **“SEC. 322. NATIONAL LEADERSHIP ACTIVITIES.**

17        *“The Secretary shall establish and carry out a pro-*  
18       *gram of national leadership activities to enhance the qual-*  
19       *ity of adult education and family literacy programs nation-*  
20       *wide. Such activities may include the following:*

21            *“(1) Providing technical assistance to recipients*  
22       *of assistance under part A in developing and using*  
23       *benchmarks and performance measures for improve-*  
24       *ment of adult education and literacy activities, in-*  
25       *cluding family literacy services.*

1           “(2) Awarding grants, on a competitive basis, to  
2           a postsecondary educational institution, a public or  
3           private organization or agency, or a consortium of  
4           such institutions, organizations, or agencies to carry  
5           out research and technical assistance—

6                   “(A) for the purpose of developing, improv-  
7                   ing, and identifying the most successful methods  
8                   and techniques for addressing the education  
9                   needs of adults; and

10                   “(B) to increase the effectiveness of, and im-  
11                   prove the quality of, adult education and lit-  
12                   eracy activities, including family literacy serv-  
13                   ices.

14           “(3) Providing for the conduct of an independent  
15           evaluation and assessment of adult education and lit-  
16           eracy activities, through studies and analyses con-  
17           ducted independently through grants and contracts  
18           awarded on a competitive basis. Such evaluation and  
19           assessment shall include descriptions of—

20                   “(A) the effect of benchmarks, performance  
21                   measures, and other measures of accountability  
22                   on the delivery of adult education and literacy  
23                   activities, including family literacy services;

24                   “(B) the extent to which the adult education  
25                   and literacy activities, including family literacy

1           *services, increase the literacy skills of adults*  
2           *(and of children, in the case of family literacy*  
3           *services), lead the participants in such activities*  
4           *to involvement in further education and train-*  
5           *ing, enhance the employment and earnings of*  
6           *such participants, and, if applicable, lead to*  
7           *other positive outcomes, such as reductions in re-*  
8           *cidivism in the case of prison-based adult edu-*  
9           *cation and literacy services;*

10           *“(C) the extent to which the provision of*  
11           *support services to adults enrolled in adult edu-*  
12           *cation and family literacy programs increases*  
13           *the rates of enrollment in, and successful comple-*  
14           *tion of, such programs; and*

15           *“(D) the extent to which eligible agencies*  
16           *have distributed funds under part A to meet the*  
17           *needs of adults through community-based organi-*  
18           *zations.*

19           *“(4) Carrying out demonstration programs, rep-*  
20           *licating model programs, disseminating best practices*  
21           *information, and providing technical assistance, for*  
22           *the purposes of developing, improving, and identify-*  
23           *ing the most successful methods and techniques for*  
24           *providing the activities assisted under part A.*

1           “(5) *Other activities designed to enhance the*  
2           *quality of adult education and literacy nationwide,*  
3           *such as providing incentive grants to States consist-*  
4           *ent with section 156 of the Employment, Training,*  
5           *and Literacy Enhancement Act.”.*

6   **SEC. 503. REPEAL OF NATIONAL LITERACY ACT OF 1991.**

7           *The National Literacy Act of 1991 (Public Law 102–*  
8           *73; 105 Stat. 333) is hereby repealed.*

9   **SEC. 504. CONFORMING AMENDMENTS.**

10          *(a) REFUGEE EDUCATION ASSISTANCE ACT.—Sub-*  
11          *section (b) of section 402 of the Refugee Education Assist-*  
12          *ance Act of 1980 (8 U.S.C. 1522 note) is hereby repealed.*

13          *(b) ELEMENTARY AND SECONDARY EDUCATION ACT OF*  
14          *1965.—*

15                 *(1) SECTION 1206 OF ESEA.—Section*  
16                 *1206(a)(1)(A) of the Elementary and Secondary Edu-*  
17                 *cation Act of 1965 (20 U.S.C. 6366(a)(1)(A)) is*  
18                 *amended by striking “an adult basic education pro-*  
19                 *gram” and inserting “adult education and literacy*  
20                 *activities”.*

21                 *(2) SECTION 3113 OF ESEA.—Section 3113(1) of*  
22                 *such Act (20 U.S.C. 6813(1)) is amended by striking*  
23                 *“section 312 of the Adult Education Act;” and insert-*  
24                 *ing “section 303 of the Adult Education and Family*  
25                 *Literacy Act;”.*

1           (3) *SECTION 9161 OF ESEA.*—Section 9161(2) of  
2           *such Act (20 U.S.C. 7881(2)) is amended by striking*  
3           *“section 312(2) of the Adult Education Act.” and in-*  
4           *serting “section 303 of the Adult Education and*  
5           *Family Literacy Act.”.*

6           **TITLE VI—MISCELLANEOUS**  
7           **PROVISIONS**

8           **SEC. 601. REPEALERS.**

9           (a) *AMENDMENTS TO THE WAGNER-PEYSER ACT.*—  
10          *Section 601 of the Job Training Partnership Act is hereby*  
11          *repealed.*

12          (b) *AMENDMENTS TO PART C OF TITLE IV OF THE*  
13          *SOCIAL SECURITY ACT.*—Section 602 of the Job Training  
14          *Partnership Act is hereby repealed.*

15          (c) *EARNINGS DISREGARD.*—Section 603 of the Job  
16          *Training Partnership Act is hereby repealed.*

17          (d) *SAVINGS PROVISION.*—The repeals made by sub-  
18          *sections (a), (b), and (c), of any provision of law described*  
19          *in any such subsection that amended or repealed another*  
20          *provision of law does not in any way affect that amendment*  
21          *or repeal.*

22          **SEC. 602. CONFORMING AMENDMENTS.**

23          (a) *ENFORCEMENT OF MILITARY SELECTIVE SERVICE*  
24          *ACT.*—Section 604 of the Job Training Partnership Act (29  
25          *U.S.C. 1504) is amended—*

1           (1) *by redesignating such section as section 182*  
2           *of such Act; and*

3           (2) *by inserting such section after section 181 of*  
4           *such Act.*

5           (b) *STATE JOB BANK SYSTEMS.—Section 605 of such*  
6 *Act (29 U.S.C. 1505) is amended—*

7           (1) *by striking subsection (a);*

8           (2) *in subsection (b), by striking “shall make*  
9           *such” and inserting “may make”;*

10          (3) *by redesignating subsections (b) and (c) as*  
11          *subsections (a) and (b), respectively;*

12          (4) *by redesignating such section as section 466*  
13          *of such Act; and*

14          (5) *by adding such section after section 465 of*  
15          *such Act.*

16          (c) *STATE LABOR MARKET INFORMATION PRO-*  
17 *GRAMS.—Section 125 of such Act (29 U.S.C. 1535) is*  
18 *amended—*

19          (1) *by redesignating such section as section 467;*  
20          *and*

21          (2) *by inserting such section after section 466.*

1 **TITLE VII—AMENDMENTS TO**  
2 **STATE HUMAN RESOURCE IN-**  
3 **VESTMENT COUNCIL**

4 **SEC. 701. AMENDMENTS TO COUNCIL.**

5 (a) *ESTABLISHMENT AND FUNCTIONS.*—Section 701 of  
6 the Job Training Partnership Act (29 U.S.C. 1792) is  
7 amended—

8 (1) in subsection (a)—

9 (A) in paragraph (1)—

10 (i) by striking “shall review” and in-  
11 serting “reviews”; and

12 (ii) by striking “advise” and inserting  
13 “advises”;

14 (B) in paragraph (2), by striking “shall ad-  
15 vise” and inserting “advises”;

16 (C) in paragraph (3), by striking “shall  
17 carry” and inserting “carries”;

18 (D) by striking paragraph (4);

19 (E) in paragraph (5), by striking “may rec-  
20 ommend” and inserting “recommends”;

21 (F) in paragraph (6), to read as follows:

22 “(6) prepares and recommends to the Governor  
23 a strategy to be included as part of the State plan  
24 under section 101 that would accomplish the goals de-  
25 veloped pursuant to paragraph (4);”;



1                   (G) in paragraph (7)—

2                   (i) by striking “may monitor” and in-  
3                   serting “monitors”; and

4                   (ii) by striking the period at the end  
5                   and inserting “; and”;

6                   (H) by adding at the end the following:

7                   “(8) may serve as the collaborative process de-  
8                   scribed in section 102.”; and

9                   (I) by redesignating paragraphs (5) through  
10                  (8) (as amended or added, as the case may be)  
11                  as paragraphs (4) through (7), respectively; and  
12                  (2) in subsection (b)—

13                  (A) in paragraph (1)—

14                  (i) in subparagraph (A), by striking  
15                  “(A) Except as provided in subparagraph  
16                  (B), for purposes” and inserting “For pur-  
17                  poses”; and

18                  (ii) by striking subparagraph (B); and  
19                  (B) in paragraph (2)—

20                  (i) by striking “applicable Federal  
21                  human resource programs” and all that fol-  
22                  lows through “may include” and inserting  
23                  “applicable Federal human resource pro-  
24                  grams may include”;

1                   (ii) in clause (v), by striking the  
2                   “and” at the end;

3                   (iii) in clause (vii)—

4                   (I) by adding at the end before the  
5                   semicolon the following: “and title I of  
6                   the Personal Responsibility and Work  
7                   Opportunity Reconciliation Act of  
8                   1996”; and

9                   (II) by redesignating such clause  
10                  as clause (vi);

11                  (iv) in subparagraph (B)—

12                  (I) by striking “may not include  
13                  programs authorized under”; and

14                  (II) by redesignating such sub-  
15                  paragraph as clause (vii); and

16                  (v) by redesignating clauses (i) through  
17                  (vii) as subparagraphs (A) through (G), re-  
18                  spectively, and moving the margin for each  
19                  such subparagraph two ems to the left.

20                  (b) COMPOSITION.—Section 702 of such Act (29 U.S.C.  
21 1792a) is amended—

22                  (1) by striking subsections (a), (b), and (c); and

23                  (2) by inserting the following:

24                  “Each State Council shall be composed of the individ-  
25                  uals and entities described in section 102(a).”

1       (c) *ADMINISTRATION.*—Section 703 of such Act (29  
2 *U.S.C. 1792b*) is amended—

3           (1) *in subsection (a)(2)*—

4               (A) *by inserting “for State administrative*  
5 *expenses” after “funds otherwise available”; and*

6               (B) *by striking “, including funds avail-*  
7 *able” and all that follows through “such Act”;*

8           (2) *by striking subsection (c); and*

9           (3) *by redesignating subsection (d) as subsection*  
10 *(c).*

11 **SEC. 702. TRANSFER OF COUNCIL.**

12       *Title VII of the Job Training Partnership Act (29*  
13 *U.S.C. 1792 et seq.), as amended by section 701, is trans-*  
14 *ferred to the end of part A of title I of such Act, as amended*  
15 *by section 111 of this Act.*

16 **SEC. 703. CONFORMING AMENDMENTS.**

17       (a) *IN GENERAL.*—*Title VII of the Job Training Part-*  
18 *nership Act (29 U.S.C. 1792 et seq.), as transferred to the*  
19 *end of part A of title I of such Act by section 702, is amend-*  
20 *ed—*

21           (1) *by amending the title heading to read as fol-*  
22 *lows:*

1 **“SEC. 103. STATE HUMAN RESOURCE INVESTMENT COUN-**  
2 **CIL.”;**

3 *(2) by redesignating sections 701 through 703 as*  
4 *subsections (a) through (c), respectively, of section 103*  
5 *(as redesignated by paragraph (1)) and conforming*  
6 *the subsection headings and margins accordingly;*

7 *(3) by redesignating each subsection, paragraph,*  
8 *and subparagraph of sections 701 through 703 (as*  
9 *such sections existed immediately prior to the amend-*  
10 *ments made by paragraph (2)) as a paragraph, sub-*  
11 *paragraph, and clause, respectively, of section 103 (as*  
12 *redesignated by paragraph (1)) and conforming the*  
13 *headings and margins accordingly; and*

14 *(4) in subsection (a)(2)(B) (as redesignated), by*  
15 *striking “paragraph (1)” and inserting “subpara-*  
16 *graph (A)”.*

17 *(b) ADDITIONAL AMENDMENT.—Section 103 of the Job*  
18 *Training Partnership Act, as redesignated by subsection*  
19 *(a)(2), is amended by striking “title” each place it appears*  
20 *(except in subsection (a)(2)(B)(vi) of such section) and in-*  
21 *serting “section”.*

22 **TITLE VIII—AMENDMENTS TO**  
23 **WAGNER-PEYSER ACT**

24 **SEC. 801. DEFINITIONS.**

25 *Section 2 of the Wagner-Peyser Act (29 U.S.C. 49a)*  
26 *is amended—*

1           (1) in paragraph (1), by striking “*Job Training*  
2           *Partnership Act*” and inserting “*Employment, Train-*  
3           *ing, and Literacy Enhancement Act*”;

4           (2) by striking paragraphs (2) and (4);

5           (3) by redesignating paragraphs (3) and (5) as  
6           paragraphs (5) and (6), respectively;

7           (4) by inserting after paragraph (1) the follow-  
8           ing:

9           “(2) the term ‘*local workforce development area*’  
10          means a local workforce development area designated  
11          under section 121 of the *Employment, Training, and*  
12          *Literacy Enhancement Act*;

13          “(3) the term ‘*local workforce development board*’  
14          means a local workforce development board estab-  
15          lished under section 122 of the *Employment, Train-*  
16          *ing, and Literacy Enhancement Act*;

17          “(4) the term ‘*full service employment and train-*  
18          *ing delivery system*’ means a system established under  
19          section 123 of the *Employment, Training, and Lit-*  
20          *eracy Enhancement Act*.”; and

21          (5) in paragraph (5) (as redesignated by para-  
22          graph (3)), by striking the semicolon and inserting “;  
23          and”.

1 **SEC. 802. FUNCTIONS.**

2 (a) *IN GENERAL.*—Section 3(a) of the Wagner-Peyser  
3 Act (29 U.S.C. 49b(a)) is amended to read as follows:

4 “(a) The Secretary of Labor—

5 “(1) shall assist in the coordination and develop-  
6 ment of a nationwide system of labor exchange serv-  
7 ices for the general public, provided as part of the full  
8 service employment and training delivery systems of  
9 the States;

10 “(2) shall assist in the development of continuous  
11 improvement models for such nationwide system that  
12 ensure private sector satisfaction with the system and  
13 meet the demands of jobseekers relating to the system;  
14 and

15 “(3) shall ensure, for individuals otherwise eligi-  
16 ble to receive unemployment compensation, the con-  
17 tinuation of any activities in which the individuals  
18 are required to participate to receive the compensa-  
19 tion.”.

20 (b) *CONFORMING AMENDMENTS.*—Section 508(b) of the  
21 Unemployment Compensation Amendments of 1976 (42  
22 U.S.C. 603a) is amended—

23 (1) by striking “the third sentence of section  
24 3(a)” and inserting “section 3(b)”; and

25 (2) by striking “49b(a)” and inserting “49b(b)”.

1 **SEC. 803. DESIGNATION OF STATE AGENCIES.**

2 *Section 4 of the Wagner-Peyser Act (29 U.S.C. 49c)*  
3 *is amended—*

4 *(1) by striking “, through its legislature,” and*  
5 *inserting “pursuant to State statute”;*

6 *(2) by inserting after “the provisions of this Act*  
7 *and” the following: “, in accordance with such State*  
8 *statute, the Governor shall”; and*

9 *(3) by striking “United States Employment*  
10 *Service” and inserting “Secretary”.*

11 **SEC. 804. APPROPRIATIONS.**

12 *Section 5(c) of the Wagner-Peyser Act (29 U.S.C.*  
13 *49d(c)) is amended by striking paragraph (3).*

14 **SEC. 805. DISPOSITION OF ALLOTTED FUNDS.**

15 *Section 7 of the Wagner-Peyser Act (29 U.S.C. 49f)*  
16 *is amended—*

17 *(1) in subsection (b)(2), by striking “private in-*  
18 *dustry council” and inserting “local workforce devel-*  
19 *opment board”;*

20 *(2) in subsection (c)(2)(B), to read as follows:*

21 *“(B) Title III of the Employment, Training, and*  
22 *Literacy Enhancement Act.”;*

23 *(3) in subsection (d), by striking “Job Training*  
24 *Partnership Act” and inserting “Employment, Train-*  
25 *ing, and Literacy Enhancement Act”; and*

26 *(4) by adding at the end the following:*

1       “(e) All job search, placement, recruitment, labor mar-  
2 ket information, and other labor exchange services author-  
3 ized under subsections (a) and (b) shall be provided as part  
4 of the full service employment and training delivery system  
5 established by the State.”.

6 **SEC. 806. STATE PLANS.**

7       Section 8 of the Wagner-Peyser Act (29 U.S.C. 49g)  
8 is amended—

9             (1) in subsection (a) to read as follows:

10       “(a) Any State desiring to receive assistance under  
11 this Act shall submit to the Secretary, as part of the State  
12 plan submitted under section 101 of the Employment,  
13 Training, and Literacy Enhancement Act, detailed plans  
14 for carrying out the provisions of this Act within such  
15 State.”;

16             (2) by striking subsections (b), (c), and (e); and

17             (3) by redesignating subsection (d) as subsection  
18 (b).

19 **SEC. 807. FEDERAL ADVISORY COUNCIL.**

20       Section 11 of the Wagner-Peyser Act (29 U.S.C. 49j)  
21 is hereby repealed.

22 **SEC. 808. REGULATIONS.**

23       Section 12 of the Wagner-Peyser Act (29 U.S.C. 49k)  
24 is amended by striking “The Director, with the approval  
25 of the Secretary of Labor,” and inserting “The Secretary”.



1 **SEC. 809. EFFECTIVE DATE.**

2 *The amendments made by this title shall take effect*  
 3 *on July 1, 1998.*

4 **TITLE IX—TECHNICAL AND**  
 5 **CONFORMING AMENDMENTS**  
 6 **Subtitle A—Amendments to the Job**  
 7 **Training Partnership Act**

8 **SEC. 901. SHORT TITLE; TABLE OF CONTENTS.**

9 *Section 1 of the Job Training Partnership Act (29*  
 10 *U.S.C. 1501 note) is amended to read as follows:*

11 **“SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

12 *“(a) SHORT TITLE.—This Act may be cited as the*  
 13 *‘Employment, Training, and Literacy Enhancement Act’.*

14 *“(b) TABLE OF CONTENTS.—The table of contents of*  
 15 *this Act is as follows:*

*“Sec. 1. Short title; table of contents.*

*“Sec. 2. Statement of purpose.*

*“Sec. 3. Authorization of appropriations.*

*“Sec. 4. Definitions.*

**“TITLE I—STATE AND LOCAL ADMINISTRATIVE PROVISIONS**

**“PART A—STATE ADMINISTRATIVE PROVISIONS**

*“Sec. 101. State plan.*

*“Sec. 102. Collaborative process.*

*“Sec. 103. State Human Resource Investment Council.*

**“PART B—LOCAL ADMINISTRATIVE PROVISIONS**

*“Sec. 121. Local workforce development areas.*

*“Sec. 122. Local workforce development boards.*

*“Sec. 123. Full service employment and training delivery system.*

*“Sec. 124. Identification of training providers.*

**“PART C—PROGRAM AND FISCAL PROVISIONS**

**“SUBPART 1—GENERAL PROVISIONS**

*“Sec. 141. General program requirements.*

- “Sec. 142. *Benefits.*
- “Sec. 143. *Labor standards.*
- “Sec. 144. *Grievance procedure.*
- “Sec. 145. *Prohibition against Federal control of education.*
- “Sec. 146. *Identification of additional imposed requirements.*
- “Sec. 147. *Authority of State legislature.*
- “Sec. 148. *Interstate agreements.*

“SUBPART 2—PERFORMANCE ACCOUNTABILITY PROVISIONS

- “Sec. 151. *Performance accountability system.*
- “Sec. 152. *Indicators of performance.*
- “Sec. 153. *State adjusted benchmarks.*
- “Sec. 154. *Core indicators of performance.*
- “Sec. 155. *Report on performance.*
- “Sec. 156. *Incentive grants and sanctions.*

“SUBPART 3—OTHER PROVISIONS

- “Sec. 161. *Program year.*
- “Sec. 162. *Prompt allocation of funds.*
- “Sec. 163. *Monitoring.*
- “Sec. 164. *Fiscal controls; sanctions.*
- “Sec. 165. *Reports; recordkeeping; investigations.*
- “Sec. 166. *Administrative Adjudication.*
- “Sec. 167. *Nondiscrimination.*
- “Sec. 168. *Administrative provisions.*
- “Sec. 169. *Utilization of services and facilities.*
- “Sec. 170. *Obligational authority.*
- “Sec. 171. *Limitation on certain costs.*

“PART D—MISCELLANEOUS PROVISIONS

- “Sec. 181. *Reference.*
- “Sec. 182. *Enforcement of Military Selective Service Act.*

“TITLE II—DISADVANTAGED YOUTH EMPLOYMENT AND TRAINING  
OPPORTUNITIES GRANTS

- “Sec. 201. *Statement of purpose.*
- “Sec. 202. *Authorization.*
- “Sec. 203. *Allotment and allocation among States.*
- “Sec. 204. *Allocation within States.*
- “Sec. 205. *Eligibility for services.*
- “Sec. 206. *Use of funds.*
- “Sec. 207. *Selection of service providers.*
- “Sec. 208. *Linkages.*

“TITLE III—ADULT EMPLOYMENT AND TRAINING OPPORTUNITIES  
GRANTS

- “Sec. 301. *Purpose.*

“PART A—ADULT EMPLOYMENT AND TRAINING OPPORTUNITIES GRANTS

- “Sec. 311. *Authorization.*
- “Sec. 312. *Allotment among States.*
- “Sec. 313. *Allocation within States.*

*“Sec. 314. Use of amounts.*

*“PART B—NATIONAL PROGRAMS*

*“Sec. 321. National emergency grants.*

*“Sec. 322. Skill upgrading projects in enterprise zones or empowerment communities.*

*“TITLE IV—FEDERALLY ADMINISTERED PROGRAMS*

*“PART A—EMPLOYMENT AND TRAINING PROGRAMS FOR NATIVE AMERICANS AND MIGRANT AND SEASONAL FARMWORKERS*

*“Sec. 401. Native American programs.*

*“Sec. 402. Migrant and seasonal farmworker program.*

*“PART B—JOB CORPS*

*“Sec. 421. Statement of purpose.*

*“Sec. 422. Establishment of the Job Corps.*

*“Sec. 423. Individuals eligible for the Job Corps.*

*“Sec. 424. Screening and selection of applicants: general provisions.*

*“Sec. 425. Screening and selection: special limitations.*

*“Sec. 426. Enrollment and assignment.*

*“Sec. 427. Job Corps centers.*

*“Sec. 428. Program activities.*

*“Sec. 429. Allowances and support.*

*“Sec. 430. Standards of conduct.*

*“Sec. 431. Community participation.*

*“Sec. 432. Counseling and job placement.*

*“Sec. 433. Experimental and developmental projects and coordination with other programs.*

*“Sec. 433A. Job Corps centers for homeless families.*

*“Sec. 434. Advisory boards and committees.*

*“Sec. 435. Participation of the States.*

*“Sec. 436. Application of provisions of Federal law.*

*“Sec. 437. Special provisions.*

*“Sec. 438. General provisions.*

*“Sec. 439. Donations.*

*“PART C—VETERANS’ EMPLOYMENT PROGRAMS*

*“Sec. 441. Authorization of programs.*

*“PART D—NATIONAL ACTIVITIES*

*“Sec. 451. Research, demonstration, evaluation, and capacity building.*

*“Sec. 452. Incentive grants.*

*“Sec. 453. Uniform reporting requirements.*

*“PART E—LABOR MARKET INFORMATION*

*“Sec. 461. Labor market information; availability of funds.*

*“Sec. 462. Cooperative labor market information program.*

*“Sec. 463. Special federal responsibilities.*

*“Sec. 464. National Occupational Information Coordinating Committee.*

*“Sec. 465. Job bank program.*

*“Sec. 466. State job bank systems.*

*“Sec. 467. State labor market information programs.”.*

1 **SEC. 902. DEFINITIONS.**

2 *Section 4 of such Act (29 U.S.C. 1503), as amended*  
3 *by section 103, is further amended, as follows:*

4 *(1) By striking the heading and the matter pre-*  
5 *ceding paragraph (1) and inserting the following:*

6 **“SEC. 4. DEFINITIONS.**

7 *“As used in this Act, the following definitions apply:”.*

8 *(2) In paragraph (3), by striking “The term”*  
9 *and inserting “AREA OF SUBSTANTIAL UNEMPLOY-*  
10 *MENT.—The term”.*

11 *(3) In paragraph (7), by striking “The term”*  
12 *and inserting “ECONOMIC DEVELOPMENT AGEN-*  
13 *CIES.—The term”.*

14 *(4) In paragraph (8), by striking “The term”*  
15 *and inserting “ECONOMICALLY DISADVANTAGED.—*  
16 *The term”.*

17 *(5) In paragraph (9), by striking “The term”*  
18 *and inserting “GOVERNOR.—The term”.*

19 *(6) In paragraph (12), by striking “The term”*  
20 *and inserting “INSTITUTION OF HIGHER EDU-*  
21 *CATION.—The term”.*

22 *(7) In paragraph (13), by striking “The term”*  
23 *and inserting “LABOR MARKET AREA.—The term”.*

1           (8) *In paragraph (14), by striking “The term”*  
2 *and inserting “LOCAL EDUCATIONAL AGENCY.—The*  
3 *term”.*

4           (9) *In paragraph (15), by striking “The term”*  
5 *and inserting “LOW-INCOME LEVEL.—The term”.*

6           (10) *In paragraph (16), by striking “The term”*  
7 *and inserting “LOWER LIVING STANDARD INCOME*  
8 *LEVEL.—The term”.*

9           (11) *In paragraph (17), by striking “The term”*  
10 *and inserting “OFFENDER.—The term”.*

11           (12) *In paragraph (18), by striking “The term”*  
12 *and inserting “POSTSECONDARY INSTITUTION.—The*  
13 *term”.*

14           (13) *In paragraph (20), by striking “The term”*  
15 *and inserting “PUBLIC ASSISTANCE.—The term”.*

16           (14) *In paragraph (23), by striking “The term”*  
17 *and inserting “STATE EDUCATIONAL AGENCY.—The*  
18 *term”.*

19           (15) *In paragraph (25), by striking “The term”*  
20 *and inserting “UNEMPLOYED INDIVIDUALS.—The*  
21 *term”.*

22           (16) *In paragraph (26), by striking “The term”*  
23 *and inserting “UNIT OF GENERAL LOCAL GOVERN-*  
24 *MENT.—The term”.*

1           (17) *In paragraph (28), by striking “The term”*  
2           *and inserting “VOCATIONAL EDUCATION.—The term”.*

3           (18) *In paragraph (29), by striking “The term”*  
4           *and inserting “DISPLACED HOME MAKER.—The term”.*

5           (19) *In paragraph (30), by striking “The term”*  
6           *and inserting “NONTRADITIONAL EMPLOYMENT.—The*  
7           *term”.*

8           (20) *In paragraph (31), by striking “The term”*  
9           *and inserting “BASIC SKILLS DEFICIENT.—The*  
10          *term”.*

11          (21) *In paragraph (32), by striking “The term”*  
12          *and inserting “CASE MANAGEMENT.—The term”.*

13          (22) *In paragraph (33), by striking “The term”*  
14          *and inserting “CITIZENSHIP SKILLS.—The term”.*

15          (23) *In paragraph (34), by striking “The term”*  
16          *and inserting “FAMILY.—The term”.*

17          (24) *In paragraph (37), by striking “The term”*  
18          *and inserting “PARTICIPANT.—The term”.*

19          (25) *In paragraph (38), by striking “The term”*  
20          *and inserting “SCHOOL DROPOUT.—The term”.*

21          (26) *In paragraph (39), by striking “The term”*  
22          *and inserting “TERMINATION.—The term”.*

23          (27) *In paragraph (40), by striking “The term”*  
24          *and inserting “YOUTH CORPS PROGRAM.—The term”.*

1           (28) *By redesignating paragraphs (31), (32),*  
 2           *(4), (33), (5), (6), (29), (7), (8), (41), (42), (34), (43),*  
 3           *(44), (9), (45), (46), (10), (12), (13), (47), (48), (49),*  
 4           *(14), (50), (15), (16), (30), (17), (51), (52), (37), (18),*  
 5           *(20), (53), (54), (38), (21), (55), (22), (57), (56), (23),*  
 6           *(58), (24), (39), (25), (26), (27), (28), and (40) as*  
 7           *paragraphs (4) through (54), respectively.*

8 **SEC. 903. AMENDMENTS TO TITLE I.**

9           (a) *HEADING.*—*The heading of title I of the Job Train-*  
 10 *ing Partnership Act (29 U.S.C. 1501 et seq.) is amended*  
 11 *to read as follows:*

12           **“TITLE I—STATE AND LOCAL**  
 13 **ADMINISTRATIVE PROVISIONS”.**

14           (b) *PART B.*—*Part B of title I of such Act (29 U.S.C.*  
 15 *1531 et seq.), as amended by this Act, is further amended*  
 16 *in the heading of such part to read as follows:*

17           **“PART B—LOCAL ADMINISTRATIVE PROVISIONS”.**

18           (c) *PART C.*—

19           (1) *HEADINGS.*—*Part C of title I of such Act (29*  
 20 *U.S.C. 1551 et seq.), as amended by this Act, is fur-*  
 21 *ther amended—*

22           (A) *in the heading of such part to read as*  
 23 *follows:*

1 **“PART C—PROGRAM AND FISCAL PROVISIONS”;**

2 (B) by inserting after the heading for such  
3 part the following:

4 **“Subpart 1—General Provisions”;**

5 (C) by inserting after section 148, as  
6 amended by this Act, the following:

7 **“Subpart 2—Performance Accountability Provisions”;**

8 and

9 (D) by inserting after section 156 (as  
10 amended by this Act) the following:

11 **“Subpart 3—Other Provisions”.**

12 (2) SECTION 141.—Section 141 of such Act (29  
13 U.S.C. 1551), as amended by this Act, is further  
14 amended—

15 (A) in the section heading to read as fol-  
16 lows:

17 **“SEC. 141. GENERAL PROGRAM REQUIREMENTS.”;**

18 and

19 (B)(i) by redesignating subsections (a), (b),  
20 (c), (e), (g), (h), (j), and (l) through (t) as para-  
21 graphs (1) through (16), respectively, and mov-  
22 ing the margin for each such paragraph two ems  
23 to the right; and

24 (ii) by redesignating each paragraph and  
25 subparagraph of such subsections (a), (b), (c),  
26 (e), (g), (h), (j), and (l) through (t) (as such sub-



1           sections existed before the amendment made by  
2           clause (i)) as a subparagraph and clause, respec-  
3           tively.

4           (3) *SECTION 142.*—Section 142 of such Act (29  
5           U.S.C. 1552), as amended by this Act, is further  
6           amended—

7                   (A) in the section heading to read as fol-  
8           lows:

9           **“SEC. 142. BENEFITS.”;**

10                   (B) in subsection (a)(2) (as redesignated),  
11           by striking “References” and inserting “REF-  
12           ERENCES.—References”; and

13                   (C) in subsection (b), by striking “Allow-  
14           ances” and inserting “ADDITIONAL REQUIRE-  
15           MENT.—Allowances”.

16           (4) *SECTION 145.*—Section 145 of such Act (29  
17           U.S.C. 1555) is amended in the section heading to  
18           read as follows:

19           **“SEC. 145. PROHIBITION AGAINST FEDERAL CONTROL OF**  
20                   **EDUCATION.”.**

21           (5) *SECTION 146.*—Section 146 of such Act (as  
22           redesignated) is amended—

23                   (A) in the section heading to read as fol-  
24           lows:

1 **“SEC. 146. IDENTIFICATION OF ADDITIONAL IMPOSED RE-**  
 2 **QUIREMENTS.”;**

3 *and*

4 *(B) by striking “service delivery area” each*  
 5 *place it appears and inserting “workforce devel-*  
 6 *opment area”.*

7 *(6) SECTION 147.—Section 147 of such Act (as*  
 8 *redesignated) is amended in the section heading to*  
 9 *read as follows:*

10 **“SEC. 147. AUTHORITY OF STATE LEGISLATURE.”.**

11 *(7) SECTION 148.—Section 148 of such Act (as*  
 12 *redesignated) is amended in the section heading to*  
 13 *read as follows:*

14 **“SEC. 148. INTERSTATE AGREEMENTS.”.**

15 *(d) PART D.—*

16 *(1) HEADING.—Part D of title I of such Act is*  
 17 *amended by striking the heading for such part.*

18 *(2) SECTION 161.—Section 161 of such Act (29*  
 19 *U.S.C. 1571), as amended by this Act, is further*  
 20 *amended—*

21 *(A) in the section heading to read as fol-*  
 22 *lows:*

23 **“SEC. 161. PROGRAM YEAR.”;**

24 *(B) in subsection (a), by striking “(a)” and*  
 25 *inserting the following:*

26 *“(a) PROGRAM YEAR.—”; and*

1           (C) in subsection (b), by striking “(b)” and  
2           inserting the following:

3           “(b) AVAILABILITY.—”.

4           (3) SECTION 162.—Section 162 of such Act (29  
5           U.S.C. 1572), as amended by this Act, is further  
6           amended—

7           (A) in the section heading to read as fol-  
8           lows:

9           **“SEC. 162. PROMPT ALLOCATION OF FUNDS.”;**

10           (B) in subsection (a), by striking “(a)” and  
11           inserting “(a) ALLOTMENTS AND ALLOCATIONS  
12           BASED ON LATEST AVAILABLE  
13           DATA.—”;

14           (C) in subsection (b), by striking “(b)” and  
15           inserting “(b) PUBLICATION IN FEDERAL REG-  
16           ISTER RELATING TO MANDATORY FUNDS.—”;

17           (D) in subsection (c), by striking “(c)” and  
18           inserting “(c) REQUIREMENT FOR FUNDS DIS-  
19           TRIBUTED BY FORMULA.—”;

20           (E) in subsection (d), by striking “(d)” and  
21           inserting “(d) PUBLICATION IN FEDERAL REG-  
22           ISTER RELATING TO DISCRETIONARY FUNDS.—  
23           ”; and

24           (F) in subsection (e)—

1                   (i) by striking “(e)” and inserting “(e)  
2                   *AVAILABILITY OF FUNDS.—*”; and

3                   (ii) by striking “service delivery area”  
4                   and inserting “local workforce development  
5                   area”.

6                   (4) *SECTION 163.—*Section 163 of such Act (29  
7                   U.S.C. 1573) is amended—

8                   (A) in the section heading to read as fol-  
9                   lows:

10                  **“SEC. 163. MONITORING.”;**

11                   (B) in subsection (a), by striking “(a)” and  
12                   inserting “(a) *IN GENERAL.—*”;

13                   (C) in subsection (b), by striking “(b)” and  
14                   inserting “(b) *INVESTIGATIONS.—*”; and

15                   (D) in subsection (c), by striking “(c)” and  
16                   inserting “(c) *ADDITIONAL REQUIREMENT.—*”.

17                   (5) *SECTION 164.—*Section 164 of such Act (29  
18                   U.S.C. 1574) is amended—

19                   (A) in the section heading to read as fol-  
20                   lows:

21                  **“SEC. 164. FISCAL CONTROLS; SANCTIONS.”;**

22                   (B) in subsection (a)—

23                   (i) by striking “(a)(1)” and inserting  
24                   the following:

1       “(a) *ESTABLISHMENT OF FISCAL CONTROLS BY*  
2 *STATES.—*—

3               “(1) *IN GENERAL.—*”; and

4                       (ii) *in paragraph (2), by striking*  
5                       “(2)” *and inserting “(2) REGULATIONS.—”*  
6                       *and moving such paragraph two ems to the*  
7                       *right;*

8               (C) *in subsection (e)—*

9                       (i) *by striking “(e)(1)” and inserting*  
10                       *the following:*

11       “(e) *REPAYMENT OF AMOUNTS.—*—

12               “(1) *IN GENERAL.—*”;

13                       (ii) *in paragraph (2), by striking*  
14                       “(2)” *and inserting “(2) FACTORS IN IM-*  
15                       *POSING SANCTIONS.—” and moving such*  
16                       *paragraph two ems to the right; and*

17                       (iii) *in paragraph (3), by striking*  
18                       “(3)” *and inserting “(3) WAIVER.—” and*  
19                       *moving such paragraph two ems to the*  
20                       *right;*

21               (D) *in subsection (f), by striking “(f)” and*  
22                       *inserting “(f) IMMEDIATE TERMINATION OR SUS-*  
23                       *PENSION OF ASSISTANCE IN EMERGENCY SITUA-*  
24                       *TIONS.—*”;

1           (E) in subsection (g), by striking “(g)” and  
2           inserting “(g) *DISCRIMINATION AGAINST PAR-*  
3           *TICIPANTS.—*”; and

4           (F) by redesignating subsections (d), (e), (f),  
5           (g) as subsections (c), (d), (e), and (f), respec-  
6           tively.

7           (6) *SECTION 165.—Section 165 of such Act (29*  
8           *U.S.C. 1575) is amended—*

9           (A) in the section heading to read as fol-  
10          lows:

11       **“SEC. 165. REPORTS; RECORDKEEPING; INVESTIGATIONS.”;**

12           (B) in subsection (a)—

13           (i) by striking “(a)(1)” and inserting  
14           the following:

15       “(a) *REPORTS.—*

16           “(1) *IN GENERAL.—*”;

17           (ii) in paragraph (2), by striking  
18           “(2)” and inserting “(2) *SUBMISSION TO*  
19           *THE SECRETARY.—*” and moving such  
20           paragraph two ems to the right; and

21           (iii) in paragraph (3), by striking  
22           “(3)” and inserting “(3) *MAINTENANCE OF*  
23           *STANDARDIZED RECORDS.—*” and moving  
24           such paragraph two ems to the right; and

25           (iv) in paragraph (4)—

1                   (I) by striking “(4)(A)” and in-  
2                   serting “(4) AVAILABILITY TO THE  
3                   PUBLIC.—(A)” and moving such para-  
4                   graph two ems to the right;

5                   (II) in subparagraph (B), by  
6                   striking “(B)” and inserting “(B) EX-  
7                   CEPTION.—” and moving such sub-  
8                   paragraph two ems to the right; and

9                   (III) in subparagraph (C), by  
10                  striking “(C)” and inserting “(C)  
11                  FEES TO RECOVER COSTS.—” and  
12                  moving such subparagraph two ems to  
13                  the right;

14                  (C) in subsection (b)—

15                         (i) by striking “(b)(1)(A)” and insert-  
16                         ing the following:

17                         “(b) INVESTIGATIONS OF USE OF FUNDS.—

18                                 “(1) IN GENERAL.—(A)”;

19   (ii) in subparagraph (B) of paragraph  
20   (1), by moving such subparagraph two ems  
21   to the right;

22   (iii) in paragraph (2), by striking  
23   “(2)” and inserting “(2) PROHIBITION.—”  
24   and moving such paragraph two ems to the  
25   right; and

1                   (iv) in paragraph (3)—

2                   (I) by striking “(3)(A)” and in-  
3                   serting the following:

4                   “(3) AUDITS.—

5                   “(A) IN GENERAL.—”;

6                   (II) in subparagraph (B), by  
7                   striking “(B)” and inserting “(B) NO-  
8                   TIFICATION REQUIREMENT.—” and  
9                   moving such subparagraph two ems to  
10                  the right;

11                  (III) in subparagraph (C), by  
12                  striking “(C)” and inserting “(C) AD-  
13                  DITIONAL REQUIREMENT.—” and mov-  
14                  ing such subparagraph two ems to the  
15                  right; and

16                  (IV) in subparagraph (D), by  
17                  striking “(D)” and inserting “(D)  
18                  RULE OF CONSTRUCTION.—” and mov-  
19                  ing such subparagraph two ems to the  
20                  right;

21                  (D) in subsection (c)—

22                  (i) by striking “(c)” and inserting “(c)  
23                  ACCESSIBILITY OF REPORTS.—”; and



1                   (ii) in paragraph (2), by striking  
2                   “service delivery area” and inserting “local  
3                   workforce development area”;

4                   (E) in subsection (d)—

5                   (i) by striking “(d)(1)” and inserting  
6                   the following;

7                   “(d) INFORMATION TO BE INCLUDED IN REPORTS.—

8                   “(1) IN GENERAL.—”; and

9                   (ii) in paragraph (2), by striking  
10                  “(2)” and inserting “(2) ADDITIONAL RE-  
11                  QUIREMENT.—” and moving such para-  
12                  graph two ems to the right;

13                  (F) in subsection (e), by striking “(e)” and  
14                  inserting “(e) RETENTION OF RECORDS.—”;

15                  (G) in subsection (f)—

16                  (i) by striking “(f)(1)” and inserting  
17                  the following:

18                  “(f) QUARTERLY FINANCIAL REPORTS.—

19                  “(1) IN GENERAL.—”;

20                  (ii) by striking “service delivery area”  
21                  and inserting “local workforce development  
22                  area”; and

23                  (iii) in paragraph (2), by striking  
24                  “(2)” and inserting “(2) ADDITIONAL RE-

1                   QUIREMENT.—” and moving such para-  
2                   graph two ems to the right; and

3                   (H) in subsection (g), by striking “(g)” and  
4                   inserting “(g) MAINTENANCE OF ADDITIONAL  
5                   RECORDS.—”.

6                   (7) SECTION 166.—Section 166 of such Act (29  
7                   U.S.C. 1576) is amended—

8                   (A) in the section heading to read as fol-  
9                   lows:

10                  **“SEC. 166. ADMINISTRATIVE ADJUDICATION.”;**

11                   (B) in subsection (a), by striking “(a)” and  
12                   inserting the following:

13                  “(a) IN GENERAL.—”;

14                   (C) in subsection (b), by striking “(b)” and  
15                   inserting the following:

16                  “(b) APPEAL.—”;

17                   (D) in subsection (c), by striking “(c)” and  
18                   inserting the following:

19                  “(c) TIME LIMIT.—”; and

20                   (E) in subsection (d), by striking “(d)” and  
21                   inserting the following:

22                  “(d) ADDITIONAL REQUIREMENT.—”;

23                   (8) SECTION 169.—Section 169 of such Act (29  
24                   U.S.C. 1579) is amended—

1           (A) in the section heading to read as fol-  
2           lows:

3 **“SEC. 169. ADMINISTRATIVE PROVISIONS.”;**

4           (B) in subsection (a), by striking “(a)” and  
5           inserting “(a) IN GENERAL.—”;

6           (C) in subsection (b), by striking “(b)” and  
7           inserting “(b) ACQUISITION OF CERTAIN PROP-  
8           ERTY AND SERVICES.—”;

9           (D) in subsection (c), by striking “(c)” and  
10          inserting “(c) AUTHORITY TO ENTER INTO CER-  
11          TAIN AGREEMENTS AND TO MAKE CERTAIN EX-  
12          PENDITURES.—”; and

13          (D) in subsection (d), by striking “(d)” and  
14          inserting “(d) ANNUAL REPORT.—”.

15          (9) SECTION 170.—Section 170 of such Act (29  
16          U.S.C 1580) is amended—

17               (A) in the section heading to read as fol-  
18               lows:

19 **“SEC. 170. UTILIZATION OF SERVICES AND FACILITIES.”;**

20               and

21               (B) in the first sentence, by striking “sec-  
22               tion 169(c)” and inserting “section 168(c)”.

23          (10) SECTION 171.—Section 171 of such Act (29  
24          U.S.C 1581) is amended in the section heading to  
25          read as follows:

1 **“SEC. 171. OBLIGATIONAL AUTHORITY.”**

2           (11) *REDESIGNATION*.—Sections 169, 170, 171,  
3 and 172 of the Job Training Partnership Act (29  
4 U.S.C. 1579, 1580, and 1581), as amended or added  
5 by this Act, as the case may be, are further amended  
6 by redesignating such sections as sections 168, 169,  
7 170, and 171 of such Act, respectively.

8           (e) *PART E*.—

9           (1) *HEADING*.—The heading for part E of title  
10 I of such Act is amended by redesignating such head-  
11 ing as the heading for part D of title I of such Act  
12 (and conforming the typeface for such heading in a  
13 manner similar to the typeface for the heading for  
14 part C of title I of such Act (as amended by sub-  
15 section (b)(1)(A)).

16           (2) *SECTION 183*.—Section 183 of such Act (29  
17 U.S.C. 1592), as amended by this Act, is further  
18 amended by redesignating such section as section 181.

19 **SEC. 904. AMENDMENTS TO TITLE IV.**

20           (a) *PART HEADINGS*.—The following part headings of  
21 title IV of the Job Training Partnership Act (29 U.S.C.  
22 1671 et seq.) are amended as follows:

23           (1) The heading for part A of title IV of such Act  
24 is amended to read as follows:

1 **“PART A—EMPLOYMENT AND TRAINING PRO-**  
 2 **GRAMS FOR NATIVE AMERICANS AND MI-**  
 3 **GRANT AND SEASONAL FARMWORKERS”.**

4 (2) *The heading for part B of title IV of such Act*  
 5 *is amended to read as follows:*

6 **“PART B—JOB CORPS”.**

7 (3) *The heading for part C of title IV of such Act*  
 8 *is amended to read as follows:*

9 **“PART C—VETERANS’ EMPLOYMENT PROGRAMS”.**

10 (4) *The heading for part D of title IV of such Act*  
 11 *is amended to read as follows:*

12 **“PART D—NATIONAL ACTIVITIES”.**

13 (5) *The heading for part E of title IV of such Act*  
 14 *is amended to read as follows:*

15 **“PART E—LABOR MARKET INFORMATION”.**

16 (b) *SECTION 441.—Section 441 of such Act (29 U.S.C.*  
 17 *1721) is amended—*

18 (1) *in the section heading to read as follows:*

19 **“SEC. 441. AUTHORIZATION OF PROGRAMS.”;**

20 (2) *in subsection (a)—*

21 (A) *by striking “(a)(1)” and inserting the*  
 22 *following:*

23 **“(a) AUTHORIZATION.—**

24 **“(1) IN GENERAL.—”;**

25 (B) *in paragraph (2), by striking “(2)” and*  
 26 *inserting “(2) CONDUCT OF PRO-*

1           *GRAMS.—” and moving such paragraph two ems*  
2           *to the right; and*

3                   *(C) in paragraph (3), by striking “(3)” and*  
4           *inserting “(3) REQUIRED ACTIVITIES.—” and*  
5           *moving such paragraph two ems to the right;*  
6           *and*

7           *(3) in subsection (b)—*

8                   *(A) by striking “(b)(1)” and inserting the*  
9           *following:*

10          *“(b) ADMINISTRATION OF PROGRAMS.—*

11                   *“(1) IN GENERAL.—”; and*

12                   *(B) in paragraph (2), by striking “(2)” and*  
13           *inserting “(2) ADDITIONAL RESPONSIBILITIES.—*  
14           *” and moving such paragraph two ems to the*  
15           *right.*

16          *(c) SECTION 455.—Section 455 of such Act (29 U.S.C.*  
17          *1735) is amended—*

18                   *(1) in the section heading to read as follows:*

19          **“SEC. 455. UNIFORM REPORTING REQUIREMENTS.”;**

20          *and*

21                   *(2) by redesignating such section as section 453.*

22          *(d) SECTION 461.—Section 461 of such Act (29 U.S.C.*  
23          *1751) is amended—*

24                   *(1) in the section heading to read as follows:*

1 **“SEC. 461. LABOR MARKET INFORMATION; AVAILABILITY OF**  
 2 **FUNDS.”;**

3 (2) *in subsection (a), by striking “(a)” and in-*  
 4 *serting “(a) SET-ASIDE OF FUNDS.—”;*

5 (3) *in subsection (b)—*

6 (A) *by striking “(b)” and inserting “(b)*  
 7 *AVAILABILITY FOR ADDITIONAL PURPOSE.—”;*

8 *and*

9 (B) *by striking “section 125” and inserting*  
 10 *“section 467”;* *and*

11 (4) *in subsection (c), by striking “(c)” and in-*  
 12 *serting “(c) AVAILABILITY OF OTHER FUNDS.—”.*

13 (e) *SECTION 462.—Section 462 of such Act (29 U.S.C.*  
 14 *1752) is amended—*

15 (1) *in the section heading to read as follows:*

16 **“SEC. 462. COOPERATIVE LABOR MARKET INFORMATION**  
 17 **PROGRAM.”;**

18 (2) *in subsection (a), by striking “(a)” and in-*  
 19 *serting “(a) DATA ON CURRENT EMPLOYMENT.—”;*

20 (3) *in subsection (b), by striking “(b)” and in-*  
 21 *serting “(b) MAINTENANCE OF DESCRIPTIONS OF JOB*  
 22 *DUTIES AND RELATED INFORMATION.—”;*

23 (4) *in subsection (c), by striking “(c)” and in-*  
 24 *serting “(c) ADDITIONAL REQUIREMENTS.—”;*

25 (5) *in subsection (d)—*

1                   (A) by striking “(d)(1)” and inserting the  
2                   following:

3                   “(d) *DATA FOR ANNUAL STATISTICAL MEASURE OF*  
4 *LABOR MARKET RELATED ECONOMIC HARDSHIP.—*

5                   “(1) *IN GENERAL.—*”;

6                   (B) in paragraph (2), by striking “(2)” and  
7                   inserting “(2) *HOUSEHOLD BUDGET DATA.—*”  
8                   and moving such paragraph two ems to the  
9                   right; and

10                  (C) in paragraph (3), by striking “(3)” and  
11                  inserting “(3) *REPORT.—*” and moving such  
12                  paragraph two ems to the right;

13                  (6) in subsection (e), by striking “(e)” and in-  
14                  serting “(e) *STATISTICAL DATA RELATING TO PERMA-*  
15                  *NENT LAY-OFFS AND PLANT CLOSINGS.—*”

16                  (7) in subsection (f)—

17                         (A) by striking “(f)(1)” and inserting the  
18                         following:

19                         “(f) *DATA RELATING TO PERMANENT DISLOCATION OF*  
20 *FARMERS AND RANCHERS.—*

21                         “(1) *IN GENERAL.—*”;

22                         (B) in paragraph (1), by moving subpara-  
23                         graphs (A) through (E) two ems to the right; and



1           (C) in paragraph (2), by striking “(2)” and  
2           inserting “(2) REPORT.—” and moving such  
3           paragraph two ems to the right; and  
4           (8) by striking subsection (g).

5           (f) SECTION 463.—Section 463 of such Act (29 U.S.C.  
6 1753) is amended—

7           (1) in the section heading to read as follows:

8           **“SEC. 463. SPECIAL FEDERAL RESPONSIBILITIES.”;**

9           (2) in subsection (a), by striking “(a)” and in-  
10          serting “(a) REVIEW AND APPLICATION OF LABOR  
11          MARKET INFORMATION.—”;

12          (3) in subsection (b), by striking “(b)” and in-  
13          serting “(b) INTEGRATED OCCUPATIONAL SUPPLY  
14          AND DEMAND INFORMATION SYSTEM.—”;

15          (4) in subsection (c), by striking “(c)” and in-  
16          serting “(c) SUFFICIENT FUNDS FOR STAF-  
17          FING.—”.

18          (g) SECTION 464.—Section 464 of such Act (29 U.S.C.  
19 1754) is amended—

20          (1) in the section heading to read as follows:

21          **“SEC. 464. NATIONAL OCCUPATIONAL INFORMATION CO-  
22          ORDINATING COMMITTEE.”;**

23          (2) in subsection (a)—

24                  (A) by striking “(a)(1)” and inserting the  
25          following:

1       “(a) *RESERVATION.*—

2               “(1) *IN GENERAL.*—”;

3               (B) in paragraph (2), by striking “(2)” and  
4               inserting “(2) *ADDITIONAL MEMBERS.*—” and  
5               moving such paragraph two ems to the right;  
6               and

7               (C) in paragraph (3), by striking “(3)” and  
8               inserting “(3) *ADDITIONAL REQUIREMENT.*—”  
9               and moving such paragraph two ems to the  
10              right;

11              (3) in subsection (b), by striking “(b)” and in-  
12              serting “(b) *ADDITIONAL RESPONSIBILITIES.*—”; and

13              (4) in subsection (c), by striking “(c)” and in-  
14              serting “(c) *USE OF FUNDS.*—”.

15       (h) *SECTION 465.*—Section 465 of such Act (29 U.S.C.  
16 1755) is amended in the section heading to read as follows:

17       **“SEC. 465. JOB BANK PROGRAM.”.**

18       (i) *SECTION 466.*—Section 466 of such Act (as redesignig-  
19       nated) is amended—

20              (1) in the section heading to read as follows:

21       **“SEC. 466. STATE JOB BANK SYSTEMS.”;**

22              (2) in subsection (a) (as redesignated), by strik-  
23              ing “(a)” and inserting “(a) *IN GENERAL.*—”; and

1           (3) *in subsection (b) (as redesignated), by strik-*  
2           *ing “(b)” and inserting “(b) COMPUTERIZED DATA*  
3           *SYSTEMS.—”.*

4           (j) *SECTION 467.—Section 467 of such Act (as redesi-*  
5           *gnated) is amended—*

6           (1) *in the section heading to read as follows:*

7           **“SEC. 467. STATE LABOR MARKET INFORMATION PRO-**  
8           **GRAMS.”;**

9           (2) *in subsection (a), by striking “(a)” and in-*  
10          *serting the following:*

11          **“(a) IN GENERAL.—”;**

12          (3) *in subsection (b), by striking “(b)” and in-*  
13          *serting the following:*

14          **“(b) ADDITIONAL REQUIREMENTS.—”;**

15          (4) *in subsection (c), by striking “(c)” and in-*  
16          *serting the following:*

17          **“(c) REIMBURSEMENTS.—”; and**

18          (5) *in subsection (d), by striking “(d)” and in-*  
19          *serting the following:*

20          **“(d) COMBINATION OR CONSOLIDATION OF CERTAIN**  
21          **REPORTING REQUIREMENTS.—”.**

22          **SEC. 905. AMENDMENTS TO TITLE VI.**

23          *The Job Training Partnership Act (29 U.S.C. 1501*  
24          *et seq.) is amended by striking the heading for title VI of*  
25          *such Act.*

1 **SEC. 906. CLARIFICATION.**

2 *Nothing in this Act, the amendments made by this Act,*  
3 *or any law amended by this Act shall be construed to sup-*  
4 *plant or modify the requirements for registration of an ap-*  
5 *prenticeship program under the National Apprenticeship*  
6 *Act.*

7 **Subtitle B—Amendments to Other**  
8 **Acts**

9 **SEC. 911. AMENDMENTS TO OTHER ACTS.**

10 *The following Acts are amended as follows:*

11 (1) *TITLE 5, UNITED STATES CODE.—Section*  
12 *3502(d) of title 5, United States Code, is amended—*

13 *(A) in paragraph (3)—*

14 *(i) in subparagraph (A)(i), by striking*  
15 *“or units (referred to in section 311(b)(2) of*  
16 *the Job Training Partnership Act)” and in-*  
17 *serting “referred to in section*  
18 *313(a)(2)(B)(i) of the Employment, Train-*  
19 *ing, and Literacy Enhancement Act”; and*

20 *(ii) in subparagraph (B)(iii), by strik-*  
21 *ing “Job Training Partnership Act” and*  
22 *inserting “Employment, Training, and Lit-*  
23 *eracy Enhancement Act”; and*

24 *(B) in paragraph (4), in the second sen-*  
25 *tence, by striking “Job Training Partnership*

1           *Act*” and inserting “*Employment, Training, and*  
2           *Literacy Enhancement Act*”.

3           (2) *FOOD STAMP ACT OF 1977*.—

4           (A) *SECTION 5*.—*Section 5(l) of the Food*  
5           *Stamp Act of 1977 (7 U.S.C. 2014(l)) is amend-*  
6           *ed by striking “section 142(b) of the Job Train-*  
7           *ing Partnership Act (29 U.S.C. 1552(b))” and*  
8           *inserting “title II, III, or IV of the Employment,*  
9           *Training, and Literacy Enhancement Act”.*

10          (B) *SECTION 6*.—*Section 6 of the Food*  
11          *Stamp Act of 1977 (7 U.S.C. 2015) is amend-*  
12          *ed—*

13                 (i) *in subsection (d)(4)(M), by striking*  
14                 *“Job Training Partnership Act” and insert-*  
15                 *ing “Employment, Training, and Literacy*  
16                 *Enhancement Act”; and*

17                 (ii) *in subsection (e)(3), by striking*  
18                 *subparagraph (A) and inserting the follow-*  
19                 *ing:*

20                         *“(A) a program under title II, III, or IV of*  
21                         *the Employment, Training, and Literacy En-*  
22                         *hancement Act;”.*

23          (C) *SECTION 17*.—*The second sentence of*  
24          *section 17(b)(2) of the Food Stamp Act of 1977*  
25          *(7 U.S.C. 2026(b)(2)) is amended—*

1           (i) by striking “to accept an offer of  
2           employment from a political subdivision or  
3           a prime sponsor pursuant to the Com-  
4           prehensive Employment and Training Act  
5           of 1973, as amended (29 U.S.C. 812),” and  
6           inserting “to accept an offer of employment  
7           from a service provider carrying out em-  
8           ployment and training activities through a  
9           program carried out under title II, III, or  
10          IV of the Employment, Training, and Lit-  
11          eracy Enhancement Act,”; and

12          (ii) by striking “: Provided, That all of  
13          the political subdivision’s” and all that fol-  
14          lows and inserting “, if all of the jobs sup-  
15          ported under the program have been made  
16          available to participants in the program be-  
17          fore the service provider providing the jobs  
18          extends an offer of employment under this  
19          paragraph, and if the service provider, in  
20          employing the person, complies with the re-  
21          quirements of Federal law that relate to the  
22          program.”.

23          (3) IMMIGRATION AND NATIONALITY ACT.—Sec-  
24          tion 245A(h)(4)(F) of the Immigration and National-  
25          ity Act (8 U.S.C. 1255a(h)(4)(F)) is amended by

1        *striking “The Job Training Partnership Act.” and*  
2        *inserting “The Employment, Training, and Literacy*  
3        *Enhancement Act.”.*

4                (4) *REFUGEE EDUCATION ASSISTANCE ACT OF*  
5        *1980.—Section 402(a)(4) of the Refugee Education As-*  
6        *sistance Act of 1980 (8 U.S.C. 1522 note) is amended*  
7        *by striking “the Comprehensive Employment and*  
8        *Training Act of 1973” and inserting “the Employ-*  
9        *ment, Training, and Literacy Enhancement Act”.*

10                (5) *NATIONAL DEFENSE AUTHORIZATION ACT*  
11        *FOR FISCAL YEAR 1993.—*

12                (A) *SECTION 3161.—Section 3161(c)(6) of*  
13        *the National Defense Authorization Act for Fis-*  
14        *cal Year 1993 (42 U.S.C. 7274h(c)(6)) is amend-*  
15        *ed by striking “Job Training Partnership Act*  
16        *(29 U.S.C. 1501 et seq.)” and inserting “title II,*  
17        *III, or IV of the Employment, Training, and*  
18        *Literacy Enhancement Act”.*

19                (B) *SECTION 4461.—Section 4461(1) of the*  
20        *National Defense Authorization Act for Fiscal*  
21        *Year 1993 (10 U.S.C. 1143 note) is amended by*  
22        *striking “The Job Training Partnership Act (29*  
23        *U.S.C. 1501 et seq.)” and inserting “The Em-*  
24        *ployment, Training, and Literacy Enhancement*  
25        *Act.”.*

1                   (C) *SECTION 4471.*—*Section 4471 of the Na-*  
2                   *tional Defense Authorization Act for Fiscal Year*  
3                   *1993 (10 U.S.C. 2501 note) is amended—*

4                   (i) *in subsection (c)(2), by striking*  
5                   *“section 311(b)(2) of the Job Training Part-*  
6                   *nership Act (29 U.S.C. 1661(b)(2))” and*  
7                   *inserting “313(a)(2)(B)(i) of the Employ-*  
8                   *ment, Training, and Literacy Enhancement*  
9                   *Act”;*

10                  (ii) *in subsection (d)—*

11                   (I) *in the first sentence, by strik-*  
12                   *ing “for training, adjustment assist-*  
13                   *ance, and employment services” and*  
14                   *all that follows through “except where”*  
15                   *and inserting “to participate in em-*  
16                   *ployment and training activities car-*  
17                   *ried out under the Employment,*  
18                   *Training, and Literacy Enhancement*  
19                   *Act, except in a case in which”;* and

20                   (II) *by striking the second sen-*  
21                   *tence; and*

22                   (iii) *in subsection (e), by striking “for*  
23                   *training,” and all that follows through “be-*  
24                   *ginning” and inserting “to participate in*  
25                   *employment and training activities under*



1           *the Employment, Training, and Literacy*  
2           *Enhancement Act beginning”.*

3           (6) *NATIONAL DEFENSE AUTHORIZATION ACT*  
4           *FOR FISCAL YEAR 1991.—Section 4003(5)(C) of the*  
5           *National Defense Authorization Act for Fiscal Year*  
6           *1991 (10 U.S.C. 2391 note) is amended by inserting*  
7           *before the period the following: “, as in effect on the*  
8           *day before the date of the enactment of the Employ-*  
9           *ment, Training, and Literacy Enhancement Act of*  
10          *1997”.*

11          (7) *NATIONAL DEFENSE AUTHORIZATION ACT*  
12          *FOR FISCAL YEAR 1994.—Section 1333(c)(2)(B) of the*  
13          *National Defense Authorization Act for Fiscal Year*  
14          *1994 (10 U.S.C. 2701 note) is amended by striking*  
15          *“Private industry councils (as described in section*  
16          *102 of the Job Training Partnership Act (29 U.S.C.*  
17          *1512)).” and inserting “Local workforce development*  
18          *boards established under section 122 of the Employ-*  
19          *ment, Training, and Literacy Enhancement Act.”.*

20          (8) *SMALL BUSINESS ACT.—The fourth sentence*  
21          *of section 7(j)(13)(E) of the Small Business Act (15*  
22          *U.S.C. 636(j)(13)(E)) is amended by striking “under*  
23          *the Job Training Partnership Act (29 U.S.C. 1501 et*  
24          *seq.)” and inserting “under section 124 of the Em-*  
25          *ployment, Training, and Literacy Enhancement Act”.*

1           (9) *EMPLOYMENT ACT OF 1946.*—Section  
2           4(f)(2)(B) of the *Employment Act of 1946 (15 U.S.C.*  
3           1022a(f)(2)(B)) is amended by striking “and include  
4           these in the annual *Employment and Training Re-*  
5           *port of the President required under section 705(a) of*  
6           *the Comprehensive Employment and Training Act of*  
7           1973 (hereinafter in this Act referred to as ‘CETA’)”  
8           and inserting “and prepare and submit to the *Presi-*  
9           *dent an annual report containing the recommenda-*  
10          *tions*”.

11          (10) *FULL EMPLOYMENT AND BALANCED*  
12          *GROWTH ACT OF 1978.*—

13               (A) *SECTION 206.*—Section 206 of the *Full*  
14               *Employment and Balanced Growth Act of 1978*  
15               (15 U.S.C. 3116) is amended—

16                       (i) in subsection (b)—

17                               (I) in the matter preceding para-  
18                               graph (1), by striking “CETA” and  
19                               inserting “the *Employment, Training,*  
20                               *and Literacy Enhancement Act*”; and

21                               (II) in paragraph (1), by striking  
22                               “(including use of section 110 of CETA  
23                               when necessary)”; and

1                   (ii) in subsection (c)(1), by striking  
2                   “through the expansion of CETA and  
3                   other”.

4                   (B) SECTION 401.—Section 401(d) of the  
5                   Full Employment and Balanced Growth Act of  
6                   1978 (15 U.S.C. 3151(d)) is amended by striking  
7                   “include, in the annual Employment and Train-  
8                   ing Report of the President provided under sec-  
9                   tion 705(a) of CETA,” and inserting “include,  
10                  in the annual report referred to in section  
11                  4(f)(2)(B) of the Employment Act of 1946 (15  
12                  U.S.C. 1022a(f)(2)(B)),”.

13                  (11) TITLE 18, UNITED STATES CODE.—Sub-  
14                  sections (a), (b), and (c) of section 665 of title 18,  
15                  United States Code are amended by striking “or the  
16                  Job Training Partnership Act” and inserting “the  
17                  Job Training Partnership Act, or the Employment,  
18                  Training, and Literacy Enhancement Act”.

19                  (12) TRADE ACT OF 1974.—Section 239(e) of the  
20                  Trade Act of 1974 (19 U.S.C. 2311(e)) is amended by  
21                  striking “Job Training Partnership Act” and insert-  
22                  ing “Employment, Training, and Literacy Enhance-  
23                  ment Act”.

24                  (13) HIGHER EDUCATION ACT OF 1965.—Section  
25                  480(b)(14) of the Higher Education Act of 1965 (20

1       *U.S.C. 1087vv(b)(14)) is amended by striking “Job*  
2       *Training Partnership Act” and inserting “received*  
3       *through participation under title II, III, or IV of the*  
4       *Employment, Training, and Literacy Enhancement*  
5       *Act”.*

6               (14) *INDIVIDUALS WITH DISABILITIES EDU-*  
7       *CATION ACT.—Section 626 of the Individuals with*  
8       *Disabilities Education Act (20 U.S.C. 1425) is*  
9       *amended—*

10               (A) *in the first sentence of subsection (a), by*  
11       *striking “(including the State job training co-*  
12       *ordinating councils and service delivery area ad-*  
13       *ministrative entities established under the Job*  
14       *Training Partnership Act)” and inserting “(in-*  
15       *cluding the State collaborative process under of*  
16       *section 102 of the Employment, Training, and*  
17       *Literacy Enhancement Act and local workforce*  
18       *development boards established under section 122*  
19       *of such Act)”;*

20               (B) *in subsection (e)—*

21               (i) *in paragraph (3)(C), by striking*  
22       *“local Private Industry Councils (PICS)*  
23       *authorized by the Job Training Partnership*  
24       *Act (JTPA),” and inserting “local*  
25       *workforce development boards established*

1           under section 122 of the Employment,  
2           Training, and Literacy Enhancement Act,”;

3           (ii) in paragraph (4)(A)(iii), by strik-  
4           ing “local Private Industry Councils  
5           (PICS) authorized by the JTPA,” and in-  
6           serting “local workforce development boards  
7           established under section 122 of the Em-  
8           ployment, Training, and Literacy Enhance-  
9           ment Act,”; and

10           (iii) in clauses (iii), (iv), (v), and (vii)  
11           of paragraph (4)(B), by striking “PICS au-  
12           thorized by the JTPA” and inserting “local  
13           workforce development boards established  
14           under section 122 of the Employment,  
15           Training, and Literacy Enhancement Act”;  
16           and

17           (C) in subsection (g), by striking “the Job  
18           Training Partnership Act (JTPA),” and insert-  
19           ing “the Employment, Training, and Literacy  
20           Enhancement Act,”.

21           (15) DEPARTMENT OF EDUCATION ORGANIZATION  
22           ACT.—Subsection (a) of section 302 of the Department  
23           of Education Organization Act (20 U.S.C. 3443(a))  
24           (as redesignated in section 271(a)(2) of the Improving  
25           America’s Schools Act of 1994) is amended by strik-

1        *ing “under section 303(c)(2) of the Comprehensive*  
2        *Employment and Training Act” and inserting “relat-*  
3        *ing to such education”.*

4            (16) *NATIONAL SKILL STANDARDS ACT OF 1994.—*

5            (A) *SECTION 504.—Section 504(c)(3) of the*  
6        *National Skill Standards Act of 1994 (20 U.S.C.*  
7        *5934(c)(3)) is amended by striking “the Capac-*  
8        *ity Building and Information and Dissemina-*  
9        *tion Network established under section 453(b) of*  
10       *the Job Training Partnership Act (29 U.S.C.*  
11       *1733(b)) and”.*

12          (B) *SECTION 508.—Section 508(1) of the*  
13       *National Skill Standards Act of 1994 (20 U.S.C.*  
14       *5938(1)) is amended to read as follows:*

15          “(1) *COMMUNITY-BASED ORGANIZATION.—The*  
16       *term ‘community-based organization’ means a private*  
17       *nonprofit organization of demonstrated effectiveness*  
18       *that is representative of a community or a significant*  
19       *segment of a community and that provides workforce*  
20       *and career development activities, as defined in sec-*  
21       *tion 4 of the Employment, Training, and Literacy*  
22       *Enhancement Act.”.*

23            (17) *ELEMENTARY AND SECONDARY EDUCATION*  
24       *ACT OF 1965.—*

1           (A) *SECTION 1205.*—*Section 1205(8)(B) of*  
2 *the Elementary and Secondary Education Act of*  
3 *1965 (20 U.S.C. 6365(8)(B)) is amended by*  
4 *striking “, the Adult Education Act, the Individ-*  
5 *uals with Disabilities Education Act, and the*  
6 *Job Training Partnership Act” and inserting*  
7 *“the Individuals with Disabilities Education*  
8 *Act, and the Employment, Training, and Lit-*  
9 *eracy Enhancement Act”.*

10           (B) *SECTION 1414.*—*Section 1414(c)(8) of*  
11 *the Elementary and Secondary Education Act of*  
12 *1965 (20 U.S.C. 6434(c)(8)) is amended by strik-*  
13 *ing “programs under the Job Training Partner-*  
14 *ship Act,” and inserting “activities under the*  
15 *Employment, Training, and Literacy Enhance-*  
16 *ment Act,”.*

17           (C) *SECTION 1423.*—*Section 1423(9) of the*  
18 *Elementary and Secondary Education Act of*  
19 *1965 (20 U.S.C. 6453(9)) is amended by striking*  
20 *“programs under the Job Training and Partner-*  
21 *ship Act” and inserting “activities under the*  
22 *Employment, Training, and Literacy Enhance-*  
23 *ment Act”.*

24           (D) *SECTION 1425.*—*Section 1425(9) of the*  
25 *Elementary and Secondary Education Act of*

1           1965 (20 U.S.C. 6455(9)) is amended by striking  
2           “, such as funds under the Job Training Part-  
3           nership Act,” and inserting “, such as funds  
4           made available under the Employment, Train-  
5           ing, and Literacy Enhancement Act,”.

6           (18) *FREEDOM SUPPORT ACT*.—The last sentence  
7           of section 505 of the *FREEDOM Support Act* (22  
8           U.S.C. 5855) is amended by striking “, through the  
9           *Defense Conversion*” and all that follows through “or  
10          through” and inserting “or through”.

11          (19) *EMERGENCY JOBS AND UNEMPLOYMENT AS-*  
12          *SISTANCE ACT OF 1974*.—

13           (A) *SECTION 204*.—Section 204(b) of the  
14           *Emergency Jobs and Unemployment Assistance*  
15           *Act of 1974* (26 U.S.C. 3304 note) is amended by  
16           striking “designate as an area” and all that fol-  
17           lows and inserting “designate as an area under  
18           this section an area that is a local workforce de-  
19           velopment area under the *Employment, Train-*  
20           *ing, and Literacy Enhancement Act*.”.

21           (B) *SECTION 223*.—Section 223 of the  
22           *Emergency Jobs and Unemployment Assistance*  
23           *Act of 1974* (26 U.S.C. 3304 note) is amended—

24                   (i) in paragraph (3), by striking “as-  
25                   sistance provided” and all that follows and



1            *inserting “assistance provided under the*  
2            *Employment, Training, and Literacy En-*  
3            *hancement Act;”*; and

4            *(ii) in paragraph (4), by striking*  
5            *“funds provided” and all that follows and*  
6            *inserting “funds provided under the Em-*  
7            *ployment, Training, and Literacy Enhance-*  
8            *ment Act;”*.

9            *(20) JOB TRAINING REFORM AMENDMENTS OF*  
10          *1992.—Section 701 of the Job Training Reform*  
11          *Amendments of 1992 (29 U.S.C. 1501 note) is re-*  
12          *pealed.*

13          *(21) PUBLIC LAW 98–524.—Section 7 of Public*  
14          *Law 98–524 (29 U.S.C. 1551 note) is repealed.*

15          *(22) VETERANS’ BENEFITS AND PROGRAMS IM-*  
16          *PROVEMENT ACT OF 1988.—Section 402 of the Veter-*  
17          *ans’ Benefits and Programs Improvement Act of 1988*  
18          *(29 U.S.C. 1721 note) is amended—*

19                  *(A) in subsection (a), by striking “title III*  
20                  *of the Job Training Partnership Act (29 U.S.C.*  
21                  *1651 et seq.)” and inserting “the Employment,*  
22                  *Training, and Literacy Enhancement Act”;*

23                  *(B) in subsection (c), by striking “Training,*  
24                  *in consultation with the office designated or cre-*  
25                  *ated under section 322(b) of the Job Training*

1 *Partnership Act,” and inserting “Training”;*  
2 *and*

3 *(C) in subsection (d)—*

4 *(i) in paragraph (1), by striking*  
5 *“under—” and all that follows through “the*  
6 *Veterans’” and inserting “under the Veter-*  
7 *ans’”;* *and*

8 *(ii) in paragraph (2), by striking*  
9 *“Employment and training” and all that*  
10 *follows and inserting “Employment, train-*  
11 *ing, and literacy activities under the Em-*  
12 *ployment, Training, and Literacy Enhance-*  
13 *ment Act.”.*

14 *(23) VETERANS’ JOB TRAINING ACT.—*

15 *(A) SECTION 13.—Section 13(b) of the Vet-*  
16 *erans’ Job Training Act (29 U.S.C. 1721 note)*  
17 *is amended by striking “assistance under the Job*  
18 *Training Partnership Act (29 U.S.C. 1501 et*  
19 *seq.)” and inserting “assistance under the Em-*  
20 *ployment, Training, and Literacy Enhancement*  
21 *Act”.*

22 *(B) SECTION 14.—Section 14(b)(3)(B)(i)(II)*  
23 *of the Veterans’ Job Training Act (29 U.S.C.*  
24 *1721 note) is amended by striking “under part*  
25 *C of title IV of the Job Training Partnership Act*

1           (29 U.S.C. 1501 *et seq.*)” and inserting “under  
2           the *Employment, Training, and Literacy En-*  
3           *hancement Act*”.

4           (C) SECTION 15.—Section 15(c)(2) of the  
5           *Veterans’ Job Training Act* (29 U.S.C. 1721  
6           *note*) is amended—

7                   (i) in the second sentence, by striking  
8                   “part C of title IV of the *Job Training*  
9                   *Partnership Act* (29 U.S.C. 1501 *et seq.*)”  
10                  and inserting “the *Employment, Training,*  
11                  *and Literacy Enhancement Act*”; and

12                   (ii) in the third sentence, by striking  
13                   “title III of”.

14           (24) WORKER ADJUSTMENT AND RETRAINING NO-  
15           TIFICATION ACT.—Section 3(a)(2) of the *Worker Ad-*  
16           *justment and Retraining Notification Act* (29 U.S.C.  
17           2102(a)(2)) is amended by striking “title III of the  
18           *Job Training Partnership Act*” and inserting “title  
19           II, III, or IV of the *Employment, Training, and Lit-*  
20           *eracy Enhancement Act*”.

21           (25) TITLE 31, UNITED STATES CODE.—Section  
22           6703(a) of title 31, *United States Code*, is amended  
23           by striking paragraph (4) and inserting the following:

1           “(4) *Programs under title III or IV of the Em-*  
2           *ployment, Training, and Literacy Enhancement*  
3           *Act.*”.

4           (26) *VETERANS’ REHABILITATION AND EDU-*  
5           *CATION AMENDMENTS OF 1980.*—*Section 512 of the*  
6           *Veterans’ Rehabilitation and Education Amendments*  
7           *of 1980 (38 U.S.C. 4101 note) is amended by striking*  
8           *“the Comprehensive Employment and Training Act*  
9           *(29 U.S.C. et seq.),” and inserting “the Employment,*  
10           *Training, and Literacy Enhancement Act.”.*

11           (27) *TITLE 38, UNITED STATES CODE.*—

12           (A) *SECTION 4102A.*—*Section 4102A(d) of*  
13           *title 38, United States Code, is amended by*  
14           *striking “the Job Training Partnership Act” and*  
15           *inserting “the Employment, Training, and Lit-*  
16           *eracy Enhancement Act”.*

17           (B) *SECTION 4103A.*—*Section 4103A(c)(4) of*  
18           *title 38, United States Code, is amended by*  
19           *striking “Job Training Partnership Act (29*  
20           *U.S.C. 1501 et seq.)” and inserting “Employ-*  
21           *ment, Training, and Literacy Enhancement*  
22           *Act)”.*

23           (C) *SECTION 4213.*—*Section 4213 of title 38,*  
24           *United States Code, is amended by striking “Job*  
25           *Training Partnership Act (29 U.S.C. 1501 et*

1           *seq.*,” and inserting “*Employment, Training,*  
2           *and Literacy Enhancement Act,*”.

3           (28) *UNITED STATES HOUSING ACT OF 1937.*—  
4           *Section 23 of the United States Housing Act of 1937*  
5           *(42 U.S.C. 1437u) is amended—*

6                   (A) *in subsection (b)(2)(A), by striking “the*  
7                   *Job Training” and all that follows through “or*  
8                   *the” and inserting “the Employment, Training,*  
9                   *and Literacy Enhancement Act or the”;*

10                   (B) *in the first sentence of subsection (f)(2),*  
11                   *by striking “programs under the” and all that*  
12                   *follows through “and the” and inserting “pro-*  
13                   *grams under title II, III, or IV of the Employ-*  
14                   *ment, Training, and Literacy Enhancement Act*  
15                   *and the”; and*

16                   (C) *in subsection (g)—*

17                           (i) *in paragraph (2), by striking “pro-*  
18                           *grams under the” and all that follows*  
19                           *through “and the” and inserting “programs*  
20                           *under title II, III, or IV of the Employ-*  
21                           *ment, Training, and Literacy Enhancement*  
22                           *Act and the”; and*

23                           (ii) *in paragraph (3)(H), by striking*  
24                           *“program under” and all that follows*  
25                           *through “and any other” and inserting*

1           “program under title II, III, or IV of the  
2           *Employment, Training, and Literacy En-*  
3           *hancement Act and any other”.*

4           (29) *HOUSING ACT OF 1949.*—Section 504(c)(3)  
5           of the *Housing Act of 1949* (42 U.S.C. 1474(c)(3)) is  
6           amended by striking “pursuant to” and all that fol-  
7           lows through “or the” and inserting “pursuant to the  
8           *Employment, Training, and Literacy Enhancement*  
9           *Act or the”.*

10          (30) *OLDER AMERICANS ACT OF 1965.*—

11           (A) *SECTION 203.*—Section 203 of the *Older*  
12           *Americans Act of 1965* (42 U.S.C. 3013) is  
13           amended—

14                   (i) in subsection (a)(2), by striking the  
15                   last sentence and inserting the following:  
16                   “*In particular, the Secretary of Labor and*  
17                   *the Secretary of Education shall consult*  
18                   *and cooperate with the Assistant Secretary*  
19                   *in carrying out the Employment, Training,*  
20                   *and Literacy Enhancement Act of 1997.”;*  
21                   and

22                   (ii) in subsection (b), by striking para-  
23                   graph (1) and inserting the following:

24                   “(1) *the Employment, Training, and Literacy*  
25                   *Enhancement Act,”.*

1           (B) *SECTION 502.*—*Section 502 of the Older*  
2 *Americans Act of 1965 (42 U.S.C. 3056) is*  
3 *amended—*

4           *(i) in subsection (b)(1)(N)(i), by strik-*  
5 *ing “the Job Training Partnership Act (29*  
6 *U.S.C. 1501 et seq.)” and inserting “the*  
7 *Employment, Training, and Literacy En-*  
8 *hancement Act”;* and

9           *(ii) in subsection (e)(2)(C), by striking*  
10 *“programs carried out under section 124 of*  
11 *the Job Training Partnership Act (29*  
12 *U.S.C. 1534)” and inserting “employment*  
13 *and training activities carried out under*  
14 *title III of the Employment, Training, and*  
15 *Literacy Enhancement Act”.*

16           (C) *SECTION 503.*—*Section 503(b)(1) of the*  
17 *Older Americans Act of 1965 (42 U.S.C.*  
18 *3056a(b)(1)) is amended by striking “the Job*  
19 *Training Partnership Act,” each place it ap-*  
20 *pears and inserting “the Employment, Training,*  
21 *and Literacy Enhancement Act,”.*

22           (31) *OMNIBUS CRIME CONTROL AND SAFE*  
23 *STREETS ACT OF 1968.*—*Section 1801(b)(3) of the Om-*  
24 *nibus Crime Control and Safe Streets Act of 1968 (42*  
25 *U.S.C. 3796ee(b)(3)) is amended by striking “Job*

1        *Training Partnership Act (relating to Job Corps) (29*  
2        *U.S.C. 1691 et seq.)” and inserting “Employment,*  
3        *Training, and Literacy Enhancement Act”.*

4            (32) *ENVIRONMENTAL PROGRAMS ASSISTANCE*  
5        *ACT OF 1984.—The second sentence of section 2(a) of*  
6        *the Environmental Programs Assistance Act of 1984*  
7        *(42 U.S.C. 4368a(a)) is amended by striking “Job*  
8        *Training Partnership Act” and inserting “Employ-*  
9        *ment, Training, and Literacy Enhancement Act”.*

10          (33) *DOMESTIC VOLUNTEER SERVICE ACT OF*  
11        *1973.—*

12            (A) *SECTION 103.—Section 103(d) of the*  
13        *Domestic Volunteer Service Act of 1973 (42*  
14        *U.S.C. 4953(d)) is amended in the second sen-*  
15        *tence to read as follows: “Whenever feasible, such*  
16        *efforts shall be coordinated with a local workforce*  
17        *development board established under section 122*  
18        *of the Employment, Training, and Literacy En-*  
19        *hancement Act.”.*

20            (B) *SECTION 109.—Subsections (c)(2) and*  
21        *(d)(2) of section 109 of the Domestic Volunteer*  
22        *Service Act of 1973 (42 U.S.C. 4959) is amended*  
23        *by striking “Job Training Partnership Act” and*  
24        *inserting “Employment, Training, and Literacy*  
25        *Enhancement Act”.*



1           (34) *AGE DISCRIMINATION ACT OF 1975*.—Section  
2           304(c)(1) of the *Age Discrimination Act of 1975* (42  
3           U.S.C. 6103(c)(1)) is amended by striking “the *Com-*  
4           *prehensive Employment and Training Act of 1974*  
5           (29 U.S.C. 801, *et seq.*), as amended,” and inserting  
6           “the *Employment, Training, and Literacy Enhance-*  
7           *ment Act*”.

8           (35) *ENERGY CONSERVATION AND PRODUCTION*  
9           *ACT*.—Section 414(b)(3) of the *Energy Conservation*  
10          *and Production Act* (42 U.S.C. 6864(b)(3)) is amend-  
11          ed by striking “the *Comprehensive Employment and*  
12          *Training Act of 1973*” and inserting “the *Employ-*  
13          *ment, Training, and Literacy Enhancement Act*”.

14          (36) *NATIONAL ENERGY CONSERVATION POLICY*  
15          *ACT*.—Section 233 of the *National Energy Conserva-*  
16          *tion Policy Act* (42 U.S.C. 6873) is amended, in the  
17          matter preceding paragraph (1), by striking “the  
18          *Comprehensive Employment and Training Act of*  
19          *1973*” and inserting “the *Employment, Training, and*  
20          *Literacy Enhancement Act*”.

21          (37) *COMMUNITY ECONOMIC DEVELOPMENT ACT*  
22          *OF 1981*.—Section 617(a)(3) of the *Community Eco-*  
23          *nomic Development Act of 1981* (42 U.S.C.  
24          9806(a)(3)) is amended by striking “activities such as  
25          those described in the *Comprehensive Employment*

1 *and Training Act” and inserting “employment and*  
2 *training activities described in the Employment,*  
3 *Training, and Literacy Enhancement Act”.*

4 (38) *STEWART B. MCKINNEY HOMELESS ASSIST-*  
5 *ANCE ACT.—Section 103(b)(2) of the Stewart B.*  
6 *McKinney Homeless Assistance Act (42 U.S.C.*  
7 *11302(b)(2)) is amended by striking “the Job Train-*  
8 *ing Partnership Act” and inserting “the Employ-*  
9 *ment, Training, and Literacy Enhancement Act”.*

10 (39) *NATIONAL AND COMMUNITY SERVICE ACT OF*  
11 *1990.—*

12 (A) *SECTION 177.—Section 177(d) of the*  
13 *National and Community Service Act of 1990*  
14 *(42 U.S.C. 12637(d)) is amended by striking*  
15 *“Job Training Partnership Act” each place it*  
16 *appears and inserting “Employment, Training,*  
17 *and Literacy Enhancement Act”.*

18 (B) *SECTION 198C.—Section 198C of the*  
19 *National and Community Service Act of 1990*  
20 *(42 U.S.C. 12653c) is amended—*

21 (i) *in subsection (b)(1), by striking “a*  
22 *military installation described in section*  
23 *325(e)(1) of the Job Training Partnership*  
24 *Act (29 U.S.C. 1662d(e)(1)).” and inserting*

1           *“a military installation being closed or re-*  
2           *aligned under—*

3           *“(A) the Defense Base Closure and Realign-*  
4           *ment Act of 1990 (part A of title XXIX of Public*  
5           *Law 101–510; 10 U.S.C. 2687 note); and*

6           *“(B) title II of the Defense Authorization*  
7           *Amendments and Base Closure and Realignment*  
8           *Act (Public Law 100–526; 10 U.S.C. 2687*  
9           *note).”;* and

10                   *(ii) in subsection (e)(1)(B), by striking*  
11                   *clause (iii) and inserting the following:*

12                   *“(iii) an at-risk youth (as defined in section*  
13                   *4 of the Employment, Training, and Literacy*  
14                   *Enhancement Act).”.*

15                   (C) SECTION 199L.—Section 199L(a) of the  
16                   National and Community Service Act of 1990  
17                   (42 U.S.C. 12655m(a)) is amended by striking  
18                   “the Job Training Partnership Act (29 U.S.C.  
19                   1501 et seq.)” and inserting “the Employment,  
20                   Training, and Literacy Enhancement Act”.

21                   (40) CRANSTON-GONZALEZ NATIONAL AFFORD-  
22                   ABLE HOUSING ACT.—

23                   (A) SECTION 454.—Subparagraphs (H) and  
24                   (M) of subsection (c)(2), and subsection (d)(7), of  
25                   section 454 of the Cranston-Gonzalez National

1           *Affordable Housing Act (42 U.S.C. 12899c) are*  
2           *amended by striking “the Job Training Partner-*  
3           *ship Act” and inserting “the Employment,*  
4           *Training, and Literacy Enhancement Act”.*

5                   (B) *SECTION 456.—The first sentence of sec-*  
6           *tion 456(e) of the Cranston-Gonzalez National*  
7           *Affordable Housing Act (42 U.S.C. 12899e(e)) is*  
8           *amended by striking “the Job Training Partner-*  
9           *ship Act” each place it appears and inserting*  
10           *“the Employment, Training, and Literacy En-*  
11           *hancement Act”.*

12                   (41) *VIOLENT CRIME CONTROL AND LAW EN-*  
13           *FORCEMENT ACT OF 1994.—Section 31113(a)(4)(C) of*  
14           *the Violent Crime Control and Law Enforcement Act*  
15           *of 1994 (42 U.S.C. 13823(a)(4)(C)) is amended by in-*  
16           *serting after “the Job Training Partnership Act (29*  
17           *U.S.C. 1501 et seq.)” the following: “, title II, III, or*  
18           *IV of the Employment, Training, and Literacy En-*  
19           *hancement Act,”.*

20                   (42) *PERSONAL RESPONSIBILITY AND WORK OP-*  
21           *PORTUNITY RECONCILIATION ACT OF 1996.—Section*  
22           *403(c)(2)(K) and section 423(d)(11) of the Personal*  
23           *Responsibility and Work Opportunity Reconciliation*  
24           *Act of 1996 (8 U.S.C. 1613(c)(2)(K) and 1138a note)*  
25           *are amended by striking “Job Training Partnership*

1       *Act” each place it appears and inserting “Employ-*  
 2       *ment, Training, and Literacy Enhancement Act”.*

3       **TITLE X—EFFECTIVE DATE AND**  
 4       **TRANSITION PROVISIONS**

5       **SEC. 1001. EFFECTIVE DATE.**

6       *This division and the amendments made by this divi-*  
 7       *sion shall take effect on July 1, 1998.*

8       **SEC. 1002. TRANSITION PROVISIONS.**

9       *The Secretary of Education and the Secretary of*  
 10       *Labor, as appropriate, shall take such steps as such Sec-*  
 11       *retaries determine to be appropriate to provide for the or-*  
 12       *derly transition from any authority under provisions of law*  
 13       *amended or repealed by this division or any related author-*  
 14       *ity under the provisions of this division.*

15       **DIVISION B—VOCATIONAL**  
 16       **REHABILITATION PROGRAMS**  
 17       **TITLE XXI—AMENDMENTS TO**  
 18       **GENERAL PROVISIONS**

19       **SEC. 2101. REHABILITATION SERVICES ADMINISTRATION.**

20       *Section 3 of the Rehabilitation Act of 1973 (29 U.S.C.*  
 21       *702) is amended—*

22               (1) *in subsection (b), by striking “, as well as*  
 23       *unexpended appropriations for carrying out the Voca-*  
 24       *tional Rehabilitation Act (29 U.S.C. 31–42),”;* and

25               (2) *by striking subsection (c).*

1 **SEC. 2102. DEFINITIONS.**

2 *Section 7 of the Rehabilitation Act of 1973 (29 U.S.C.*  
3 *706) is amended—*

4 *(1) by striking paragraph (12);*

5 *(2) in paragraph (15)(A), by inserting a comma*  
6 *after “subparagraph (B) or (C)”;*

7 *(3) by adding at the end the following:*

8 *“(36) The term ‘administrative costs’ means—*

9 *“(A) expenditures not incurred by the State unit*  
10 *for—*

11 *“(i) rehabilitation counselors;*

12 *“(ii) rehabilitation case coordinators; or*

13 *“(iii) other direct service personnel; and*

14 *“(B) notwithstanding subparagraph (A) includes*  
15 *expenditures incurred by the State unit in the per-*  
16 *formance of administrative functions under the voca-*  
17 *tional rehabilitation program, including expenses re-*  
18 *lated to program planning, development, monitoring,*  
19 *and evaluation, including—*

20 *“(i) quality assurance;*

21 *“(ii) budgeting, accounting, financial man-*  
22 *agement, information systems, and related data*  
23 *processing;*

24 *“(iii) providing information about the pro-*  
25 *gram to the public;*

1           “(iv) technical assistance to other State  
2 agencies, private nonprofit organizations, and  
3 businesses and industries;

4           “(v) the State Rehabilitation Advisory  
5 Council and other advisory committees;

6           “(vi) professional organization membership  
7 dues for State unit employees;

8           “(vii) the removal architectural barriers in  
9 State vocational rehabilitation agency offices  
10 and State operated rehabilitation facilities;

11           “(viii) operating and maintaining State  
12 unit facilities, equipment, and grounds;

13           “(ix) supplies;

14           “(x) administration of the comprehensive  
15 system of personnel development, including per-  
16 sonnel administration, administration of affir-  
17 mative action plans, and training and staff devel-  
18 opment, administrative salaries, including cleri-  
19 cal and other support staff salaries, in support  
20 of these functions;

21           “(xi) travel costs related to carrying out the  
22 program, other than travel costs related to the  
23 provision of services;

1           “(xii) costs incurred in conducting reviews  
2           of rehabilitation counselor or coordinator deter-  
3           minations; and

4           “(xiii) legal expenses required in the ad-  
5           ministration of the program.”; and

6           (4) by redesignating paragraphs (36), (22), (23),  
7           (24), (25), (1), (2), (3), (26), (4), (5), (6), (27), (7),  
8           (28), (29), (30), (20), (21), (8), (31), (15), (32), (9),  
9           (10), (33), (11), (19), (13), (14), (16), (18), (34), (35),  
10          and (17) as paragraphs (1) through (35), respectively.

11 **SEC. 2103. REPORTS.**

12          Section 13 of the Rehabilitation Act of 1973 (29 U.S.C.  
13 712) is amended by inserting after the third sentence “The  
14 Commissioner shall also annually collect information with  
15 respect to the title I, vocational rehabilitation services pro-  
16 gram, on administrative costs and other expenditures under  
17 the program.”.

18 **TITLE XXII—AMENDMENTS TO**  
19 **VOCATIONAL REHABILITA-**  
20 **TION SERVICES**

21 **Subtitle A—General Provisions**

22 **SEC. 2201. DECLARATION OF POLICY; AUTHORIZATION OF**  
23 **APPROPRIATIONS.**

24          Section 100(b) of the Rehabilitation Act of 1973 (29  
25 U.S.C. 720(b)) is amended in each of paragraphs (1) and



1 (2) by striking “fiscal years 1993 through 1997” and insert-  
2 ing “fiscal years 1998, 1999, and 2000”.

3 **SEC. 2202. STATE PLANS.**

4 Section 101(a) of the Rehabilitation Act of 1973 (29  
5 U.S.C. 721(a)) is amended—

6 (1) in paragraph (4)—

7 (A) by striking “, except that in the case”  
8 and inserting “, except that—

9 “(A) in the case”;

10 (B) by striking “to the extent permitted by  
11 such regulations,”;

12 (C) by inserting “and” after the semicolon;  
13 and

14 (D) by adding at the end the following:

15 “(B) in the case of earmarked funds used as the  
16 State match for Federal funds, where such funds are  
17 earmarked for particular geographic areas within a  
18 State;”;

19 (2) in paragraph (7)(A)—

20 (A) by striking clause (i)(II) and all that  
21 follows;

22 (B) by striking “which shall include—

23 “(i) a description” and inserting “which shall  
24 include a description”;

25 (C) by striking “on an annual basis—

1           “(I) the number and type” and inserting  
2           “on an annual basis the number and type”; and

3           (D) by striking “counselors to clients; and”  
4           and inserting “counselors to clients;”;

5           (3) in paragraph (11)(A)—

6           (A) by striking “(20 U.S.C. 2301 et seq.),  
7           and” and inserting “(20 U.S.C. 2301 et seq.)”;  
8           and

9           (B) by inserting after “(41 U.S.C. 46 et  
10           seq.)” the following: “, and State use contracting  
11           programs”;

12           (4) by striking paragraph (13);

13           (5) by striking paragraph (17);

14           (6) in paragraph (24)—

15           (A) in the matter preceding subparagraph  
16           (A), by striking “students who are individuals”  
17           and inserting “students”; and

18           (B) in subparagraph (B), by striking “indi-  
19           vidualized written rehabilitation program” and  
20           inserting “individualized education program”;

21           (7) in paragraph (25), by striking “Secretary”  
22           and inserting “Commissioner”;

23           (8) in paragraph (28), by adding at the end be-  
24           fore the semicolon the following: “and State use con-  
25           tracting programs”;

1           (9) by striking paragraph (30);

2           (10) in paragraph (33), by striking “and work-  
3           ing relationships”;

4           (11) in paragraph (36)—

5                 (A) in subparagraph (B)(i), by moving the  
6                 margin two ems to the left; and

7                 (B) in clauses (i), (ii), and (iii) of subpara-  
8                 graph (C) (including subclause (II) of each of  
9                 such clauses (ii) and (iii)), by moving the mar-  
10                gin two ems to the left; and

11           (12) by redesignating paragraphs (14), (15),  
12           (16), (18) through (22), (24) through (29), and (31)  
13           through (36) as paragraphs (13) through (32), respec-  
14           tively.

15 **SEC. 2203. SCOPE OF VOCATIONAL REHABILITATION SERV-**

16                                 **ICES.**

17           Section 103(a) of the Rehabilitation Act of 1973 (29  
18 U.S.C. 723(a)) is amended—

19                 (1) by striking paragraph (7); and

20                 (2) by redesignating paragraphs (8) through (16)  
21           as paragraphs (7) through (15), respectively.

22 **SEC. 2204. STATE REHABILITATION ADVISORY COUNCIL.**

23           Section 105 of the Rehabilitation Act of 1973 (29  
24 U.S.C. 725) is amended by striking subsection (i).

1 **SEC. 2205. EVALUATION STANDARDS AND PERFORMANCE**  
2 **INDICATORS.**

3 *Section 106(a) of the Rehabilitation Act of 1973 (29*  
4 *U.S.C. 726(a)) is amended in paragraph (1) by adding at*  
5 *the end the following: “After such date, the Commissioner*  
6 *shall review and, if necessary, revise the evaluation stand-*  
7 *ards and performance indicators every three years. Any*  
8 *necessary revisions shall be developed with input from State*  
9 *vocational rehabilitation agencies, related professional and*  
10 *consumer organizations, recipients of vocational rehabilita-*  
11 *tion services, and other interested parties. Any proposed re-*  
12 *visions shall be subject to the notice, publication, and com-*  
13 *ment provisions described in paragraph (3).”.*

14 **SEC. 2206. MONITORING AND REVIEW.**

15 *Section 107(a) of the Rehabilitation Act of 1973 (29*  
16 *U.S.C. 727(a)) is amended by adding at the end the follow-*  
17 *ing:*

18 *“(5) MONITORING AND REVIEW REPORTS.—Any*  
19 *reports detailing the findings of the annual reviews*  
20 *and periodic on-site monitoring visits shall be made*  
21 *available to the State Rehabilitation Advisory Coun-*  
22 *cil for use in the development and modification of the*  
23 *State plan.”.*

1           ***Subtitle B—Basic Vocational***  
2                           ***Rehabilitation Services***

3   **SEC. 2211. STATE ALLOTMENTS.**

4           *Section 110(d)(2) of the Rehabilitation Act of 1973 (29*  
5 *U.S.C. 730(d)(2)) is amended—*

6                   (1) *by striking “the Secretary—” and all that*  
7 *follows through “(B) not less than” and inserting “the*  
8 *Secretary, not less than”; and*

9                   (2) *by striking “fiscal years 1995, 1996, and*  
10 *1997” and inserting “fiscal years 1998, 1999, and*  
11 *2000”.*

12   **SEC. 2212. PAYMENTS TO STATES.**

13           *Section 111(a)(2)(B) of the Rehabilitation Act of 1973*  
14 *(29 U.S.C. 731(a)(2)(B)) is amended—*

15                   (1) *by striking clause (i); and*

16                   (2) *by striking “(i)”.*

17   **SEC. 2213. CLIENT ASSISTANCE PROGRAM.**

18           *Section 112(h) of the Rehabilitation Act of 1973 (29*  
19 *U.S.C. 732(h)) is amended by striking “fiscal years 1993*  
20 *through 1997” and inserting “fiscal years 1998, 1999, and*  
21 *2000”.*

1    **TITLE XXIII—AMENDMENTS TO**  
2            **RESEARCH AND TRAINING**

3    **SEC. 2221. AUTHORIZATION OF APPROPRIATIONS.**

4            *Section 201(a) of the Rehabilitation Act of 1973 (29*  
5    *U.S.C. 761(a)) is amended—*

6                    (1) *in paragraph (1), by striking “each of fiscal*  
7                    *years 1993 through 1997” and inserting “fiscal years*  
8                    *1998, 1999, and 2000”; and*

9                    (2) *in paragraph (2), by striking “each of fiscal*  
10                    *years 1993 through 1997” and inserting “fiscal years*  
11                    *1998, 1999, and 2000”.*

12    **SEC. 2222. NATIONAL INSTITUTE ON DISABILITY AND REHA-**  
13                    **BILITATION RESEARCH.**

14            *Section 202(c) of the Rehabilitation Act of 1973 (29*  
15    *U.S.C. 761a(c)) is amended—*

16                    (1) *by striking “, except that” and all that fol-*  
17                    *lows through “regular technical and professional em-*  
18                    *ployees of the Institute”; and*

19                    (2) *by redesignating paragraph (4) as para-*  
20                    *graph (2).*

1 **TITLE XXIV—AMENDMENTS TO**  
2 **TRAINING AND DEMONSTRATION PROJECTS**

3  
4 **Subtitle A—Training Programs and**  
5 **Community Rehabilitation Pro-**  
6 **grams**

7 **SEC. 2231. TRAINING.**

8 *Section 302 of the Rehabilitation Act of 1973 (29*  
9 *U.S.C. 771a) is amended—*

10 *(1) in subsection (b)(1)(B)(iv), by moving the*  
11 *margin two ems to the left;*

12 *(2) by striking subsection (e);*

13 *(3) in subsection (g)(3)(A)—*

14 *(A) in clause (ii), by adding “and” at the*  
15 *end;*

16 *(B) in clause (iii), by striking “; and” and*  
17 *inserting a period; and*

18 *(C) by striking clause (iv); and*

19 *(4) in subsection (h), by striking “fiscal years*  
20 *1993 through 1997” and inserting “fiscal years 1998,*  
21 *1999, and 2000”; and*

22 *(5) by redesignating subsections (f) through (i)*  
23 *as subsections (e) through (h), respectively.*

1 **SEC. 2232. REPEALERS.**

2 (a) *IN GENERAL.*—Sections 303, 304, 305, and 306 of  
3 the Rehabilitation Act of 1973 (29 U.S.C. 772, 773, 775,  
4 and 776) are hereby repealed.

5 (b) *CONFORMING AMENDMENT.*—The table of contents  
6 of such Act (29 U.S.C. 701 note) is amended by striking  
7 the items relating to sections 303, 304, 305, and 306.

8 **SEC. 2233. AUTHORIZATION OF APPROPRIATIONS.**

9 (a) *IN GENERAL.*—Section 310 of the Rehabilitation  
10 Act of 1973 (29 U.S.C. 777) is amended—

11 (1) by striking “each of fiscal years 1993 through  
12 1997” and inserting “fiscal years 1998, 1999, and  
13 2000”;

14 (2) by redesignating such section as section 303;  
15 and

16 (3) by inserting such section after section 302.

17 (b) *CONFORMING AMENDMENT.*—The table of contents  
18 of such Act (29 U.S.C. 701 note) is amended—

19 (1) by striking the item relating to section 310  
20 (as such section was in effect prior to the redesigna-  
21 tion of such section under subsection (a)(2)); and

22 (2) by inserting after the item relating to section  
23 302 the following:

“Sec. 303. Authorization of appropriations.”.



1     ***Subtitle B—Special Projects and***  
2                   ***Supplementary Services***

3     **SEC. 2241. SPECIAL DEMONSTRATION PROGRAMS.**

4             *Section 311 of the Rehabilitation Act of 1973 (29*  
5     *U.S.C. 777a) is amended—*

6                   (1) *in subsection (a), by striking “Subject to the*  
7             *provisions of section 306, the” and inserting “The”;*

8                   (2) *by striking subsection (b);*

9                   (3) *in subsections (c) and (d), by striking “fiscal*  
10             *years 1993 through 1997” each place it appears and*  
11             *inserting “fiscal years 1998, 1999, and 2000”*

12                   (4) *by striking subsection (e); and*

13                   (5) *by redesignating subsections (c), (d), and (f)*  
14             *as subsections (b), (c), and (d), respectively.*

15     **SEC. 2242. MIGRATORY WORKERS.**

16             *Section 312(b) of the Rehabilitation Act of 1973 (29*  
17     *U.S.C. 777b(b)) is amended by striking “fiscal years 1993*  
18     *through 1997” and inserting “fiscal years 1998, 1999, and*  
19     *2000”.*

20     **SEC. 2243. REPEALERS.**

21             (i) *IN GENERAL.—Sections 314 and 315 of the Reha-*  
22     *bilitation Act of 1973 (29 U.S.C. 777d and 777e) are hereby*  
23     *repealed.*

1       (b) *CONFORMING AMENDMENT.*—*The table of contents*  
2 *of such Act (29 U.S.C. 701 note) is amended by striking*  
3 *the items relating to sections 314 and 315.*

4 **SEC. 2244. SPECIAL RECREATIONAL PROGRAMS.**

5       (a) *IN GENERAL.*—*Section 316 of the Rehabilitation*  
6 *Act of 1973 (29 U.S.C. 777f) is amended—*

7           (1) *in subsection (b), by striking “fiscal years*  
8 *1993 through 1997” and inserting “fiscal years 1998,*  
9 *1999, and 2000”;*

10          (2) *by redesignating such section as section 313;*  
11 *and*

12          (3) *by inserting such section after section 312, as*  
13 *amended by this Act.*

14       (b) *CONFORMING AMENDMENT.*—*The table of contents*  
15 *of such Act (29 U.S.C. 701 note) is amended—*

16           (1) *by striking the item relating to section 316*  
17 *(as such section was in effect prior to the redesigna-*  
18 *tion of such section under subsection (a)(2)); and*

19           (2) *by inserting after the item relating to section*  
20 *312 the following:*

*“Sec. 313. Special recreational programs.”.*

1 **TITLE XXV—AMENDMENTS TO**  
2 **NATIONAL COUNCIL ON DIS-**  
3 **ABILITY**

4 **SEC. 2251. AUTHORIZATION OF APPROPRIATIONS.**

5 *Section 405 of the Rehabilitation Act of 1973 (29*  
6 *U.S.C. 785) is amended by striking “fiscal years 1993*  
7 *through 1997” and inserting “fiscal years 1998, 1999, and*  
8 *2000”.*

9 **TITLE XXVI—AMENDMENTS TO**  
10 **RIGHTS AND ADVOCACY**

11 **SEC. 2261. EMPLOYMENT OF INDIVIDUALS WITH DISABIL-**  
12 **ITIES.**

13 *Section 501(a) of the Rehabilitation Act of 1973 (29*  
14 *U.S.C. 791(a)) is amended in the third sentence by striking*  
15 *“the Handicapped” and inserting “People With Disabil-*  
16 *ities”.*

17 **SEC. 2262. ARCHITECTURAL AND TRANSPORTATION BAR-**  
18 **RIERS COMPLIANCE BOARD.**

19 *Section 502 of the Rehabilitation Act of 1973 (29*  
20 *U.S.C. 792) is amended—*

21 *(1) in subsection (a), by striking “Chairperson”*  
22 *and inserting “chairperson”; and*

23 *(2) in subsection (g)(2), by striking “Committee*  
24 *on Education and Labor” and inserting “Committee*  
25 *on Education and the Workforce”.*

1 **SEC. 2263. PROTECTION AND ADVOCACY OF INDIVIDUAL**  
2 **RIGHTS.**

3 *Section 509 of the Rehabilitation Act of 1973 (29*  
4 *U.S.C. 794e) is amended—*

5 *(1) by redesignating subsection (n) as subsection*  
6 *(i);*

7 *(2) in subsection (l), by striking “Committee on*  
8 *Education and Labor” and inserting “Committee on*  
9 *Education and the Workforce”; and*

10 *(3) in subsection (m), by striking “each of the*  
11 *fiscal years 1993, 1994, 1995, 1996, and 1997” and*  
12 *inserting “each of the fiscal years 1998, 1999, and*  
13 *2000”.*

14 **TITLE XXVII—AMENDMENTS TO**  
15 **EMPLOYMENT OPPORTUNI-**  
16 **TIES FOR INDIVIDUALS WITH**  
17 **DISABILITIES**

18 **SEC. 2271. AUTHORIZATION OF APPROPRIATIONS.**

19 *Sections 622 and 638 of the Rehabilitation Act of 1973*  
20 *(29 U.S.C. 795i and 795q) are each amended by striking*  
21 *“each of fiscal years 1993 through 1997” and inserting*  
22 *“each of the fiscal years 1998, 1999, and 2000”.*

23 **SEC. 2272. REPEALERS.**

24 *(a) IN GENERAL.—Parts A and D of title VI of the*  
25 *Rehabilitation Act of 1973 (29 U.S.C. 795 et seq. and 795r)*  
26 *are hereby repealed.*

1 (b) *CONFORMING AMENDMENTS.*—

2 (1) *IN GENERAL.*—Parts B and C of title VI of  
3 such Act (29 U.S.C. 795g et seq. and 795k et seq.) are  
4 redesignated as parts A and B of title VI of such Act,  
5 respectively.

6 (2) *TABLE OF CONTENTS.*—The table of contents  
7 of such Act (29 U.S.C. 701 note) is amended—

8 (A) by striking the items relating to parts  
9 A and D of title VI (as such parts were in effect  
10 prior to the repeal of such parts under subsection  
11 (a)); and

12 (B) by redesignating the items relating to  
13 parts B and C of title VI (as such parts were in  
14 effect prior to the redesignation of such parts  
15 under paragraph (1)) as items relating to parts  
16 A and B of title VI of such Act, respectively.

17 **TITLE XXVIII—AMENDMENTS TO**  
18 **INDEPENDENT LIVING SERV-**  
19 **ICES AND CENTERS FOR**  
20 **INDEPENDENT LIVING**

21 **SEC. 2281. AUTHORIZATION OF APPROPRIATIONS.**

22 (a) *SECTIONS 714 AND 727.*—Sections 714 and 727 of  
23 the Rehabilitation Act of 1973 (29 U.S.C. 796e–3 and 796f–  
24 6) are amended by striking “each of the fiscal years 1993,

1 1994, 1995, 1996, and 1997” and inserting “each of the  
2 fiscal years 1998, 1999, and 2000”.

3 (b) SECTION 753.—Section 753 of such Act (29 U.S.C.  
4 796l) is amended by striking “each of the fiscal years 1993  
5 through 1997” and inserting “each of the fiscal years 1998,  
6 1999, and 2000”.

7 **SEC. 2282. PROGRAM AUTHORIZATION FOR CENTERS FOR**  
8 **INDEPENDENT LIVING.**

9 Section 721(c)(1)(A) of the Rehabilitation Act of 1973  
10 (29 U.S.C. 796f(c)(1)(A)) is amended by striking “,” and  
11 inserting a comma.

12 **TITLE XXIX—AMENDMENTS TO**  
13 **SPECIAL DEMONSTRATIONS**  
14 **AND TRAINING PROJECTS**

15 **SEC. 2291. AUTHORIZATION OF APPROPRIATIONS.**

16 Section 801 of the Rehabilitation Act of 1973 (29  
17 U.S.C. 797) is amended by striking “1993 through 1997.”  
18 each place such term appears and inserting “1998 through  
19 2000.”.

20 **SEC. 2292. DEMONSTRATION ACTIVITIES.**

21 Section 802 of the Rehabilitation Act of 1973 (29  
22 U.S.C. 797a) is amended to read as follows:

1 **“SEC. 802. DEMONSTRATION PROJECTS TO INCREASE CLI-**  
2 **ENT CHOICE.**

3 “(a) *GRANTS.*—*The Commissioner may make grants*  
4 *to States and public or nonprofit agencies and organiza-*  
5 *tions to pay all or part of the costs of projects to dem-*  
6 *onstrate ways to increase client choice in the rehabilitation*  
7 *process, including the selection of providers of vocational*  
8 *rehabilitation services.*

9 “(b) *USE OF FUNDS.*—*An entity that receives a grant*  
10 *under this section shall use the grant only—*

11 “(1) *for activities that are directly related to*  
12 *planning, operating, and evaluating the demonstra-*  
13 *tion projects; and*

14 “(2) *to supplement, and not supplant, funds*  
15 *made available from Federal and non-Federal sources*  
16 *for such projects.*

17 “(c) *APPLICATION.*—*Any eligible entity that desires to*  
18 *receive a grant under this section shall submit an applica-*  
19 *tion at such time, in such manner, and containing such*  
20 *information and assurances as the Commissioner may re-*  
21 *quire, including—*

22 “(1) *a description of—*

23 “(A) *how the applicant intends to promote*  
24 *increased client choice in the rehabilitation proc-*  
25 *ess, including a description, if appropriate, of*

1           *how an applicant will determine the cost of any*  
2           *service or product offered to an eligible client;*

3           “(B) *how the applicant intends to ensure*  
4           *that any vocational rehabilitation service or re-*  
5           *lated service is provided by a qualified provider*  
6           *who is accredited or meets such other quality as-*  
7           *surance and cost-control criteria as the State*  
8           *may establish; and*

9           “(C) *the outreach activities to be conducted*  
10          *by the applicant to obtain eligible clients; and*

11          “(2) *assurances that a written plan will be es-*  
12          *tablished with the full participation of the client,*  
13          *which plan shall, at a minimum, include—*

14                 “(A) *a statement of the vocational rehabili-*  
15                 *tation goals to be achieved;*

16                 “(B) *a statement of the specific vocational*  
17                 *rehabilitation services to be provided, the pro-*  
18                 *jected dates for their initiation, and the antici-*  
19                 *ipated duration of each such service; and*

20                 “(C) *objective criteria, an evaluation proce-*  
21                 *dure, and a schedule, for determining whether*  
22                 *such goals are being achieved.*

23          “(d) *AWARD OF GRANTS.—In selecting entities to re-*  
24          *ceive grants under subsection (a), the Commissioner shall*  
25          *take into consideration the—*



1           “(1) *diversity of strategies used to increase client*  
2           *choice, including selection among qualified service*  
3           *providers;*

4           “(2) *geographic distribution of projects; and*

5           “(3) *diversity of clients to be served.*

6           “(e) *RECORDS.—Entities that receive grants under*  
7           *subsection (a) shall maintain such records as the Commis-*  
8           *sioner may require and comply with any request from the*  
9           *Commissioner for such records.*

10          “(f) *DIRECT SERVICES.—At least 80 percent of the*  
11          *funds awarded for any project under this section shall be*  
12          *used for direct services, as specifically chosen by eligible cli-*  
13          *ents.*

14          “(g) *EVALUATION.—The Commissioner shall conduct*  
15          *an evaluation of the demonstration projects with respect to*  
16          *the services provided, clients served, client outcomes ob-*  
17          *tained, implementation issues addressed, the cost effective-*  
18          *ness of the project, and the effects of increased choice on*  
19          *clients and service providers. The Commissioner may re-*  
20          *serve funds for the evaluation for a fiscal year from the*  
21          *amounts appropriated to carry out projects under this sec-*  
22          *tion for the fiscal year.*

23          “(h) *DEFINITIONS.—For the purposes of this section:*

1           “(1) *DIRECT SERVICES*.—The term ‘direct serv-  
2           ices’ means vocational rehabilitation services, as de-  
3           scribed in section 103(a).

4           “(2) *ELIGIBLE CLIENT*.—The term ‘eligible cli-  
5           ent’ means an individual with a disability, as defined  
6           in section 7(8)(A), who is not currently receiving  
7           services under an individualized written rehabilita-  
8           tion program established through a designated State  
9           unit.”.

10 **SEC. 2293. TRAINING ACTIVITIES.**

11           (a) *IN GENERAL*.—Section 803 of the Rehabilitation  
12 Act of 1973 (29 U.S.C. 797b) is amended—

13           (1) by striking subsections (d) and (e) and redesi-  
14 gnating subsection (f) as subsection (d);

15           (2) in subsection (d) (as so redesignated by para-  
16 graph (1))—

17           (A) by striking “(g)” and inserting “(f)”;

18           and

19           (B) by striking the last sentence; and

20           (3) by striking subsection (a) and redesignating  
21 subsections (b) through (d) (as so redesignated by  
22 paragraph (1)) as subsections (a) through (c).

23           (b) *EFFECTIVE DATES*.—

1           (1) *PARAGRAPHS (1) AND (2).*—*The amendments*  
2           *made by paragraphs (1) and (2) of subsection (a)*  
3           *shall take effect on October 1, 1997.*

4           (2) *SUBSECTION (A)(3).*—*The amendment made*  
5           *by paragraph (3) of subsection (a) shall take effect on*  
6           *October 1, 1998.*

7           **TITLE XXX—AMENDMENTS TO**  
8           **THE HELEN KELLER NA-**  
9           **TIONAL CENTER ACT**

10          **SEC. 2295. AUTHORIZATION OF APPROPRIATIONS.**

11          *Section 205(a) of the Helen Keller National Center Act*  
12          *(29 U.S.C. 1904(a)) and section 208(h) of such Act (29*  
13          *U.S.C. 1907(h)) are each amended by striking “1993*  
14          *through 1997” and inserting “1998, 1999, and 2000”.*

15          **TITLE XXXI—EFFECTIVE DATE**

16          **SEC. 2297. EFFECTIVE DATE.**

17          *Except as provided in section 2293, this division and*  
18          *the amendments made by this division shall take effect on*  
19          *October 1, 1997.*