

***In the Senate of the United States,***

*June 12, 1998.*

*Resolved*, That the bill from the House of Representatives (H.R. 1853) entitled “An Act to amend the Carl D. Perkins Vocational and Applied Technology Education Act.”, do pass with the following

**AMENDMENT:**

Strike out all after the enacting clause and insert:

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) *SHORT TITLE.*—*This Act may be cited as the “Carl*  
3 *D. Perkins Vocational and Applied Technology Education*  
4 *Act of 1998”.*

5 (b) *TABLE OF CONTENTS.*—*The table of contents is as*  
6 *follows:*

- Sec. 1. Short title; table of contents.*
- Sec. 2. Findings and purpose.*
- Sec. 3. Voluntary selection and participation.*
- Sec. 4. Construction.*

**TITLE I—VOCATIONAL EDUCATION**

*Subtitle A—Federal Provisions*

- Sec. 101. Reservations and State allotment.*
- Sec. 102. Performance measures and expected levels of performance.*

- Sec. 103. Assistance for the outlying areas.*  
*Sec. 104. Indian and Hawaiian Native programs.*  
*Sec. 105. Tribally controlled postsecondary vocational institutions.*  
*Sec. 106. Incentive grants.*

*Subtitle B—State Provisions*

- Sec. 111. State administration.*  
*Sec. 112. State use of funds.*  
*Sec. 113. State leadership activities.*  
*Sec. 114. State plan.*

*Subtitle C—Local Provisions*

- Sec. 121. Distribution for secondary school vocational education.*  
*Sec. 122. Distribution for postsecondary vocational education.*  
*Sec. 123. Local activities.*  
*Sec. 124. Local application.*  
*Sec. 125. Consortia.*

*TITLE II—TECH-PREP EDUCATION*

- Sec. 201. Short title.*  
*Sec. 202. Purposes.*  
*Sec. 203. Definitions.*  
*Sec. 204. Program authorized.*  
*Sec. 205. Tech-prep education programs.*  
*Sec. 206. Applications.*  
*Sec. 207. Authorization of appropriations.*  
*Sec. 208. Demonstration program.*

*TITLE III—GENERAL PROVISIONS*

- Sec. 301. Administrative provisions.*  
*Sec. 302. Evaluation, improvement, and accountability.*  
*Sec. 303. National activities.*  
*Sec. 304. National assessment of vocational education programs.*  
*Sec. 305. National research center.*  
*Sec. 306. Data systems.*  
*Sec. 307. Promoting scholar-athlete competitions.*  
*Sec. 308. Definition.*

*TITLE IV—AUTHORIZATION OF APPROPRIATIONS*

- Sec. 401. Authorization of appropriations.*

*TITLE V—REPEAL*

- Sec. 501. Repeal.*

**1 SEC. 2. FINDINGS AND PURPOSE.**

- 2 (a) FINDINGS.—Congress finds that—**

1           (1) *in order to be successful workers, citizens,*  
2 *and learners in the 21st century, individuals will*  
3 *need—*

4                   (A) *a combination of strong basic and ad-*  
5 *vanced academic skills;*

6                   (B) *computer and other technical skills;*

7                   (C) *theoretical knowledge;*

8                   (D) *communications, problem-solving, team-*  
9 *work, and employability skills; and*

10                   (E) *the ability to acquire additional knowl-*  
11 *edge and skills throughout a lifetime;*

12           (2) *students participating in vocational edu-*  
13 *cation can achieve challenging academic and tech-*  
14 *nical skills, and may learn better and retain more,*  
15 *when the students learn in context, learn by doing,*  
16 *and have an opportunity to learn and understand*  
17 *how academic, vocational, and technological skills are*  
18 *used outside the classroom;*

19           (3)(A) *many high school graduates in the United*  
20 *States do not complete a rigorous course of study that*  
21 *prepares the graduates for completing a 2-year or 4-*  
22 *year college degree or for entering high-skill, high-*  
23 *wage careers;*

1           (B) adult students are an increasingly diverse  
2           group and often enter postsecondary education unpre-  
3           pared for academic and technical work; and

4           (C) certain individuals often face great chal-  
5           lenges in acquiring the knowledge and skills needed  
6           for successful employment;

7           (4) community colleges, technical colleges, and  
8           area vocational education schools are offering adults  
9           a gateway to higher education, and access to quality  
10          certificates and degrees that increase their skills and  
11          earnings, by—

12                 (A) ensuring that the academic, vocational,  
13                 and technological skills gained by students ade-  
14                 quately prepare the students for the workforce;  
15                 and

16                 (B) enhancing connections with employers  
17                 and 4-year institutions of higher education;

18           (5) local, State, and national programs sup-  
19           ported under the Carl D. Perkins Vocational and Ap-  
20           plied Technology Education Act (20 U.S.C. 2301 et  
21           seq.) (as such Act was in effect on the day before the  
22           date of enactment of this Act) have assisted many stu-  
23           dents in obtaining technical, academic, and employ-  
24           ability skills, and tech-prep education;

1           (6) *the Federal Government can assist States*  
2           *and localities by carrying out nationally significant*  
3           *research, program development, demonstration, dis-*  
4           *semination, evaluation, data collection, professional*  
5           *development, and technical assistance activities that*  
6           *support State and local efforts regarding vocational*  
7           *education; and*

8           (7) *through a performance partnership with*  
9           *States and localities based on clear programmatic*  
10          *goals, increased State and local flexibility, improved*  
11          *accountability, and performance measures, the Fed-*  
12          *eral Government will provide to States and localities*  
13          *financial assistance for the improvement and expan-*  
14          *sion of vocational education for students participat-*  
15          *ing in vocational education.*

16          (b) *PURPOSE.—The purpose of this Act is to make the*  
17          *United States more competitive in the world economy by*  
18          *developing more fully the academic, technological, voca-*  
19          *tional, and employability skills of secondary students and*  
20          *postsecondary students who elect to enroll in vocational edu-*  
21          *cation programs, by—*

22                (1) *building on the efforts of States and localities*  
23                *to develop challenging academic standards;*

24                (2) *promoting the development of services and*  
25                *activities that integrate academic, vocational, and*

1        *technological instruction, and that link secondary and*  
2        *postsecondary education for participating vocational*  
3        *education students;*

4            *(3) increasing State and local flexibility in pro-*  
5        *viding services and activities designed to develop, im-*  
6        *plement, and improve vocational education, including*  
7        *tech-prep education; and*

8            *(4) disseminating national research, and provid-*  
9        *ing professional development and technical assistance,*  
10       *that will improve vocational education programs,*  
11       *services, and activities.*

12 **SEC. 3. VOLUNTARY SELECTION AND PARTICIPATION.**

13        *No funds made available under this Act shall be*  
14 *used—*

15            *(1) to require any secondary school student to*  
16        *choose or pursue a specific career path or major; and*

17            *(2) to mandate that any individual participate*  
18        *in a vocational education program, including a voca-*  
19        *tional education program that requires the attain-*  
20        *ment of a federally funded skill level or standard.*

21 **SEC. 4. CONSTRUCTION.**

22        *Nothing in this Act shall be construed to permit, allow,*  
23 *encourage, or authorize any Federal control over any aspect*  
24 *of a private, religious, or home school, regardless of whether*  
25 *a home school is treated as a private school or home school*

1 *under State law. This section shall not be construed to bar*  
2 *students attending private, religious, or home schools from*  
3 *participation in programs or services under this Act.*

4 ***TITLE I—VOCATIONAL***  
5 ***EDUCATION***

6 ***Subtitle A—Federal Provisions***

7 ***SEC. 101. RESERVATIONS AND STATE ALLOTMENT.***

8 *(a) RESERVATIONS AND STATE ALLOTMENT.—*

9 *(1) RESERVATIONS.—From the sum appro-*  
10 *priated under section 401 for each fiscal year, the*  
11 *Secretary shall reserve—*

12 *(A) 0.2 percent to carry out section 103;*

13 *(B) 1.80 percent to carry out sections 104*  
14 *and 105, of which—*

15 *(i) 1.25 percent of the sum shall be*  
16 *available to carry out section 104(b);*

17 *(ii) 0.25 percent of the sum shall be*  
18 *available to carry out section 104(c); and*

19 *(iii) 0.30 percent of the sum shall be*  
20 *available to carry out section 105; and*

21 *(C) 1.3 percent to carry out sections 106,*  
22 *303, 304, 305, and 306, of which not less than*  
23 *0.65 percent of the sum shall be available to*  
24 *carry out section 106 for each of the fiscal years*  
25 *2001 through 2005.*

1           (2) *STATE ALLOTMENT FORMULA.*—Subject to  
2           paragraphs (3) and (4), from the remainder of the  
3           sums appropriated under section 401 and not re-  
4           served under paragraph (1) for a fiscal year, the Sec-  
5           retary shall allot to a State for the fiscal year—

6                   (A) an amount that bears the same ratio to  
7                   50 percent of the sums being allotted as the prod-  
8                   uct of the population aged 15 to 19 inclusive, in  
9                   the State in the fiscal year preceding the fiscal  
10                  year for which the determination is made and  
11                  the State's allotment ratio bears to the sum of  
12                  the corresponding products for all the States;

13                  (B) an amount that bears the same ratio to  
14                  20 percent of the sums being allotted as the prod-  
15                  uct of the population aged 20 to 24, inclusive, in  
16                  the State in the fiscal year preceding the fiscal  
17                  year for which the determination is made and  
18                  the State's allotment ratio bears to the sum of  
19                  the corresponding products for all the States;

20                  (C) an amount that bears the same ratio to  
21                  15 percent of the sums being allotted as the prod-  
22                  uct of the population aged 25 to 65, inclusive, in  
23                  the State in the fiscal year preceding the fiscal  
24                  year for which the determination is made and



1           the State's allotment ratio bears to the sum of  
2           the corresponding products for all the States; and

3                   (D) an amount that bears the same ratio to  
4           15 percent of the sums being allotted as the  
5           amounts allotted to the State under subpara-  
6           graphs (A), (B), and (C) for such years bears to  
7           the sum of the amounts allotted to all the States  
8           under subparagraphs (A), (B), and (C) for such  
9           year.

10           (3) *MINIMUM ALLOTMENT.*—

11                   (A) *IN GENERAL.*—Notwithstanding any  
12           other provision of law and subject to subpara-  
13           graphs (B) and (C), and paragraph (4), no State  
14           shall receive for a fiscal year under this sub-  
15           section less than  $\frac{1}{2}$  of 1 percent of the amount  
16           appropriated under section 401 and not reserved  
17           under paragraph (1) for such fiscal year.  
18           Amounts necessary for increasing such payments  
19           to States to comply with the preceding sentence  
20           shall be obtained by ratably reducing the  
21           amounts to be paid to other States.

22                   (B) *REQUIREMENT.*—Due to the applica-  
23           tion of subparagraph (A), for any fiscal year, no  
24           State shall receive more than 150 percent of the  
25           amount the State received under this subsection

1       *for the preceding fiscal year (or in the case of*  
2       *fiscal year 1999 only, under section 101 of the*  
3       *Carl D. Perkins Vocational and Applied Tech-*  
4       *nology Education Act, as such section was in ef-*  
5       *fect on the day before the date of enactment of*  
6       *this Act).*

7               (C) *SPECIAL RULE.—*

8               (i) *IN GENERAL.—Subject to para-*  
9       *graph (4), no State, by reason of subpara-*  
10       *graph (A), shall be allotted for a fiscal year*  
11       *more than the lesser of—*

12               (I) *150 percent of the amount that*  
13       *the State received in the preceding fis-*  
14       *cal year (or in the case of fiscal year*  
15       *1999 only, under section 101 of the*  
16       *Carl D. Perkins Vocational and Ap-*  
17       *plied Technology Education Act, as*  
18       *such section was in effect on the day*  
19       *before the date of enactment of this*  
20       *Act); and*

21               (II) *the amount calculated under*  
22       *clause (i).*

23               (ii) *AMOUNT.—The amount calculated*  
24       *under this clause shall be determined by*  
25       *multiplying—*

1                   (I) the number of individuals in  
2                   the State counted under paragraph (2)  
3                   in the preceding fiscal year; by

4                   (II) 150 percent of the national  
5                   average per pupil payment made with  
6                   funds available under this section for  
7                   that year (or in the case of fiscal year  
8                   1999, only, under section 101 of the  
9                   Carl D. Perkins Vocational and Ap-  
10                  plied Technology Education Act, as  
11                  such section was in effect on the day  
12                  before the date of enactment of this  
13                  Act).

14                  (4) *HOLD HARMLESS.*—

15                  (A) *IN GENERAL.*—No State shall receive an  
16                  allotment under this section for a fiscal year that  
17                  is less than the allotment the State received  
18                  under part A of title I of the Carl D. Perkins Vo-  
19                  cational and Applied Technology Education Act  
20                  (20 U.S.C. 2311 *et seq.*) (as such part was in ef-  
21                  fect on the day before the date of enactment of  
22                  this Act) for fiscal year 1997.

23                  (B) *RATABLE REDUCTION.*—If for any fis-  
24                  cal year the amount appropriated for allotments  
25                  under this section is insufficient to satisfy the

1           provisions of subparagraph (A), the payments to  
2           all States under such subparagraph shall be rat-  
3           ably reduced.

4           (b) *REALLOTMENT.*—If the Secretary determines that  
5           any amount of any State’s allotment under subsection (a)  
6           for any fiscal year will not be required for such fiscal year  
7           for carrying out the activities for which such amount has  
8           been allotted, the Secretary shall make such amount avail-  
9           able for reallocation. Any such reallocation among other  
10          States shall occur on such dates during the same year as  
11          the Secretary shall fix, and shall be made on the basis of  
12          criteria established by regulation. No funds may be reallo-  
13          ted for any use other than the use for which the funds were  
14          appropriated. Any amount reallocated to a State under this  
15          subsection for any fiscal year shall remain available for ob-  
16          ligation during the succeeding fiscal year and shall be  
17          deemed to be part of the State’s allotment for the year in  
18          which the amount is obligated.

19          (c) *ALLOTMENT RATIO.*—

20                (1) *IN GENERAL.*—The allotment ratio for any  
21          State shall be 1.00 less the product of—

22                        (A) 0.50; and

23                        (B) the quotient obtained by dividing the  
24          per capita income for the State by the per capita  
25          income for all the States (exclusive of the Com-

1            *monwealth of Puerto Rico and the United States*  
2            *Virgin Islands), except that—*

3                    *(i) the allotment ratio in no case shall*  
4                    *be more than 0.60 or less than 0.40; and*

5                    *(ii) the allotment ratio for the Com-*  
6                    *monwealth of Puerto Rico and the United*  
7                    *States Virgin Islands shall be 0.60.*

8            *(2) PROMULGATION.—The allotment ratios shall*  
9            *be promulgated by the Secretary for each fiscal year*  
10           *between October 1 and December 31 of the fiscal year*  
11           *preceding the fiscal year for which the determination*  
12           *is made. Allotment ratios shall be computed on the*  
13           *basis of the average of the appropriate per capita in-*  
14           *comes for the 3 most recent consecutive fiscal years for*  
15           *which satisfactory data are available.*

16           *(3) DEFINITION OF PER CAPITA INCOME.—For*  
17           *the purpose of this section, the term “per capita in-*  
18           *come” means, with respect to a fiscal year, the total*  
19           *personal income in the calendar year ending in such*  
20           *year, divided by the population of the area concerned*  
21           *in such year.*

22           *(4) POPULATION DETERMINATION.—For the pur-*  
23           *poses of this section, population shall be determined*  
24           *by the Secretary on the basis of the latest estimates*  
25           *available to the Department of Education.*

1           (d) *DEFINITION OF STATE.*—For the purpose of this  
2 section, the term “State” means each of the several States  
3 of the United States, the Commonwealth of Puerto Rico, the  
4 District of Columbia, and the United States Virgin Islands.

5 **SEC. 102. PERFORMANCE MEASURES AND EXPECTED LEV-**  
6 **ELS OF PERFORMANCE.**

7           (a) *PUBLICATION OF PERFORMANCE MEASURES.*—

8                   (1) *IN GENERAL.*—The Secretary shall publish  
9 the following performance measures to assess the  
10 progress of each eligible agency:

11                           (A) *Student attainment of academic skills.*

12                           (B) *Student attainment of job readiness*  
13 *skills.*

14                           (C) *Student attainment of vocational skill*  
15 *proficiencies for students in vocational education*  
16 *programs, that are necessary for the receipt of a*  
17 *secondary school diploma or its recognized equiv-*  
18 *alent, or a secondary school skill certificate.*

19                           (D) *Receipt of a postsecondary degree or*  
20 *certificate.*

21                           (E) *Retention in, and completion of, sec-*  
22 *ondary school education (as determined under*  
23 *State law), placement in, retention in, and com-*  
24 *pletion of postsecondary education, employment,*  
25 *or military service.*

1                   (F) *Participation in and completion of vo-*  
2                   *cational education programs that lead to non-*  
3                   *traditional employment.*

4                   (2) *SPECIAL RULE.—The Secretary shall estab-*  
5                   *lish 1 set of performance measures for students served*  
6                   *under this Act, including populations described in*  
7                   *section 114(c)(16).*

8                   (b) *EXPECTED LEVELS OF PERFORMANCE.—In devel-*  
9                   *oping a State plan, each eligible agency shall negotiate with*  
10                  *the Secretary the expected levels of performance for the per-*  
11                  *formance measures described in subsection (a).*

12   **SEC. 103. ASSISTANCE FOR THE OUTLYING AREAS.**

13                  (a) *IN GENERAL.—From the funds reserved under sec-*  
14                  *tion 101(a)(1)(A), the Secretary—*

15                       (1) *shall award a grant in the amount of*  
16                       *\$500,000 to Guam for vocational education and*  
17                       *training for the purpose of providing direct edu-*  
18                       *cational services related to vocational education, in-*  
19                       *cluding—*

20                               (A) *teacher and counselor training and re-*  
21                               *training;*

22                               (B) *curriculum development; and*

23                               (C) *improving vocational education pro-*  
24                               *grams in secondary schools and institutions of*  
25                               *higher education, or improving cooperative edu-*

1            *cation programs involving both secondary schools*  
2            *and institutions of higher education; and*

3            *(2) shall award a grant in the amount of*  
4            *\$190,000 to each of American Samoa and the Com-*  
5            *monwealth of the Northern Mariana Islands for voca-*  
6            *tional education for the purpose described in para-*  
7            *graph (1).*

8            *(b) SPECIAL RULE.—*

9            *(1) IN GENERAL.—From funds reserved under*  
10           *section 101(a)(1)(A) and not awarded under sub-*  
11           *section (a), the Secretary shall make available the*  
12           *amount awarded to the Republic of the Marshall Is-*  
13           *lands, the Federated States of Micronesia, and the Re-*  
14           *public of Palau under section 101A of the Carl D.*  
15           *Perkins Vocational and Applied Technology Edu-*  
16           *cation Act (as such section was in effect on the day*  
17           *before the date of enactment of this Act) to award*  
18           *grants under the succeeding sentence. From the*  
19           *amount made available under the preceding sentence,*  
20           *the Secretary shall award grants, to Guam, American*  
21           *Samoa, the Commonwealth of the Northern Mariana*  
22           *Islands, the Republic of the Marshall Islands, the Fed-*  
23           *erated States of Micronesia, or the Republic of Palau*  
24           *for the purpose described in subsection (a)(1).*



1           (2) *AWARD BASIS.*—*The Secretary shall award*  
2           *grants pursuant to paragraph (1) on a competitive*  
3           *basis and pursuant to recommendations from the Pa-*  
4           *cific Region Educational Laboratory in Honolulu,*  
5           *Hawaii.*

6           (3) *TERMINATION OF ELIGIBILITY.*—*Notwith-*  
7           *standing any other provision of law, the Republic of*  
8           *the Marshall Islands, the Federated States of Microne-*  
9           *sia, and the Republic of Palau shall not receive any*  
10          *funds under this Act for any fiscal year that begins*  
11          *after September 30, 2004.*

12          (4) *ADMINISTRATIVE COSTS.*—*The Secretary*  
13          *may provide not more than 5 percent of the funds*  
14          *made available for grants under this subsection to*  
15          *pay the administrative costs of the Pacific Region*  
16          *Educational Laboratory regarding activities assisted*  
17          *under this subsection.*

18 **SEC. 104. INDIAN AND HAWAIIAN NATIVE PROGRAMS.**

19          (a) *DEFINITIONS; AUTHORITY OF SECRETARY.*—

20               (1) *DEFINITIONS.*—*For the purpose of this sec-*  
21               *tion—*

22                       (A) *the term “Act of April 16, 1934” means*  
23                       *the Act entitled “An Act authorizing the Sec-*  
24                       *retary of the Interior to arrange with States or*  
25                       *territories for the education, medical attention,*

1           *relief of distress, and social welfare of Indians,*  
2           *and for other purposes”, enacted April 16, 1934*  
3           *(48 Stat. 596; 25 U.S.C. 452 et seq.);*

4           *(B) the term “Bureau funded school” has*  
5           *the meaning given the term in section 1146 of*  
6           *the Education Amendments of 1978 (25 U.S.C.*  
7           *2026);*

8           *(C) the term “Hawaiian native” means any*  
9           *individual any of whose ancestors were natives,*  
10          *prior to 1778, of the area which now comprises*  
11          *the State of Hawaii; and*

12          *(D) the terms “Indian” and “Indian tribe”*  
13          *have the meanings given the terms in section 2*  
14          *of the Tribally Controlled Community College*  
15          *Assistance Act of 1978 (25 U.S.C. 1801).*

16          (2) *AUTHORITY.—From the funds reserved pur-*  
17          *suant to section 101(a)(1)(B), the Secretary shall*  
18          *award grants and enter into contracts for Indian and*  
19          *Hawaiian native programs in accordance with this*  
20          *section, except that such programs shall not include*  
21          *secondary school programs in Bureau funded schools.*

22          (b) *INDIAN PROGRAMS.—*

23                  (1) *AUTHORITY.—*

24                          (A) *IN GENERAL.—Except as provided in*  
25                          *subparagraph (B), from the funds reserved pur-*

1           *suant to section 101(a)(1)(B)(i), the Secretary is*  
2           *directed—*

3                     *(i) upon the request of any Indian*  
4                     *tribe, or a tribal organization serving an*  
5                     *Indian tribe, which is eligible to contract*  
6                     *with the Secretary of the Interior for the ad-*  
7                     *ministration of programs under the Indian*  
8                     *Self-Determination Act (25 U.S.C. 450 et*  
9                     *seq.) or under the Act of April 16, 1934; or*

10                    *(ii) upon an application received from*  
11                    *a Bureau funded school offering postsecond-*  
12                    *ary or adult education programs filed at*  
13                    *such time and under such conditions as the*  
14                    *Secretary may prescribe,*

15           *to make grants to or enter into contracts with*  
16           *any Indian tribe or tribal organization, or to*  
17           *make a grant to such Bureau funded school, as*  
18           *appropriate, to plan, conduct, and administer*  
19           *programs or portions of programs authorized by,*  
20           *and consistent with the purpose of, this Act.*

21                    *(B) REQUIREMENTS.—The grants or con-*  
22                    *tracts described in subparagraph (A), shall be*  
23                    *subject to the following:*

24                    *(i) TRIBES AND TRIBAL ORGANIZA-*  
25                    *TIONS.—Such grants or contracts with any*

1            *tribes or tribal organization shall be subject*  
2            *to the terms and conditions of section 102*  
3            *of the Indian Self-Determination Act (25*  
4            *U.S.C. 450f) and shall be conducted in ac-*  
5            *cordance with the provisions of sections 4,*  
6            *5, and 6 of the Act of April 16, 1934, which*  
7            *are relevant to the programs administered*  
8            *under this subsection.*

9            *(ii) BUREAU FUNDED SCHOOLS.—Such*  
10           *grants to Bureau funded schools shall not be*  
11           *subject to the requirements of the Indian*  
12           *Self-Determination Act (25 U.S.C. 450f et*  
13           *seq.) or the Act of April 16, 1934.*

14           *(C) REGULATIONS.—If the Secretary pro-*  
15           *mulgates any regulations applicable to subpara-*  
16           *graph (B), the Secretary shall—*

17           *(i) confer with, and allow for active*  
18           *participation by, representatives of Indian*  
19           *tribes, tribal organizations, and individual*  
20           *tribal members; and*

21           *(ii) promulgate the regulations under*  
22           *subchapter III of chapter 5 of title 5,*  
23           *United States Code, commonly known as*  
24           *the “Negotiated Rulemaking Act of 1990”.*

1           (D) *APPLICATION.*—Any Indian tribe, trib-  
2           al organization, or Bureau funded school eligible  
3           to receive assistance under this paragraph may  
4           apply individually or as part of a consortium  
5           with another such Indian tribe, tribal organiza-  
6           tion, or Bureau funded school.

7           (E) *PERFORMANCE MEASURES AND EVALUA-*  
8           *TION.*—Any Indian tribe, tribal organization, or  
9           Bureau funded school that receives assistance  
10          under this section shall—

11                 (i) establish performance measures and  
12                 expected levels of performance to be achieved  
13                 by students served under this section; and

14                 (ii) evaluate the quality and effective-  
15                 ness of activities and services provided  
16                 under this subsection.

17          (F) *MINIMUM.*—In the case of a Bureau  
18          funded school, the minimum amount of a grant  
19          awarded or contract entered into under this sec-  
20          tion shall be \$35,000.

21          (G) *RESTRICTIONS.*—The Secretary may  
22          not place upon grants awarded or contracts en-  
23          tered into under this paragraph any restrictions  
24          relating to programs other than restrictions that  
25          apply to grants made to or contracts entered into

1           with States pursuant to allotments under section  
2           101(a). The Secretary, in awarding grants and  
3           entering into contracts under this paragraph,  
4           shall ensure that the grants and contracts will  
5           improve vocational education programs, and  
6           shall give special consideration to—

7                   (i) grants or contracts which involve,  
8                   coordinate with, or encourage tribal eco-  
9                   nomic development plans; and

10                   (ii) applications from tribally con-  
11                   trolled community colleges that—

12                           (I) are accredited or are can-  
13                           didates for accreditation by a nation-  
14                           ally recognized accreditation organiza-  
15                           tion as an institution of postsecondary  
16                           vocational education; or

17                           (II) operate vocational education  
18                           programs that are accredited or are  
19                           candidates for accreditation by a na-  
20                           tionally recognized accreditation orga-  
21                           nization, and issue certificates for com-  
22                           pletion of vocational education pro-  
23                           grams.

24                   (H) STIPENDS.—

1                   (i) *IN GENERAL.*—Funds received pur-  
2                   suant to grants or contracts described in  
3                   subparagraph (A) may be used to provide  
4                   stipends to students who are enrolled in vo-  
5                   cational education programs and who have  
6                   acute economic needs which cannot be met  
7                   through work-study programs.

8                   (ii) *AMOUNT.*—Stipends described in  
9                   clause (i) shall not exceed reasonable  
10                  amounts as prescribed by the Secretary.

11               (2) *MATCHING.*—If sufficient funding is avail-  
12               able, the Bureau of Indian Affairs shall expend an  
13               amount equal to the amount made available under  
14               this subsection, relating to programs for Indians, to  
15               pay a part of the costs of programs funded under this  
16               subsection. During each fiscal year the Bureau of In-  
17               dian Affairs shall expend no less than the amount ex-  
18               pended during the prior fiscal year on vocational  
19               education programs, services, and activities adminis-  
20               tered either directly by, or under contract with, the  
21               Bureau of Indian Affairs, except that in no year shall  
22               funding for such programs, services, and activities be  
23               provided from accounts and programs that support  
24               other Indian education programs. The Secretary and  
25               the Assistant Secretary of the Interior for Indian Af-

1        *fairs shall prepare jointly a plan for the expenditure*  
2        *of funds made available and for the evaluation of pro-*  
3        *grams assisted under this subsection. Upon the com-*  
4        *pletion of a joint plan for the expenditure of the funds*  
5        *and the evaluation of the programs, the Secretary*  
6        *shall assume responsibility for the administration of*  
7        *the program, with the assistance and consultation of*  
8        *the Bureau of Indian Affairs.*

9                (3) *SPECIAL RULE.—Programs funded under*  
10        *this subsection shall be in addition to such other pro-*  
11        *grams, services, and activities as are made available*  
12        *to eligible Indians under other provisions of this Act.*

13        (c) *HAWAIIAN NATIVE PROGRAMS.—From the funds*  
14        *reserved pursuant to section 101(a)(1)(B)(ii), the Secretary*  
15        *shall award grants or enter into contracts, with organiza-*  
16        *tions primarily serving and representing Hawaiian natives*  
17        *which are recognized by the Governor of the State of Ha-*  
18        *waii, for the planing, conduct, or administration of pro-*  
19        *grams, or portions thereof, that are described in this Act*  
20        *and consistent with the purpose of this Act, for the benefit*  
21        *of Hawaiian natives.*

22        **SEC. 105. TRIBALLY CONTROLLED POSTSECONDARY VOCA-**  
23                **TIONAL INSTITUTIONS.**

24        (a) *IN GENERAL.—It is the purpose of this section to*  
25        *provide grants for the operation and improvement of trib-*



1 *ally controlled postsecondary vocational institutions to en-*  
2 *sure continued and expanded educational opportunities for*  
3 *Indian students, and to allow for the improvement and ex-*  
4 *pansion of the physical resources of such institutions.*

5 (b) *GRANTS AUTHORIZED.—*

6 (1) *IN GENERAL.—From the funds reserved pur-*  
7 *suant to section 101(a)(1)(B)(iii), the Secretary shall*  
8 *make grants to tribally controlled postsecondary voca-*  
9 *tional institutions to provide basic support for the vo-*  
10 *cational education and training of Indian students.*

11 (2) *AMOUNT OF GRANTS.—*

12 (A) *IN GENERAL.—If the sum appropriated*  
13 *for any fiscal year for grants under this section*  
14 *is not sufficient to pay in full the total amount*  
15 *that approved applicants are eligible to receive*  
16 *under this section for such fiscal year, the Sec-*  
17 *retary shall first allocate to each such applicant*  
18 *that received funds under this part for the pre-*  
19 *ceding fiscal year an amount equal to 100 per-*  
20 *cent of the product of the per capita payment for*  
21 *the preceding fiscal year and such applicant's*  
22 *Indian student count for the current program*  
23 *year, plus an amount equal to the actual cost of*  
24 *any increase to the per capita figure resulting*

1           *from inflationary increases to necessary costs be-*  
2           *yond the institution's control.*

3                   *(B) PER CAPITA DETERMINATION.—For the*  
4           *purposes of paragraph (1), the per capita pay-*  
5           *ment for any fiscal year shall be determined by*  
6           *dividing the amount available for grants to trib-*  
7           *ally controlled postsecondary vocational institu-*  
8           *tions under this part for such program year by*  
9           *the sum of the Indian student counts of such in-*  
10          *stitutions for such program year. The Secretary*  
11          *shall, on the basis of the most accurate data*  
12          *available from the institutions, compute the In-*  
13          *Indian student count for any fiscal year for which*  
14          *such count was not used for the purpose of mak-*  
15          *ing allocations under this section.*

16          *(c) ELIGIBLE GRANT RECIPIENTS.—To be eligible for*  
17          *assistance under this section a tribally controlled post-*  
18          *secondary vocational institution shall—*

19                   *(1) be governed by a board of directors or trust-*  
20           *ees, a majority of whom are Indians;*

21                   *(2) demonstrate adherence to stated goals, a phi-*  
22           *losophy, or a plan of operation which fosters individ-*  
23           *ual Indian economic and self-sufficiency opportunity,*  
24           *including programs that are appropriate to stated*  
25           *tribal goals of developing individual entrepreneur-*

1 *ships and self-sustaining economic infrastructures on*  
2 *reservations;*

3 *(3) have been in operation for at least 3 years;*

4 *(4) hold accreditation with or be a candidate for*  
5 *accreditation by a nationally recognized accrediting*  
6 *authority for postsecondary vocational education; and*

7 *(5) enroll the full-time equivalency of not less*  
8 *than 100 students, of whom a majority are Indians.*

9 *(d) GRANT REQUIREMENTS.—*

10 *(1) APPLICATIONS.—Any tribally controlled*  
11 *postsecondary vocational institution that desires to*  
12 *receive a grant under this section shall submit an ap-*  
13 *plication to the Secretary. Such application shall in-*  
14 *clude a description of recordkeeping procedures for the*  
15 *expenditure of funds received under this section that*  
16 *will allow the Secretary to audit and monitor pro-*  
17 *grams.*

18 *(2) NUMBER.—The Secretary shall award not*  
19 *less than 2 grants under this section for each fiscal*  
20 *year.*

21 *(3) CONSULTATION.—In awarding grants under*  
22 *this section, the Secretary shall, to the extent prac-*  
23 *ticable, consult with the boards of trustees of, and the*  
24 *tribal governments chartering, the institutions desir-*  
25 *ing the grants.*

1           (4) *LIMITATION.*—Amounts made available  
2           through grants under this section shall not be used in  
3           connection with religious worship or sectarian in-  
4           struction.

5           (e) *USES OF GRANTS.*—

6           (1) *IN GENERAL.*—The Secretary shall, subject to  
7           the availability of appropriations, provide for each  
8           program year to each tribally controlled postsecond-  
9           ary vocational institution having an application ap-  
10          proved by the Secretary, an amount necessary to pay  
11          expenses associated with—

12                 (A) the maintenance and operation of the  
13                 program, including development costs, costs of  
14                 basic and special instruction (including special  
15                 programs for individuals with disabilities and  
16                 academic instruction), materials, student costs,  
17                 administrative expenses, boarding costs, trans-  
18                 portation, student services, daycare and family  
19                 support programs for students and their families  
20                 (including contributions to the costs of education  
21                 for dependents), and student stipends;

22                 (B) capital expenditures, including oper-  
23                 ations and maintenance, and minor improve-  
24                 ments and repair, and physical plant mainte-

1            *nance costs, for the conduct of programs funded*  
2            *under this section; and*

3            *(C) costs associated with repair, upkeep, re-*  
4            *placement, and upgrading of the instructional*  
5            *equipment.*

6            *(2) ACCOUNTING.—Each institution receiving a*  
7            *grant under this section shall provide annually to the*  
8            *Secretary an accurate and detailed accounting of the*  
9            *institution’s operating and maintenance expenses and*  
10           *such other information concerning costs as the Sec-*  
11           *retary may reasonably require.*

12           *(f) EFFECT ON OTHER PROGRAMS.—*

13           *(1) IN GENERAL.—Except as specifically pro-*  
14           *vided in this Act, eligibility for assistance under this*  
15           *section shall not preclude any tribally controlled post-*  
16           *secondary vocational institution from receiving Fed-*  
17           *eral financial assistance under any program author-*  
18           *ized under the Higher Education Act of 1965 (20*  
19           *U.S.C. 1001 et seq.) or any other applicable program*  
20           *for the benefit of institutions of higher education or*  
21           *vocational education.*

22           *(2) PROHIBITION ON ALTERATION OF GRANT*  
23           *AMOUNT.—The amount of any grant for which trib-*  
24           *ally controlled postsecondary vocational institutions*  
25           *are eligible under this section shall not be altered be-*

1        *cause of funds allocated to any such institution from*  
2        *funds appropriated under the Act of November 2,*  
3        *1921 (commonly known as the “Snyder Act”) (42*  
4        *Stat. 208, chapter 115; 25 U.S.C. 13).*

5                (3) *PROHIBITION ON CONTRACT DENIAL.—No*  
6        *tribally controlled postsecondary vocational institu-*  
7        *tion for which an Indian tribe has designated a por-*  
8        *tion of the funds appropriated for the tribe from*  
9        *funds appropriated under such Act of November 2,*  
10       *1921, may be denied a contract for such portion*  
11       *under the Indian Self-Determination and Education*  
12       *Assistance Act (25 U.S.C. 450b et seq.) (except as pro-*  
13       *vided in that Act), or denied appropriate contract*  
14       *support to administer such portion of the appro-*  
15       *priated funds.*

16                (g) *NEEDS ESTIMATE AND REPORT ON FACILITIES*  
17 *AND FACILITIES IMPROVEMENT.—*

18                (1) *NEEDS ESTIMATE.—The Secretary shall,*  
19        *based on the most accurate data available from the*  
20        *institutions and Indian tribes whose Indian students*  
21        *are served under this section, and in consideration of*  
22        *employment needs, economic development needs, pop-*  
23        *ulation training needs, and facilities needs, prepare*  
24        *an actual budget needs estimate for each institution*  
25        *eligible under this section for each subsequent pro-*

1        *gram year, and submit such budget needs estimate to*  
2        *Congress in such a timely manner as will enable the*  
3        *appropriate committees of Congress to consider such*  
4        *needs data for purposes of the uninterrupted flow of*  
5        *adequate appropriations to such institutions. Such*  
6        *data shall take into account the goals and require-*  
7        *ments of the Personal Responsibility and Work Op-*  
8        *portunity Reconciliation Act of 1996 (Public Law*  
9        *104–193; 110 Stat. 2105).*

10            (2) *STUDY OF TRAINING AND HOUSING NEEDS.—*

11            (A) *IN GENERAL.—The Secretary shall con-*  
12        *duct a detailed study of the training, housing,*  
13        *and immediate facilities needs of each institu-*  
14        *tion eligible under this section. The study shall*  
15        *include an examination of—*

16            (i) *training equipment needs;*

17            (ii) *housing needs of families whose*  
18        *heads of households are students and whose*  
19        *dependents have no alternate source of sup-*  
20        *port while such heads of households are stu-*  
21        *dents; and*

22            (iii) *immediate facilities needs.*

23            (B) *REPORT.—The Secretary shall report to*  
24        *Congress not later than July 1, 1999, on the re-*  
25        *sults of the study required by subparagraph (A).*

1           (C) *CONTENTS.*—*The report required by*  
2           *subparagraph (B) shall include the number,*  
3           *type, and cost of meeting the needs described in*  
4           *subparagraph (A), and rank each institution by*  
5           *relative need.*

6           (D) *PRIORITY.*—*In conducting the study re-*  
7           *quired by subparagraph (A), the Secretary shall*  
8           *give priority to institutions that are receiving*  
9           *assistance under this section.*

10          (3) *LONG-TERM STUDY OF FACILITIES.*—

11           (A) *IN GENERAL.*—*The Secretary shall pro-*  
12           *vide for the conduct of a long-term study of the*  
13           *facilities of each institution eligible for assist-*  
14           *ance under this section.*

15           (B) *CONTENTS.*—*The study required by*  
16           *subparagraph (A) shall include a 5-year projec-*  
17           *tion of training facilities, equipment, and hous-*  
18           *ing needs and shall consider such factors as pro-*  
19           *jected service population, employment, and eco-*  
20           *nomie development forecasting, based on the most*  
21           *current and accurate data available from the in-*  
22           *stitutions and Indian tribes affected.*

23           (C) *SUBMISSION.*—*The Secretary shall sub-*  
24           *mit to Congress a detailed report on the results*  
25           *of such study not later than the end of the 18-*



1           *month period beginning on the date of enactment*  
2           *of this Act.*

3           (h) *DEFINITIONS.—For the purposes of this section:*

4           (1) *INDIAN; INDIAN TRIBE.—The terms “Indian”*  
5           *and “Indian tribe” have the meaning given such*  
6           *terms in section 2 of the Tribally Controlled Commu-*  
7           *nity College Assistance Act of 1978 (25 U.S.C. 1801).*

8           (2) *TRIBALLY CONTROLLED POSTSECONDARY VO-*  
9           *CATIONAL INSTITUTION.—The term “tribally con-*  
10           *trolled postsecondary vocational institution” means*  
11           *an institution of higher education that—*

12                   (A) *is formally controlled, or has been for-*  
13                   *mally sanctioned or chartered by the governing*  
14                   *body of an Indian tribe or tribes; and*

15                   (B) *offers technical degrees or certificate*  
16                   *granting programs.*

17           (3) *INDIAN STUDENT COUNT.—The term “Indian*  
18           *student count” means a number equal to the total*  
19           *number of Indian students enrolled in each tribally*  
20           *controlled postsecondary vocational institution, deter-*  
21           *mined as follows:*

22                   (A) *REGISTRATIONS.—The registrations of*  
23                   *Indian students as in effect on October 1 of each*  
24                   *year.*

1           (B) *SUMMER TERM.*—Credits or clock hours  
2 toward a certificate earned in classes offered dur-  
3 ing a summer term shall be counted toward the  
4 computation of the Indian student count in the  
5 succeeding fall term.

6           (C) *ADMISSION CRITERIA.*—Credits or clock  
7 hours toward a certificate earned in classes dur-  
8 ing a summer term shall be counted toward the  
9 computation of the Indian student count if the  
10 institution at which the student is in attendance  
11 has established criteria for the admission of such  
12 student on the basis of the student's ability to  
13 benefit from the education or training offered.  
14 The institution shall be presumed to have estab-  
15 lished such criteria if the admission procedures  
16 for such studies include counseling or testing  
17 that measures the student's aptitude to success-  
18 fully complete the course in which the student  
19 has enrolled. No credit earned by such student  
20 for purposes of obtaining a secondary school di-  
21 ploma or its recognized equivalent shall be count-  
22 ed toward the computation of the Indian student  
23 count.

24           (D) *DETERMINATION OF HOURS.*—Indian  
25 students earning credits in any continuing edu-

1           *cation program of a tribally controlled post-*  
 2           *secondary vocational institution shall be in-*  
 3           *cluded in determining the sum of all credit or*  
 4           *clock hours.*

5           (E) *CONTINUING EDUCATION.*—*Credits or*  
 6           *clock hours earned in a continuing education*  
 7           *program shall be converted to the basis that is in*  
 8           *accordance with the institution’s system for pro-*  
 9           *viding credit for participation in such programs.*

10 **SEC. 106. INCENTIVE GRANTS.**

11           (a) *IN GENERAL.*—*The Secretary may make grants to*  
 12           *States that exceed the expected levels of performance for per-*  
 13           *formance measures established under this Act.*

14           (b) *USE OF FUNDS.*—*A State that receives an incen-*  
 15           *tive grant under this section shall use the funds made avail-*  
 16           *able through the grant to carry out innovative vocational*  
 17           *education, adult education and literacy, or workforce in-*  
 18           *vestment programs as determined by the State.*

19           ***Subtitle B—State Provisions***

20 **SEC. 111. STATE ADMINISTRATION.**

21           *Each eligible agency shall be responsible for the State*  
 22           *administration of activities under this title, including—*

23                   (1) *the development, submission, and implemen-*  
 24           *tation of the State plan;*

1           (2) *the efficient and effective performance of the*  
2 *eligible agency's duties under this title; and*

3           (3) *consultation with other appropriate agencies,*  
4 *groups, and individuals that are involved in the de-*  
5 *velopment and implementation of activities assisted*  
6 *under this title, such as employers, parents, students,*  
7 *teachers, labor organizations, State and local elected*  
8 *officials, and local program administrators.*

9 **SEC. 112. STATE USE OF FUNDS.**

10       (a) *RESERVATIONS.—From funds allotted to each*  
11 *State under section 101(a) for each fiscal year, the eligible*  
12 *agency shall reserve—*

13           (1) *not more than 14 percent of the funds to*  
14 *carry out section 113;*

15           (2) *not more than 10 percent of the funds, or*  
16 *\$300,000, whichever is greater, of which—*

17               (A) *\$60,000 shall be available to provide*  
18 *technical assistance and advice to local edu-*  
19 *cational agencies, postsecondary educational in-*  
20 *stitutions, and other interested parties in the*  
21 *State for gender equity activities; and*

22               (B) *the remainder may be used to—*

23                   (i) *develop the State plan;*

24                   (ii) *review local applications;*

1                   (iii) monitor and evaluate program ef-  
2                   fectiveness;

3                   (iv) provide technical assistance; and

4                   (v) assure compliance with all applica-  
5                   ble Federal laws, including required services  
6                   and activities for individuals who are mem-  
7                   bers of populations described in section  
8                   114(c)(16); and

9                   (3) 1 percent of the funds, or the amount the  
10                  State expended under the Carl D. Perkins Vocational  
11                  and Applied Technology Education Act (20 U.S.C.  
12                  2301 et seq.) for vocational education programs for  
13                  criminal offenders for the fiscal year 1997, whichever  
14                  is greater, to carry out programs for criminal offend-  
15                  ers.

16               (b) REMAINDER.—From funds allotted to each State  
17               under section 101(a) for each fiscal year and not reserved  
18               under subsection (a), the eligible agency shall determine the  
19               portion of the funds that will be available to carry out sec-  
20               tions 121 and 122.

21               (c) MATCHING REQUIREMENT.—Each eligible agency  
22               receiving funds under this title shall match, from non-Fed-  
23               eral sources and on a dollar-for-dollar basis, the funds re-  
24               ceived under subsection (a)(2).

1 **SEC. 113. STATE LEADERSHIP ACTIVITIES.**

2 (a) *MANDATORY.*—*Each eligible agency shall use the*  
3 *funds reserved under section 112(a)(1) to conduct programs,*  
4 *services, and activities that further the development, imple-*  
5 *mentation, and improvement of vocational education with-*  
6 *in the State and that are integrated, to the maximum extent*  
7 *possible, with challenging State academic standards, in-*  
8 *cluding—*

9 (1) *providing comprehensive professional devel-*  
10 *opment (including initial teacher preparation) for vo-*  
11 *cational, academic, guidance, and administrative per-*  
12 *sonnel, that—*

13 (A) *will help the teachers and personnel to*  
14 *assist students in meeting the expected levels of*  
15 *performance established under section 102;*

16 (B) *reflects the eligible agency's assessment*  
17 *of the eligible agency's needs for professional de-*  
18 *velopment; and*

19 (C) *is integrated with the professional devel-*  
20 *opment activities that the State carries out*  
21 *under title II of the Elementary and Secondary*  
22 *Education Act of 1965 (20 U.S.C. 6001 et seq.);*

23 (2) *developing and disseminating curricula that*  
24 *are aligned, as appropriate, with challenging State*  
25 *academic standards, and vocational and technological*  
26 *skills;*

1           (3) *monitoring and evaluating the quality of,*  
2           *and improvement in, activities conducted with assist-*  
3           *ance under this title;*

4           (4) *providing gender equity programs in second-*  
5           *ary and postsecondary vocational education;*

6           (5) *supporting tech-prep education activities;*

7           (6) *improving and expanding the use of tech-*  
8           *nology in instruction;*

9           (7) *supporting partnerships among local edu-*  
10          *cational agencies, institutions of higher education,*  
11          *adult education providers, and, as appropriate, other*  
12          *entities, such as employers, labor organizations, par-*  
13          *ents, and local partnerships, to enable students to*  
14          *achieve State academic standards, and vocational and*  
15          *technological skills; and*

16          (8) *serving individuals in State institutions,*  
17          *such as State correctional institutions and institu-*  
18          *tions that serve individuals with disabilities.*

19          (b) *PERMISSIVE.—Each eligible agency may use the*  
20          *funds reserved under section 112(a)(1) for—*

21               (1) *improving guidance and counseling pro-*  
22               *grams that assist students in making informed edu-*  
23               *cation and vocational decisions;*

24               (2) *supporting vocational student organizations,*  
25               *especially with respect to efforts to increase the par-*

1        *ticipation of students who are members of populations*  
2        *described in section 114(c)(16);*

3            *(3) providing vocational education programs for*  
4        *adults and school dropouts to complete their second-*  
5        *ary school education; and*

6            *(4) providing assistance to students who have*  
7        *participated in services and activities under this title*  
8        *in finding an appropriate job and continuing their*  
9        *education.*

10 **SEC. 114. STATE PLAN.**

11        *(a) STATE PLAN.—*

12            *(1) IN GENERAL.—Each eligible entity desiring*  
13        *assistance under this title for any fiscal year shall*  
14        *prepare and submit to the Secretary a State plan for*  
15        *a 3-year period, together with such annual revisions*  
16        *as the eligible agency determines to be necessary.*

17            *(2) HEARING PROCESS.—The eligible agency*  
18        *shall conduct public hearings in the State, after ap-*  
19        *propriate and sufficient notice, for the purpose of af-*  
20        *fording all segments of the public and interested orga-*  
21        *nizations and groups (including employers, labor or-*  
22        *ganizations, and parents), an opportunity to present*  
23        *their views and make recommendations regarding the*  
24        *State plan. A summary of such recommendations and*



1        *the eligible agency's response to such recommenda-*  
2        *tions shall be included with the State plan.*

3        *(b) PLAN DEVELOPMENT.—The eligible agency shall*  
4        *develop the State plan with representatives of secondary*  
5        *and postsecondary vocational education, parents, represent-*  
6        *atives of populations described in section 114(c)(16), and*  
7        *businesses, in the State and shall also consult the Governor*  
8        *of the State.*

9        *(c) PLAN CONTENTS.—The State plan shall include in-*  
10       *formation that—*

11            *(1) describes the vocational education activities*  
12            *to be assisted that are designed to meet and reach the*  
13            *State performance measures;*

14            *(2) describes the integration of academic and*  
15            *technological education with vocational education;*

16            *(3) describes how the eligible agency will*  
17            *disaggregate data relating to students participating*  
18            *in vocational education in order to adequately meas-*  
19            *ure the progress of the students;*

20            *(4) describes how the eligible agency will ade-*  
21            *quately address the needs of students in alternative*  
22            *education programs;*

23            *(5) describes how the eligible agency will provide*  
24            *local educational agencies, area vocational education*

1        *schools, and eligible institutions in the State with*  
2        *technical assistance;*

3            *(6) describes how the eligible agency will encour-*  
4        *age the participation of the parents of secondary*  
5        *school students who are involved in vocational edu-*  
6        *cation activities;*

7            *(7) identifies how the eligible agency will obtain*  
8        *the active participation of business, labor organiza-*  
9        *tions, and parents in the development and improve-*  
10       *ment of vocational education activities carried out by*  
11       *the eligible agency;*

12           *(8) describes how vocational education relates to*  
13       *State and regional employment opportunities;*

14           *(9) describes the methods proposed for the joint*  
15       *planning and coordination of programs carried out*  
16       *under this title with other Federal education pro-*  
17       *grams;*

18           *(10) describes how funds will be used to promote*  
19       *gender equity in secondary and postsecondary voca-*  
20       *tional education;*

21           *(11) describes how funds will be used to improve*  
22       *and expand the use of technology in instruction;*

23           *(12) describes how funds will be used to serve in-*  
24       *dividuals in State correctional institutions;*

1           (13) describes how funds will be used effectively  
2           to link secondary and postsecondary education;

3           (14) describes how funds will be allocated and  
4           used at the secondary and postsecondary level, any  
5           consortia that will be formed among secondary schools  
6           and eligible institutions, and how funds will be allo-  
7           cated among the members of the consortia;

8           (15) describes how the eligible agency will ensure  
9           that the data reported to the eligible agency from local  
10          educational agencies and eligible institutions under  
11          this title and the data the eligible agency reports to  
12          the Secretary are complete, accurate, and reliable;

13          (16) describes the eligible agency's program  
14          strategies for populations that include, at a mini-  
15          mum—

16                 (A) low-income individuals, including foster  
17                 children;

18                 (B) individuals with disabilities;

19                 (C) single parents and displaced home-  
20                 makers; and

21                 (D) individuals with other barriers to edu-  
22                 cational achievement, including individuals with  
23                 limited English proficiency; and

1           (17) describes how individuals who are members  
2 of the special populations described in subsection  
3 (c)(16)—

4           (A) will be provided with equal access to ac-  
5 tivities assisted under this Act; and

6           (B) will not be discriminated against on the  
7 basis of their status as members of the special  
8 populations.

9 (d) *PLAN APPROVAL.*—

10          (1) *IN GENERAL.*—The Secretary shall approve a  
11 State plan, or a revision to an approved State plan,  
12 only if the Secretary determines that—

13          (A) the State plan, or revision, respectively,  
14 meets the requirements of this section; and

15          (B) the State's performance measures and  
16 expected levels of performance under section 102  
17 are sufficiently rigorous to meet the purpose of  
18 this Act.

19          (2) *DISAPPROVAL.*—The Secretary shall not fi-  
20 nally disapprove a State plan, except after giving the  
21 eligible agency notice and an opportunity for a hear-  
22 ing.

23          (3) *PEER REVIEW.*—The Secretary shall establish  
24 a peer review process to make recommendations re-  
25 garding approval of State plans.

1           (4) *TIMEFRAME.*—A State plan shall be deemed  
2           approved if the Secretary has not responded to the eli-  
3           gible agency regarding the plan within 90 days of the  
4           date the Secretary receives the plan.

5           (e) *ASSURANCES.*—A State plan shall contain assur-  
6           ances that the State will comply with the requirements of  
7           this Act and the provisions of the State plan, and provide  
8           for such fiscal control and fund accounting procedures that  
9           may be necessary to ensure the proper disbursement of, and  
10          accounting for, funds paid to the State under this Act.

11          (f) *ELIGIBLE AGENCY REPORT.*—

12           (1) *IN GENERAL.*—The eligible agency shall an-  
13          nually report to the Secretary regarding—

14           (A) the quality and effectiveness of the pro-  
15          grams, services, and activities, assisted under  
16          this title, based on the performance measures and  
17          expected levels of performance described in sec-  
18          tion 102; and

19           (B) the progress each population of individ-  
20          uals described in section 114(c)(16) is making  
21          toward achieving the expected levels of perform-  
22          ance.

23          (2) *CONTENTS.*—The eligible agency report  
24          also—

1           (A) shall include such information, in such  
2           form, as the Secretary may reasonably require,  
3           in order to ensure the collection of uniform data;  
4           and

5           (B) shall be made available to the public.

6           **Subtitle C—Local Provisions**

7           **SEC. 121. DISTRIBUTION FOR SECONDARY SCHOOL VOCA-**  
8           **TIONAL EDUCATION.**

9           (a) *ALLOCATION.*—Except as otherwise provided in  
10          this section, each eligible agency shall distribute the portion  
11          of the funds made available for secondary school vocational  
12          education activities under section 112(b) for any fiscal year  
13          to local educational agencies within the State as follows:

14               (1) *SEVENTY PERCENT.*—From 70 percent of  
15          such portion, each local educational agency shall be  
16          allocated an amount that bears the same relationship  
17          to such 70 percent as the amount such local edu-  
18          cational agency was allocated under section 1124 of  
19          the *Elementary and Secondary Education Act of*  
20          1965 (20 U.S.C. 6333) for the preceding fiscal year  
21          bears to the total amount received under such section  
22          by all local educational agencies in the State for such  
23          year.

24               (2) *TWENTY PERCENT.*—From 20 percent of such  
25          portion, each local educational agency shall be allo-

1        *cated an amount that bears the same relationship to*  
2        *such 20 percent as the number of students with dis-*  
3        *abilities who have individualized education programs*  
4        *under section 614(d) of the Individuals With Disabil-*  
5        *ities Education Act (20 U.S.C. 1414(d)) served by*  
6        *such local educational agency for the preceding fiscal*  
7        *year bears to the total number of such students served*  
8        *by all local educational agencies in the State for such*  
9        *year.*

10            (3) *TEN PERCENT.*—*From 10 percent of such*  
11        *portion, each local educational agency shall be allo-*  
12        *cated an amount that bears the same relationship to*  
13        *such 10 percent as the number of students enrolled in*  
14        *schools and adults enrolled in training programs*  
15        *under the jurisdiction of such local educational agen-*  
16        *cy for the preceding fiscal year bears to the number*  
17        *of students enrolled in schools and adults enrolled in*  
18        *training programs under the jurisdiction of all local*  
19        *educational agencies in the State for such year.*

20            (b) *MINIMUM ALLOCATION.*—

21            (1) *IN GENERAL.*—*Except as provided in para-*  
22        *graph (2), no local educational agency shall receive*  
23        *an allocation under subsection (a) unless the amount*  
24        *allocated to such agency under subsection (a) is not*  
25        *less than \$25,000. A local educational agency may*

1     *enter into a consortium with other local educational*  
2     *agencies for purposes of meeting the minimum alloca-*  
3     *tion requirement of this paragraph.*

4             (2) *WAIVER.—The eligible agency may waive the*  
5     *application of paragraph (1) for a local educational*  
6     *agency that is located in a rural, sparsely populated*  
7     *area.*

8             (3) *REALLOCATION.—Any amounts that are not*  
9     *allocated by reason of paragraph (1) or (2) shall be*  
10    *reallocated to local educational agencies that meet the*  
11    *requirements of paragraph (1) or (2) in accordance*  
12    *with the provisions of this section.*

13    (c) *LIMITED JURISDICTION AGENCIES.—*

14             (1) *IN GENERAL.—In applying the provisions of*  
15    *subsection (a), no eligible agency receiving assistance*  
16    *under this title shall allocate funds to a local edu-*  
17    *cational agency that serves only elementary schools,*  
18    *but shall distribute such funds to the local educational*  
19    *agency or regional educational agency that provides*  
20    *secondary school services to secondary school students*  
21    *in the same attendance area.*

22             (2) *SPECIAL RULE.—The amount to be allocated*  
23    *under paragraph (1) to a local educational agency*  
24    *that has jurisdiction only over secondary schools shall*  
25    *be determined based on the number of students that*



1        *entered such secondary schools in the previous year*  
2        *from the elementary schools involved.*

3        *(d) ALLOCATIONS TO AREA VOCATIONAL EDUCATION*  
4        *SCHOOLS AND EDUCATIONAL SERVICE AGENCIES.—*

5                *(1) IN GENERAL.—Each eligible agency shall dis-*  
6        *tribute the portion of funds made available for any*  
7        *fiscal year by such entity for secondary school voca-*  
8        *tional education activities under section 112(b) to the*  
9        *appropriate area vocational education school or edu-*  
10        *cational service agency in any case in which—*

11                *(A) the area vocational education school or*  
12        *educational service agency, and the local edu-*  
13        *cational agency concerned—*

14                *(i) have formed or will form a consor-*  
15        *tium for the purpose of receiving funds*  
16        *under this section; or*

17                *(ii) have entered into or will enter into*  
18        *a cooperative arrangement for such purpose;*  
19        *and*

20                *(B)(i) the area vocational education school*  
21        *or educational service agency serves an approxi-*  
22        *mately equal or greater proportion of students*  
23        *who are individuals with disabilities or are low-*  
24        *income than the proportion of such students at-*  
25        *tending the secondary schools under the jurisdic-*

1            *tion of all of the local educational agencies send-*  
2            *ing students to the area vocational education*  
3            *school or the educational service agency; or*

4            *(ii) the area vocational education school,*  
5            *educational service agency, or local educational*  
6            *agency demonstrates that the vocational edu-*  
7            *cation school or educational service agency is un-*  
8            *able to meet the criterion described in clause (i)*  
9            *due to the lack of interest by students described*  
10           *in clause (i) in attending vocational education*  
11           *programs in that area vocational education*  
12           *school or educational service agency.*

13           *(2) ALLOCATION BASIS.—If an area vocational*  
14           *education school or educational service agency meets*  
15           *the requirements of paragraph (1), then—*

16           *(A) the amount that will otherwise be dis-*  
17           *tributed to the local educational agency under*  
18           *this section shall be allocated to the area voca-*  
19           *tional education school, the educational service*  
20           *agency, and the local educational agency, based*  
21           *on each school's or agency's relative share of stu-*  
22           *dents described in paragraph (1)(B)(i) who are*  
23           *attending vocational education programs (based,*  
24           *if practicable, on the average enrollment for the*  
25           *prior 3 years); or*

1           (B) such amount may be allocated on the  
2 basis of an agreement between the local edu-  
3 cational agency and the area vocational edu-  
4 cation school or educational service agency.

5           (3) STATE DETERMINATION.—

6           (A) IN GENERAL.—For the purposes of this  
7 subsection, the eligible agency may determine the  
8 number of students who are low-income on the  
9 basis of—

10           (i) eligibility for—

11           (I) free or reduced-price meals  
12 under the National School Lunch Act  
13 (7 U.S.C. 1751 et seq.);

14           (II) assistance under a State pro-  
15 gram funded under part A of title IV  
16 of the Social Security Act;

17           (III) benefits under the Food  
18 Stamp Act of 1977 (7 U.S.C. 2011 et  
19 seq.); or

20           (IV) services under title I of the  
21 Elementary and Secondary Education  
22 Act of 1965 (20 U.S.C. 6301 et seq.); or

23           (ii) another index of economic status,  
24 including an estimate of such index, if the  
25 eligible agency demonstrates to the satisfac-

1            *tion of the Secretary that such index is a*  
2            *more representative means of determining*  
3            *such number.*

4            *(B) DATA.—If an eligible agency elects to*  
5            *use more than 1 factor described in subpara-*  
6            *graph (A) for purposes of making the determina-*  
7            *tion described in such subparagraph, the eligible*  
8            *agency shall ensure that the data used is not du-*  
9            *plicative.*

10           *(4) APPEALS PROCEDURE.—The eligible agency*  
11           *shall establish an appeals procedure for resolution of*  
12           *any dispute arising between a local educational agen-*  
13           *cy and an area vocational education school or an*  
14           *educational service agency with respect to the alloca-*  
15           *tion procedures described in this section, including*  
16           *the decision of a local educational agency to leave a*  
17           *consortium.*

18           *(5) SPECIAL RULE.—Notwithstanding the provi-*  
19           *sions of paragraphs (1), (2), (3), and (4), any local*  
20           *educational agency receiving an allocation that is not*  
21           *sufficient to conduct a secondary school vocational*  
22           *education program of sufficient size, scope, and qual-*  
23           *ity to be effective may—*

24                    *(A) form a consortium or enter into a coop-*  
25                    *erative agreement with an area vocational edu-*

1            *cation school or educational service agency offer-*  
2            *ing secondary school vocational education pro-*  
3            *grams of sufficient size, scope, and quality to be*  
4            *effective and that are accessible to students who*  
5            *are individuals with disabilities or are low-in-*  
6            *come, and are served by such local educational*  
7            *agency; and*

8                    *(B) transfer such allocation to the area vo-*  
9                    *cational education school or educational service*  
10                   *agency.*

11            *(e) SPECIAL RULE.—Each eligible agency distributing*  
12            *funds under this section shall treat a secondary school fund-*  
13            *ed by the Bureau of Indian Affairs within the State as if*  
14            *such school were a local educational agency within the State*  
15            *for the purpose of receiving a distribution under this sec-*  
16            *tion.*

17    **SEC. 122. DISTRIBUTION FOR POSTSECONDARY VOCA-**  
18                    **TIONAL EDUCATION.**

19            *(a) DISTRIBUTION.—*

20                    *(1) IN GENERAL.—Except as otherwise provided*  
21                    *in this section, each eligible agency shall distribute*  
22                    *the portion of funds made available for postsecondary*  
23                    *vocational education under section 112(b) for any fis-*  
24                    *cal year to eligible institutions within the State in*  
25                    *accordance with paragraph (2).*

1           (2) *ALLOCATION.*—*Each eligible institution in*  
2 *the State having an application approved under sec-*  
3 *tion 124 for a fiscal year shall be allocated an*  
4 *amount that bears the same relationship to the*  
5 *amount of funds made available for postsecondary vo-*  
6 *catational education under section 112(b) for the fiscal*  
7 *year as the number of Pell Grant recipients and re-*  
8 *cipients of assistance from the Bureau of Indian Af-*  
9 *airs enrolled for the preceding fiscal year by such eli-*  
10 *gible institution in vocational education programs*  
11 *that do not exceed 2 years in duration bears to the*  
12 *number of such recipients enrolled in such programs*  
13 *within the State for such fiscal year.*

14           (3) *SPECIAL RULE FOR CONSORTIA.*—*In order*  
15 *for a consortium to receive assistance under this sec-*  
16 *tion, such consortium shall operate joint projects*  
17 *that—*

18                     (A) *provide services to all postsecondary in-*  
19 *stitutions participating in the consortium; and*

20                     (B) *are of sufficient size, scope, and quality*  
21 *to be effective.*

22           (4) *MINIMUM ALLOCATION.*—

23                     (A) *IN GENERAL.*—*Except as provided in*  
24 *subparagraph (B), no eligible institution shall*  
25 *receive an allocation under paragraph (2) unless*

1           *the amount allocated to the eligible institution*  
2           *under paragraph (2) is not less than \$65,000.*

3           *(B) WAIVER.—The eligible agency may*  
4           *waive the application of subparagraph (A) in*  
5           *any case in which the eligible institution is lo-*  
6           *cated in a rural, sparsely populated area.*

7           *(C) REALLOCATION.—Any amounts that are*  
8           *not allocated by reason of subparagraph (A) or*  
9           *(B) shall be reallocated to eligible institutions*  
10          *that meet the requirements of subparagraph (A)*  
11          *or (B) in accordance with the provisions of this*  
12          *section.*

13          *(5) DEFINITION OF PELL GRANT RECIPIENT.—*  
14          *The term “Pell Grant recipient” means a recipient of*  
15          *financial aid under subpart 1 of part A of title IV*  
16          *of the Higher Education Act of 1965 (20 U.S.C.*  
17          *1070a).*

18          *(b) ALTERNATIVE ALLOCATION.—An eligible agency*  
19          *may allocate funds made available for postsecondary edu-*  
20          *cation under section 112(b) for a fiscal year using an alter-*  
21          *native formula if the eligible agency demonstrates to the*  
22          *Secretary’s satisfaction that—*

23                  *(1) the alternative formula better meets the pur-*  
24                  *pose of this Act; and*

1           (2)(A) *the formula described in subsection (a)*  
2           *does not result in an allocation of funds to the eligible*  
3           *institutions that serve the highest numbers or percent-*  
4           *ages of low-income students; and*  
5           (B) *the alternative formula will result in such a*  
6           *distribution.*

7 **SEC. 123. LOCAL ACTIVITIES.**

8           (a) *MANDATORY.—Funds made available to a local*  
9           *educational agency or an eligible institution under this title*  
10          *shall be used—*

11           (1) *to initiate, improve, expand, and modernize*  
12          *quality vocational education programs;*

13           (2) *to improve or expand the use of technology*  
14          *in vocational instruction, including professional de-*  
15          *velopment in the use of technology, which instruction*  
16          *may include distance learning;*

17           (3) *to provide services and activities that are of*  
18          *sufficient size, scope, and quality to be effective;*

19           (4) *to integrate academic education with voca-*  
20          *tional education for students participating in voca-*  
21          *tional education;*

22           (5) *to link secondary education (as determined*  
23          *under State law) and postsecondary education, in-*  
24          *cluding implementing tech-prep programs;*



1           (6) to provide professional development activities  
2 to teachers, counselors, and administrators, includ-  
3 ing—

4           (A) inservice and preservice training in  
5 state-of-the-art vocational education programs;

6           (B) internship programs that provide busi-  
7 ness experience to teachers; and

8           (C) programs designed to train teachers spe-  
9 cifically in the use and application of tech-  
10 nology;

11          (7) to develop and implement programs that pro-  
12 vide access to, and the supportive services needed to  
13 participate in, quality vocational education programs  
14 for students, including students who are members of  
15 the populations described in section 114(c)(16);

16          (8) to develop and implement performance man-  
17 agement systems and evaluations; and

18          (9) to promote gender equity in secondary and  
19 postsecondary vocational education.

20          (b) *PERMISSIVE*.—Funds made available to a local  
21 educational agency or an eligible institution under this title  
22 may be used—

23           (1) to carry out student internships;

1           (2) to provide guidance and counseling for stu-  
2           dents participating in vocational education pro-  
3           grams;

4           (3) to provide vocational education programs for  
5           adults and school dropouts to complete their second-  
6           ary school education;

7           (4) to acquire and adapt equipment, including  
8           instructional aids;

9           (5) to support vocational student organizations;

10          (6) to provide assistance to students who have  
11          participated in services and activities under this title  
12          in finding an appropriate job and continuing their  
13          education; and

14          (7) to support other vocational education activi-  
15          ties that are consistent with the purpose of this Act.

16 **SEC. 124. LOCAL APPLICATION.**

17          (a) *IN GENERAL.*—Each local educational agency or  
18          eligible institution desiring assistance under this title shall  
19          submit an application to the eligible agency at such time,  
20          in such manner, and accompanied by such information as  
21          the eligible agency (in consultation with such other edu-  
22          cational entities as the eligible agency determines to be ap-  
23          propriate) may require.

24          (b) *CONTENTS.*—Each application shall, at a mini-  
25          mum—

1           (1) describe how the vocational education activi-  
2 ties will be carried out pertaining to meeting the ex-  
3 pected levels of performance;

4           (2) describe the process that will be used to inde-  
5 pendently evaluate and continuously improve the per-  
6 formance of the local educational agency or eligible  
7 institution, as appropriate;

8           (3) describe how the local educational agency or  
9 eligible institution, as appropriate, will plan and  
10 consult with students, parents, representatives of pop-  
11 ulations described in section 114(c)(16), businesses,  
12 labor organizations, and other interested individuals,  
13 in carrying out activities under this title;

14           (4) describe how the local educational agency or  
15 eligible institution, as appropriate, will review voca-  
16 tional education programs, and identify and adopt  
17 strategies to overcome barriers that result in lowering  
18 rates of access to the programs, for populations de-  
19 scribed in section 114(c)(16); and

20           (5) describe how individuals who are members of  
21 the special populations described in section 114(c)(16)  
22 will not be discriminated against on the basis of their  
23 status as members of the special populations.

1 **SEC. 125. CONSORTIA.**

2 *A local educational agency and an eligible institution*  
3 *may form a consortium to carry out the provisions of this*  
4 *subtitle if the sum of the amount the consortium receives*  
5 *for a fiscal year under sections 121 and 122 equals or ex-*  
6 *ceeds \$65,000.*

7 **TITLE II—TECH-PREP**  
8 **EDUCATION**

9 **SEC. 201. SHORT TITLE.**

10 *This title may be cited as the “Tech-Prep Education*  
11 *Act”.*

12 **SEC. 202. PURPOSES.**

13 *The purposes of this title are—*

14 *(1) to provide implementation grants to consor-*  
15 *tia of local educational agencies, postsecondary edu-*  
16 *cational institutions, and employers or labor organi-*  
17 *zations, for the development and operation of pro-*  
18 *grams designed to provide a tech-prep education pro-*  
19 *gram leading to a 2-year associate degree or a 2-year*  
20 *certificate;*

21 *(2) to provide, in a systematic manner, strong,*  
22 *comprehensive links among secondary schools, post-*  
23 *secondary educational institutions, and local or re-*  
24 *gional employers, or labor organizations; and*

25 *(3) to support the use of contextual, authentic,*  
26 *and applied teaching and curriculum based on each*

1        *State’s academic, occupational, and employability*  
2        *standards.*

3        **SEC. 203. DEFINITIONS.**

4        *(a) In this title:*

5                (1) *ARTICULATION AGREEMENT.*—*The term “ar-*  
6                *ticulation agreement” means a written commitment*  
7                *to a program designed to provide students with a non*  
8                *duplicative sequence of progressive achievement lead-*  
9                *ing to degrees or certificates in a tech-prep education*  
10               *program.*

11               (2) *COMMUNITY COLLEGE.*—*The term “commu-*  
12               *nity college”—*

13                        (A) *has the meaning provided in section*  
14                        *1201(a) of the Higher Education Act of 1965 (20*  
15                        *U.S.C. 1141) for an institution which provides*  
16                        *not less than a 2-year program which is accept-*  
17                        *able for full credit toward a bachelor’s degree;*  
18                        *and*

19                        (B) *includes tribally controlled community*  
20                        *colleges.*

21                (3) *TECH-PREP PROGRAM.*—*The term “tech-prep*  
22                *program” means a program of study that—*

23                        (A) *combines at a minimum 2 years of sec-*  
24                        *ondary education (as determined under State*  
25                        *law) with a minimum of 2 years of postsecond-*

1            *ary education in a nonduplicative, sequential*  
2            *course of study;*

3            *(B) integrates academic and vocational in-*  
4            *struction, and utilizes work-based and worksite*  
5            *learning where appropriate and available;*

6            *(C) provides technical preparation in a ca-*  
7            *reer field such as engineering technology, applied*  
8            *science, a mechanical, industrial, or practical*  
9            *art or trade, agriculture, health occupations,*  
10           *business, or applied economics;*

11           *(D) builds student competence in mathe-*  
12           *matics, science, reading, writing, communica-*  
13           *tions, economics, and workplace skills through*  
14           *applied, contextual academics, and integrated*  
15           *instruction, in a coherent sequence of courses;*

16           *(E) leads to an associate or a baccalaureate*  
17           *degree or a certificate in a specific career field;*  
18           *and*

19           *(F) leads to placement in appropriate em-*  
20           *ployment or further education.*

21 **SEC. 204. PROGRAM AUTHORIZED.**

22           *(a) DISCRETIONARY AMOUNTS.—*

23           *(1) IN GENERAL.—For any fiscal year for which*  
24           *the amount appropriated under section 207 to carry*  
25           *out this title is equal to or less than \$50,000,000, the*

1        *Secretary shall award grants for tech-prep education*  
2        *programs to consortia between or among—*

3                *(A) a local educational agency, an inter-*  
4                *mediate educational agency or area vocational*  
5                *education school serving secondary school stu-*  
6                *dents, or a secondary school funded by the Bu-*  
7                *reau of Indian Affairs; and*

8                *(B)(i) a nonprofit institution of higher edu-*  
9                *cation that offers—*

10                *(I) a 2-year associate degree program,*  
11                *or a 2-year certificate program, and is*  
12                *qualified as institutions of higher education*  
13                *pursuant to section 481(a) of the Higher*  
14                *Education Act of 1965 (20 U.S.C. 1088(a)),*  
15                *including an institution receiving assist-*  
16                *ance under the Tribally Controlled Commu-*  
17                *nity College Assistance Act of 1978 (25*  
18                *U.S.C. 1801 et seq.) and a tribally con-*  
19                *trolled postsecondary vocational institution;*  
20                *or*

21                *(II) a 2-year apprenticeship program*  
22                *that follows secondary instruction,*  
23                *if such nonprofit institution of higher education*  
24                *is not prohibited from receiving assistance under*  
25                *part B of the Higher Education Act of 1965 (20*

1           *U.S.C. 1071 et seq.) pursuant to the provisions*  
2           *of section 435(a)(3) of such Act (20 U.S.C.*  
3           *1083(a)); or*

4                     *(ii) a proprietary institution of higher edu-*  
5           *cation that offers a 2-year associate degree pro-*  
6           *gram and is qualified as an institution of higher*  
7           *education pursuant to section 481(a) of the*  
8           *Higher Education Act of 1965 (20 U.S.C.*  
9           *1088(a)), if such proprietary institution of high-*  
10          *er education is not subject to a default manage-*  
11          *ment plan required by the Secretary.*

12           (2) *SPECIAL RULE.—In addition, a consortium*  
13          *described in paragraph (1) may include 1 or more—*

14                     (A) *institutions of higher education that*  
15                     *award a baccalaureate degree; and*

16                     (B) *employer or labor organizations.*

17          (b) *STATE GRANTS.—*

18                     (1) *IN GENERAL.—For any fiscal year for which*  
19          *the amount made available under section 207 to carry*  
20          *out this title exceeds \$50,000,000, the Secretary shall*  
21          *allot such amount among the States in the same man-*  
22          *ner as funds are allotted to States under paragraphs*  
23          *(2), (3), and (4) of section 101(a).*

24                     (2) *PAYMENTS TO ELIGIBLE AGENCIES.—The*  
25          *Secretary shall make a payment in the amount of a*



1        *State's allotment under this paragraph to the eligible*  
2        *agency that serves the State and has an application*  
3        *approved under paragraph (4).*

4            (3) *AWARD BASIS.—From amounts made avail-*  
5        *able to each eligible agency under this subsection, the*  
6        *eligible agency shall award grants, on a competitive*  
7        *basis or on the basis of a formula determined by the*  
8        *eligible agency, for tech-prep education programs to*  
9        *consortia described in subsection (a).*

10           (4) *STATE APPLICATION.—Each eligible agency*  
11        *desiring assistance under this title shall submit an*  
12        *application to the Secretary at such time, in such*  
13        *manner, and accompanied by such information as the*  
14        *Secretary may require.*

15        **SEC. 205. TECH-PREP EDUCATION PROGRAMS.**

16           (a) *GENERAL AUTHORITY.—Each consortium shall use*  
17        *amounts provided through the grant to develop and operate*  
18        *a tech-prep education program.*

19           (b) *CONTENTS OF PROGRAM.—Any such tech-prep pro-*  
20        *gram shall—*

21                (1) *be carried out under an articulation agree-*  
22        *ment between the participants in the consortium;*

23                (2) *consist of at least 2 years of secondary school*  
24        *preceding graduation and 2 years or more of higher*  
25        *education, or an apprenticeship program of at least*

1        *2 years following secondary instruction, with a com-*  
2        *mon core of required proficiency in mathematics,*  
3        *science, reading, writing, communications, and tech-*  
4        *nologies designed to lead to an associate's degree or a*  
5        *certificate in a specific career field;*

6            *(3) include the development of tech-prep edu-*  
7        *cation program curricula for both secondary and*  
8        *postsecondary levels that—*

9            *(A) meets academic standards developed by*  
10        *the State;*

11           *(B) links secondary schools and 2-year post-*  
12        *secondary institutions, and where possible and*  
13        *practicable, 4-year institutions of higher edu-*  
14        *cation through nonduplicative sequences of*  
15        *courses in career fields;*

16           *(C) uses, where appropriate and available,*  
17        *work-based or worksite learning in conjunction*  
18        *with business and industry; and*

19           *(D) uses educational technology and dis-*  
20        *tance learning, as appropriate, to involve all the*  
21        *consortium partners more fully in the develop-*  
22        *ment and operation of programs.*

23           *(4) include a professional development program*  
24        *for academic, vocational, and technical teachers*  
25        *that—*

1           (A) is designed to train teachers to effec-  
2           tively implement tech-prep education curricula;

3           (B) provides for joint training for teachers  
4           from all participants in the consortium;

5           (C) is designed to ensure that teachers stay  
6           current with the needs, expectations, and meth-  
7           ods of business and industry;

8           (D) focuses on training postsecondary edu-  
9           cation faculty in the use of contextual and ap-  
10          plied curricula and instruction; and

11          (E) provides training in the use and appli-  
12          cation of technology;

13          (5) include training programs for counselors de-  
14          signed to enable counselors to more effectively—

15               (A) make tech-prep education opportunities  
16               known to students interested in such activities;

17               (B) ensure that such students successfully  
18               complete such programs;

19               (C) ensure that such students are placed in  
20               appropriate employment; and

21               (D) stay current with the needs, expecta-  
22               tions, and methods of business and industry;

23          (6) provide equal access to the full range of tech-  
24          nical preparation programs to individuals who are  
25          members of populations described in section

1       114(c)(16), including the development of tech-prep  
2       education program services appropriate to the needs  
3       of such individuals; and

4               (7) provide for preparatory services that assist  
5       all participants in such programs.

6       (c) *ADDITIONAL AUTHORIZED ACTIVITIES.*—Each  
7       such tech-prep program may—

8               (1) provide for the acquisition of tech-prep edu-  
9       cation program equipment;

10              (2) as part of the program’s planning activities,  
11       acquire technical assistance from State or local enti-  
12       ties that have successfully designed, established and  
13       operated tech-prep programs;

14              (3) acquire technical assistance from State or  
15       local entities that have designed, established, and op-  
16       erated tech-prep programs that have effectively used  
17       educational technology and distance learning in the  
18       delivery of curricula and services and in the articula-  
19       tion process; and

20              (4) establish articulation agreements with insti-  
21       tutions of higher education, labor organizations, or  
22       businesses located outside of the State served by the  
23       consortium, especially with regard to using distance  
24       learning and educational technology to provide for the  
25       delivery of services and programs.

1 **SEC. 206. APPLICATIONS.**

2 (a) *IN GENERAL.*—Each consortium that desires to re-  
3 ceive a grant under this title shall submit an application  
4 to the Secretary or the eligible agency, as appropriate, at  
5 such time and in such manner as the Secretary or the eligi-  
6 ble agency, as appropriate, shall prescribe.

7 (b) *THREE-YEAR PLAN.*—Each application submitted  
8 under this section shall contain a 3-year plan for the devel-  
9 opment and implementation of activities under this title.

10 (c) *APPROVAL.*—The Secretary or the eligible agency,  
11 as appropriate, shall approve applications based on the po-  
12 tential of the activities described in the application to create  
13 an effective tech-prep education program described in sec-  
14 tion 205.

15 (d) *SPECIAL CONSIDERATION.*—The Secretary or the  
16 eligible agency, as appropriate, shall give special consider-  
17 ation to applications that—

18 (1) provide for effective employment placement  
19 activities or the transfer of students to 4-year institu-  
20 tions of higher education;

21 (2) are developed in consultation with 4-year in-  
22 stitutions of higher education;

23 (3) address effectively the needs of populations  
24 described in section 114(c)(16);

1           (4) *provide education and training in areas or*  
2           *skills where there are significant workforce shortages,*  
3           *including the information technology industry; and*

4           (5) *demonstrate how tech-prep programs will*  
5           *help students meet high academic and employability*  
6           *competencies.*

7           (e) *EQUITABLE DISTRIBUTION OF ASSISTANCE.—In*  
8           *awarding grants under this title, the Secretary shall ensure*  
9           *an equitable distribution of assistance among States, and*  
10          *the Secretary or the eligible agency, as appropriate, shall*  
11          *ensure an equitable distribution of assistance between urban*  
12          *and rural consortium participants.*

13          (f) *NOTICE.—*

14               (1) *IN GENERAL.—In the case of grants to be*  
15               *awarded by the Secretary, each consortium that sub-*  
16               *mits an application under this section shall provide*  
17               *notice of such submission and a copy of such applica-*  
18               *tion to the State educational agency and the State*  
19               *agency for higher education of the State in which the*  
20               *consortium is located.*

21               (2) *NOTIFICATION.—The Secretary shall notify*  
22               *the State educational agency and the State agency for*  
23               *higher education of a State each time a consortium*  
24               *located in the State is selected to receive a grant*  
25               *under this title.*

1 **SEC. 207. AUTHORIZATION OF APPROPRIATIONS.**

2 *There is authorized to be appropriated to carry out*  
3 *this title such sums as may be necessary for fiscal year 1999*  
4 *and each of the 5 succeeding fiscal years.*

5 **SEC. 208. DEMONSTRATION PROGRAM.**

6 *(a) DEMONSTRATION PROGRAM AUTHORIZED.—From*  
7 *funds appropriated under subsection (e) for a fiscal year,*  
8 *the Secretary shall award grants to consortia described in*  
9 *section 204(a) to enable the consortia to carry out tech-prep*  
10 *education programs.*

11 *(b) PROGRAM CONTENTS.—Each tech-prep program*  
12 *referred to in subsection (a)—*

13 *(1) shall—*

14 *(A) involve the location of a secondary*  
15 *school on the site of a community college;*

16 *(B) involve a business as a member of the*  
17 *consortium; and*

18 *(C) require the voluntary participation of*  
19 *secondary school students in the tech-prep edu-*  
20 *cation program; and*

21 *(2) may provide summer internships at a busi-*  
22 *ness for students or teachers.*

23 *(c) APPLICATION.—Each consortium desiring a grant*  
24 *under this section shall submit an application to the Sec-*  
25 *retary at such time, in such manner and accompanied by*  
26 *such information as the Secretary may require.*

1       (d) *APPLICABILITY.*—*The provisions of sections 204,*  
2 *205, 206, and 207 shall not apply to this section, except*  
3 *that—*

4           (1) *the provisions of section 204(a) shall apply*  
5 *for purposes of describing consortia eligible to receive*  
6 *assistance under this section;*

7           (2) *each tech-prep education program assisted*  
8 *under this section shall meet the requirements of*  
9 *paragraphs (1), (2), (3)(A), (3)(B), (3)(C), (3)(D),*  
10 *(4), (5), (6), and (7) of section 205(b), except that*  
11 *such paragraph (3)(B) shall be applied by striking “,*  
12 *and where possible and practicable, 4-year institu-*  
13 *tions of higher education through nonduplicative se-*  
14 *quences of courses in career fields”;* and

15           (3) *in awarding grants under this section, the*  
16 *Secretary shall give special consideration to consortia*  
17 *submitting applications under subsection (c) that*  
18 *meet the requirements of paragraphs (1), (3), (4), and*  
19 *(5) of section 206(d), except that such paragraph (1)*  
20 *shall be applied by striking “or the transfer of stu-*  
21 *dents to 4-year institutions of higher education”.*

22       (e) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*  
23 *authorized to be appropriated to carry out this section*  
24 *\$25,000,000 for fiscal year 1999 and each of the 5 succeed-*  
25 *ing fiscal years.*



1                   **TITLE III—GENERAL**  
2                   **PROVISIONS**

3 **SEC. 301. ADMINISTRATIVE PROVISIONS.**

4           (a) *SUPPLEMENT NOT SUPPLANT.*—Funds made  
5 available under this Act for vocational education activities  
6 shall supplement, and shall not supplant, non-Federal  
7 funds expended to carry out vocational education and tech-  
8 prep activities.

9           (b) *MAINTENANCE OF EFFORT.*—

10               (1) *DETERMINATION.*—No payments shall be  
11 made under this Act for any fiscal year to an eligible  
12 agency for vocational education or tech-prep activities  
13 unless the Secretary determines that the fiscal effort  
14 per student or the aggregate expenditures of the State  
15 for vocational education for the fiscal year preceding  
16 the fiscal year for which the determination is made,  
17 equaled or exceeded such effort or expenditures for vo-  
18 cational education for the second fiscal year preceding  
19 the fiscal year for which the determination is made.

20               (2) *WAIVER.*—The Secretary may waive the re-  
21 quirements of this section, with respect to not more  
22 than 5 percent of expenditures by any eligible agency  
23 for 1 fiscal year only, on making a determination  
24 that such waiver would be equitable due to excep-  
25 tional or uncontrollable circumstances affecting the

1        *ability of the applicant to meet such requirements,*  
2        *such as a natural disaster or an unforeseen and pre-*  
3        *cipitous decline in financial resources. No level of*  
4        *funding permitted under such a waiver may be used*  
5        *as the basis for computing the fiscal effort or aggre-*  
6        *gate expenditures required under this section for years*  
7        *subsequent to the year covered by such waiver. The*  
8        *fiscal effort or aggregate expenditures for the subse-*  
9        *quent years shall be computed on the basis of the level*  
10       *of funding that would, but for such waiver, have been*  
11       *required.*

12       (c) *REPRESENTATION.*—*The eligible agency shall pro-*  
13       *vide representation to the statewide partnership.*

14       **SEC. 302. EVALUATION, IMPROVEMENT, AND ACCOUNTABIL-**  
15       **ITY.**

16       (a) *LOCAL EVALUATION.*—*Each eligible agency shall*  
17       *evaluate annually the vocational education and tech-prep*  
18       *activities of each local educational agency or eligible insti-*  
19       *tution receiving assistance under this Act, using the per-*  
20       *formance measures established under section 102.*

21       (b) *IMPROVEMENT ACTIVITIES.*—*If, after reviewing the*  
22       *evaluation, an eligible agency determines that a local edu-*  
23       *cational agency or eligible institution is not making sub-*  
24       *stantial progress in achieving the purpose of this Act, the*

1 *local educational agency or eligible institution, in consulta-*  
2 *tion with teachers, parents, and other school staff, shall—*

3           (1) *conduct an assessment of the educational and*  
4 *other problems that the local educational agency or el-*  
5 *igible institution shall address to overcome local per-*  
6 *formance problems;*

7           (2) *enter into an improvement plan based on the*  
8 *results of the assessment, which plan shall include in-*  
9 *structional and other programmatic innovations of*  
10 *demonstrated effectiveness, and where necessary, strat-*  
11 *egies for appropriate staffing and staff development;*  
12 *and*

13           (3) *conduct regular evaluations of the progress*  
14 *being made toward program improvement goals.*

15       (c) *TECHNICAL ASSISTANCE.—If the Secretary deter-*  
16 *mines that an eligible agency is not properly implementing*  
17 *the eligible agency’s responsibilities under section 114, or*  
18 *is not making substantial progress in meeting the purpose*  
19 *of this Act, based on the performance measures and expected*  
20 *levels of performance under section 102 included in the eli-*  
21 *gible agency’s State plan, the Secretary shall work with the*  
22 *eligible agency to implement improvement activities.*

23       (d) *WITHHOLDING OF FEDERAL FUNDS.—If, after a*  
24 *reasonable time, but not earlier than 1 year after imple-*  
25 *menting activities described in subsection (c), the Secretary*

1 *determines that the eligible agency is not making sufficient*  
2 *progress, based on the eligible agency's performance meas-*  
3 *ures and expected levels of performance, the Secretary, after*  
4 *notice and opportunity for a hearing, shall withhold from*  
5 *the eligible agency all, or a portion, of the eligible agency's*  
6 *grant funds under this title. The Secretary may use funds*  
7 *withheld under the preceding sentence to provide, through*  
8 *alternative arrangements, services, and activities within the*  
9 *State to meet the purpose of this Act.*

10 **SEC. 303. NATIONAL ACTIVITIES.**

11 *The Secretary may, directly or through grants, con-*  
12 *tracts, or cooperative agreements, carry out research, devel-*  
13 *opment, dissemination, evaluation, capacity-building, and*  
14 *technical assistance activities that carry out the purpose of*  
15 *this Act.*

16 **SEC. 304. NATIONAL ASSESSMENT OF VOCATIONAL EDU-**  
17 **CATION PROGRAMS.**

18 *(a) IN GENERAL.—The Secretary shall conduct a na-*  
19 *tional assessment of vocational education programs assisted*  
20 *under this Act, through studies and analyses conducted*  
21 *independently through competitive awards.*

22 *(b) INDEPENDENT ADVISORY PANEL.—The Secretary*  
23 *shall appoint an independent advisory panel, consisting of*  
24 *vocational education administrators, educators, researchers,*  
25 *and representatives of labor organizations, business, par-*

1 *ents, guidance and counseling professionals, and other rel-*  
2 *evant groups, to advise the Secretary on the implementation*  
3 *of such assessment, including the issues to be addressed and*  
4 *the methodology of the studies involved, and the findings*  
5 *and recommendations resulting from the assessment. The*  
6 *panel shall submit to the Committee on Education and the*  
7 *Workforce of the House of Representatives, the Committee*  
8 *on Labor and Human Resources of the Senate, and the Sec-*  
9 *retary an independent analysis of the findings and rec-*  
10 *ommendations resulting from the assessment. The Federal*  
11 *Advisory Committee Act (5 U.S.C. App.) shall not apply*  
12 *to the panel established under this subsection.*

13 *(c) CONTENTS.—The assessment required under sub-*  
14 *section (a) shall include descriptions and evaluations of—*

15 *(1) the effect of the vocational education pro-*  
16 *grams assisted under this Act on State and tribal ad-*  
17 *ministration of vocational education programs and*  
18 *on local vocational education practices, including the*  
19 *capacity of State, tribal, and local vocational edu-*  
20 *cation systems to address the purpose of this Act;*

21 *(2) expenditures at the Federal, State, tribal,*  
22 *and local levels to address program improvement in*  
23 *vocational education, including the impact of Federal*  
24 *allocation requirements (such as within-State dis-*  
25 *tribution formulas) on the delivery of services;*

1           (3) *preparation and qualifications of teachers of*  
2           *vocational and academic curricula in vocational edu-*  
3           *cation programs, as well as shortages of such teachers;*

4           (4) *participation in vocational education pro-*  
5           *grams;*

6           (5) *academic and employment outcomes of voca-*  
7           *tional education, including analyses of—*

8                   (A) *the number of vocational education stu-*  
9                   *dents and tech-prep students who meet State*  
10                  *academic standards;*

11                   (B) *the extent and success of integration of*  
12                   *academic and vocational education for students*  
13                   *participating in vocational education programs;*  
14                  *and*

15                   (C) *the degree to which vocational education*  
16                   *is relevant to subsequent employment or partici-*  
17                   *pation in postsecondary education;*

18           (6) *employer involvement in, and satisfaction*  
19           *with, vocational education programs;*

20           (7) *the use and impact of educational technology*  
21           *and distance learning with respect to vocational edu-*  
22           *cation and tech-prep programs; and*

23           (8) *the effect of performance measures, and other*  
24           *measures of accountability, on the delivery of voca-*  
25           *tional education services.*

1       (d) *CONSULTATION.*—

2               (1) *IN GENERAL.*—*The Secretary shall consult*  
3 *with the Committee on Education and the Workforce*  
4 *of the House of Representatives and the Committee on*  
5 *Labor and Human Resources of the Senate in the de-*  
6 *sign and implementation of the assessment required*  
7 *under subsection (a).*

8               (2) *REPORTS.*—*The Secretary shall submit to the*  
9 *Committee on Education and the Workforce of the*  
10 *House of Representatives, the Committee on Labor*  
11 *and Human Resources of the Senate, and the Sec-*  
12 *retary—*

13                       (A) *an interim report regarding the assess-*  
14 *ment on or before July 1, 2001; and*

15                       (B) *a final report, summarizing all studies*  
16 *and analyses that relate to the assessment and*  
17 *that are completed after the assessment, on or be-*  
18 *fore July 1, 2002.*

19               (3) *PROHIBITION.*—*Notwithstanding any other*  
20 *provision of law or regulation, the reports required by*  
21 *this subsection shall not be subject to any review out-*  
22 *side of the Department of Education before their*  
23 *transmittal to the Committee on Education and the*  
24 *Workforce of the House of Representatives, the Com-*  
25 *mittee on Labor and Human Resources of the Senate,*

1        *and the Secretary, but the President, the Secretary,*  
2        *and the independent advisory panel established under*  
3        *subsection (b) may make such additional rec-*  
4        *ommendations to Congress with respect to the assess-*  
5        *ment as the President, the Secretary, or the panel de-*  
6        *termine to be appropriate.*

7        **SEC. 305. NATIONAL RESEARCH CENTER.**

8        *(a) GENERAL AUTHORITY.—*

9                *(1) IN GENERAL.—The Secretary, through*  
10              *grants, contracts, or cooperative agreements, may es-*  
11              *tablish 1 or more national centers in the areas of—*

12                      *(A) applied research and development; and*

13                      *(B) dissemination and training.*

14                *(2) CONSULTATION.—The Secretary shall consult*  
15              *with the States prior to establishing 1 or more such*  
16              *centers.*

17                *(3) ELIGIBLE ENTITIES.—Entities eligible to re-*  
18              *ceive funds under this section are institutions of high-*  
19              *er education, other public or private nonprofit orga-*  
20              *nizations or agencies, and consortia of such institu-*  
21              *tions, organizations, or agencies.*

22        *(b) ACTIVITIES.—*

23                *(1) IN GENERAL.—The national center or centers*  
24              *shall carry out such activities as the Secretary deter-*  
25              *mines to be appropriate to assist State and local re-*



1        *recipients of funds under this Act to achieve the purpose*  
2        *of this Act, which may include the research and eval-*  
3        *uation activities in such areas as—*

4                *(A) the integration of vocational and aca-*  
5                *demically instruction, secondary and postsecondary*  
6                *instruction;*

7                *(B) effective inservice and preservice teacher*  
8                *education that assists vocational education sys-*  
9                *tems;*

10               *(C) education technology and distance*  
11               *learning approaches and strategies that are effec-*  
12               *tive with respect to vocational education;*

13               *(D) performance measures and expected lev-*  
14               *els of performance that serve to improve voca-*  
15               *tional education programs and student achieve-*  
16               *ment;*

17               *(E) effects of economic changes on the kinds*  
18               *of knowledge and skills required for employment*  
19               *or participation in postsecondary education;*

20               *(F) longitudinal studies of student achieve-*  
21               *ment; and*

22               *(G) dissemination and training activities*  
23               *related to the applied research and demonstra-*  
24               *tion activities described in this subsection, which*  
25               *may also include—*

1                   (i) serving as a repository for informa-  
2                   tion on vocational and technological skills,  
3                   State academic standards, and related ma-  
4                   terials; and

5                   (ii) developing and maintaining na-  
6                   tional networks of educators who facilitate  
7                   the development of vocational education sys-  
8                   tems.

9                   (2) *REPORT.*—The center or centers conducting  
10                  the activities described in paragraph (1) annually  
11                  shall prepare a report of key research findings of such  
12                  center or centers and shall submit copies of the report  
13                  to the Secretary, the Secretary of Labor, and the Sec-  
14                  retary of Health and Human Services. The Secretary  
15                  shall submit that report to the Committee on Edu-  
16                  cation and the Workforce of the House of Representa-  
17                  tives, the Committee on Labor and Human Resources  
18                  of the Senate, the Library of Congress, and each eligi-  
19                  ble agency.

20                  (c) *REVIEW.*—The Secretary shall—

21                         (1) consult at least annually with the national  
22                         center or centers and with experts in education to en-  
23                         sure that the activities of the national center or cen-  
24                         ters meet the needs of vocational education programs;  
25                         and

1           (2) *undertake an independent review of each*  
2           *award recipient under this section prior to extending*  
3           *an award to such recipient beyond a 5-year period.*

4 **SEC. 306. DATA SYSTEMS.**

5           (a) *IN GENERAL.*—*The Secretary shall maintain a*  
6           *data system to collect information about, and report on, the*  
7           *condition of vocational education and on the effectiveness*  
8           *of State and local programs, services, and activities carried*  
9           *out under this Act in order to provide the Secretary and*  
10           *Congress, as well as Federal, State, local, and tribal agen-*  
11           *cies, with information relevant to improvement in the qual-*  
12           *ity and effectiveness of vocational education. The Secretary*  
13           *annually shall report to Congress on the Secretary’s analy-*  
14           *sis of performance data collected each year pursuant to this*  
15           *Act, including an analysis of performance data regarding*  
16           *the populations described in section 114(c)(16).*

17           (b) *DATA SYSTEM.*—*In maintaining the data system,*  
18           *the Secretary shall ensure that the data system is compat-*  
19           *ible with other Federal information systems.*

20           (c) *ASSESSMENTS.*—*As a regular part of its assess-*  
21           *ments, the National Center for Education Statistics shall*  
22           *collect and report information on vocational education for*  
23           *a nationally representative sample of students. Such assess-*  
24           *ment may include international comparisons.*

1 **SEC. 307. PROMOTING SCHOLAR-ATHLETE COMPETITIONS.**

2 *Section 10104 of the Elementary and Secondary Edu-*  
3 *cation Act of 1965 (20 U.S.C. 8004) is amended—*

4 *(1) in subsection (a), by striking “to be held in*  
5 *1995”; and*

6 *(2) in subsection (b)—*

7 *(A) in paragraph (4), by striking “in the*  
8 *summer of 1995;” and inserting “; and”;*

9 *(B) in paragraph (5), by striking “in 1996*  
10 *and thereafter, as well as replicate such program*  
11 *internationally; and” and inserting “and inter-*  
12 *nationally.”; and*

13 *(C) by striking paragraph (6).*

14 **SEC. 308. DEFINITION.**

15 *In this Act, the term “gender equity”, used with respect*  
16 *to a program, service, or activity, means a program, serv-*  
17 *ice, or activity that is designed to ensure that men and*  
18 *women (including single parents and displaced home-*  
19 *makers) have access to opportunities to participate in voca-*  
20 *tional education that prepares the men and women to enter*  
21 *high-skill, high-wage careers.*

22 **TITLE IV—AUTHORIZATION OF**  
23 **APPROPRIATIONS**

24 **SEC. 401. AUTHORIZATION OF APPROPRIATIONS.**

25 *There is authorized to be appropriated to carry out*  
26 *title I, and sections 303, 304, 305, and 306, such sums as*

1 *may be necessary for fiscal year 1999 and each of the 5*  
 2 *succeeding fiscal years.*

3 **TITLE V—REPEAL**

4 **SEC. 501. REPEAL.**

5 (a) *REPEAL.—The Carl D. Perkins Vocational and*  
 6 *Applied Technology Education Act (20 U.S.C. 2301 et seq.)*  
 7 *is repealed.*

8 (b) *REFERENCES TO CARL D. PERKINS VOCATIONAL*  
 9 *AND APPLIED TECHNOLOGY EDUCATION ACT.—*

10 (1) *IMMIGRATION AND NATIONALITY ACT.—Sec-*  
 11 *tion 245A(h)(4)(C) of the Immigration and National-*  
 12 *ity Act (8 U.S.C. 1255a(h)(4)(C)) is amended by*  
 13 *striking “Vocational Education Act of 1963” and in-*  
 14 *serting “Carl D. Perkins Vocational and Applied*  
 15 *Technology Education Act of 1998”.*

16 (2) *NATIONAL DEFENSE AUTHORIZATION ACT.—*  
 17 *Section 4461 of the National Defense Authorization*  
 18 *Act for Fiscal Year 1993 (10 U.S.C. 1143 note) is*  
 19 *amended—*

20 (A) *by striking paragraph (4); and*

21 (B) *by redesignating paragraphs (5) and*  
 22 *(6) as paragraphs (4) and (5), respectively.*

23 (3) *ELEMENTARY AND SECONDARY EDUCATION*  
 24 *ACT OF 1965.—The Elementary and Secondary Edu-*

1 *tion Act of 1965 (20 U.S.C. 6301 et seq.) is amend-*  
2 *ed—*

3 *(A) in section 1114(b)(2)(C)(v) (20 U.S.C.*  
4 *6314(b)(2)(C)(v)), by striking “Carl D. Perkins*  
5 *Vocational and Applied Technology Education*  
6 *Act,” and inserting “Carl D. Perkins Vocational*  
7 *and Applied Technology Education Act of 1998”;*

8 *(B) in section 9115(b)(5) (20 U.S.C.*  
9 *7815(b)(5)), by striking “Carl D. Perkins Voca-*  
10 *tional and Applied Technology Education Act”*  
11 *and inserting “Carl D. Perkins Vocational and*  
12 *Applied Technology Education Act of 1998”;*

13 *(C) in section 14302(a)(2) (20 U.S.C.*  
14 *8852(a)(2))—*

15 *(i) by striking subparagraph (C); and*

16 *(ii) by redesignating subparagraphs*  
17 *(D), (E), and (F) as subparagraphs (C),*  
18 *(D), and (E), respectively; and*

19 *(D) in the matter preceding subparagraph*  
20 *(A) of section 14307(a)(1) (20 U.S.C.*  
21 *8857(a)(1)), by striking “Carl D. Perkins Voca-*  
22 *tional and Applied Technology Education Act”*  
23 *and inserting “Carl D. Perkins Vocational and*  
24 *Applied Technology Education Act of 1998”.*

1           (4) *EQUITY IN EDUCATIONAL LAND-GRANT STA-*  
2           *TUS ACT OF 1994.*—Section 533(c)(4)(A) of the *Equity*  
3           *in Educational Land-Grant Status Act of 1994* (7  
4           *U.S.C. 301 note)* is amended by striking “(20 U.S.C.  
5           *2397h(3))”* and inserting “, as such section was in ef-  
6           *fect on the day preceding the date of enactment of the*  
7           *Carl D. Perkins Vocational and Applied Technology*  
8           *Education Act of 1998”.*

9           (5) *IMPROVING AMERICA’S SCHOOLS ACT OF*  
10          *1994.*—Section 563 of the *Improving America’s*  
11          *Schools Act of 1994* (20 U.S.C. 6301 note) is amended  
12          by striking “the date of enactment of an Act reauthor-  
13          izing the *Carl D. Perkins Vocational and Applied*  
14          *Technology Education Act* (20 U.S.C. 2301 et seq.)”  
15          and inserting “July 1, 1999”.

16          (6) *INTERNAL REVENUE CODE OF 1986.*—Section  
17          135(c)(3)(B) of the *Internal Revenue Code of 1986* (26  
18          U.S.C. 135(c)(3)(B)) is amended—

19                 (A) by striking “subparagraph (C) or (D) of  
20                 section 521(3) of the *Carl D. Perkins Vocational*  
21                 *Education Act”* and inserting “subparagraph  
22                 (C) or (D) of section 2(3) of the *Workforce In-*  
23                 *vestment Partnership Act of 1998”*; and

24                 (B) by striking “any State (as defined in  
25                 section 521(27) of such Act)” and inserting “any

1           *State or outlying area (as the terms ‘State’ and*  
2           *‘outlying area’ are defined in section 2 of such*  
3           *Act)’*”.

4           (7) *APPALACHIAN REGIONAL DEVELOPMENT ACT*  
5           *OF 1965.—Section 214(c) of the Appalachian Regional*  
6           *Development Act of 1965 (40 U.S.C. App. 214(c)) (as*  
7           *amended by subsection (c)(5)) is further amended by*  
8           *striking “Carl D. Perkins Vocational Education Act”*  
9           *and inserting “Carl D. Perkins Vocational and Ap-*  
10           *plied Technology Education Act of 1998”.*

11           (8) *VOCATIONAL EDUCATION AMENDMENTS OF*  
12           *1968.—Section 104 of the Vocational Education*  
13           *Amendments of 1968 (82 Stat. 1091) is amended by*  
14           *striking “section 3 of the Carl D. Perkins Vocational*  
15           *Education Act” and inserting “the Carl D. Perkins*  
16           *Vocational and Applied Technology Education Act of*  
17           *1998”.*

18           (9) *OLDER AMERICANS ACT OF 1965.—The Older*  
19           *Americans Act of 1965 (42 U.S.C. 3001 et seq.) is*  
20           *amended—*

21                   (A) *in section 502(b)(1)(N)(i) (42 U.S.C.*  
22                   *3056(b)(1)(N)(i)), by striking “or the Carl D.*  
23                   *Perkins Vocational and Applied Technology*  
24                   *Education Act (20 U.S.C. 2301 et seq.)”;* and



1                   (B) in section 505(d)(2) (42 U.S.C.  
2                   3056c(d)(2))—

3                   (i) by striking “employment and train-  
4                   ing programs” and inserting “workforce in-  
5                   vestment activities”; and

6                   (ii) by striking “the Carl D. Perkins  
7                   Vocational and Applied Technology Edu-  
8                   cation Act (20 U.S.C. 2301 et seq.)” and in-  
9                   serting “the Carl D. Perkins Vocational and  
10                  Applied Technology Education Act of  
11                  1998”.

Attest:

Secretary.

105<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 1853**

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**AMENDMENT**

HR 1853 EAS—2  
HR 1853 EAS—3  
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