

115TH CONGRESS  
1ST SESSION

# S. 653

To amend the Carl D. Perkins Career and Technical Education Act of 2006 to make the maintenance of effort provision less burdensome on States.

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IN THE SENATE OF THE UNITED STATES

MARCH 15, 2017

Mr. HATCH introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To amend the Carl D. Perkins Career and Technical Education Act of 2006 to make the maintenance of effort provision less burdensome on States.

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

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Career and Technical  
5       Education State Flexibility Act”.

6       **SEC. 2. MAINTENANCE OF EFFORT.**

7       Section 311(b) of the Carl D. Perkins Career and  
8       Technical Education Act of 2006 (20 U.S.C. 2391(b)) is  
9       amended—

10               (1) in paragraph (1)—

1 (A) by striking subparagraph (A) and in-  
2 serting the following:

3 “(A) IN GENERAL.—

4 “(i) IN GENERAL.—In order for a  
5 State to receive its full allotment of funds  
6 under this Act for any applicable fiscal  
7 year, the State’s fiscal effort per student,  
8 or the aggregate expenditures of such  
9 State, with respect to career and technical  
10 education for the fiscal year preceding  
11 such applicable fiscal year shall be not less  
12 than 80 percent the fiscal effort per stu-  
13 dent, or the aggregate expenditures of such  
14 State, for the second fiscal year preceding  
15 such applicable fiscal year.

16 “(ii) APPLICABLE FISCAL YEAR.—In  
17 clause (i), the term ‘applicable fiscal year’  
18 means any fiscal year beginning with the  
19 third fiscal year that begins after the date  
20 of enactment of the Career and Technical  
21 Education State Flexibility Act.

22 “(iii) NO APPLICATION FOR FIRST  
23 TWO FISCAL YEARS; RESET.—The mainte-  
24 nance of effort requirement under clause  
25 (i) shall not be applicable for the first 2

1 fiscal years that begin after the date of en-  
2 actment of the Career and Technical Edu-  
3 cation State Flexibility Act. After the date  
4 of enactment of the Career and Technical  
5 Education State Flexibility Act, a State  
6 may establish a new level of fiscal effort  
7 per student or aggregate expenditures for  
8 purposes of compliance with this sub-  
9 section.”; and

10 (B) in subparagraph (B), by striking  
11 “shall exclude capital expenditures, special 1-  
12 time project costs, and the cost of pilot pro-  
13 grams” and inserting “shall exclude competitive  
14 or incentive-based programs established by the  
15 State, capital expenditures, special 1-time  
16 project costs, and the cost of pilot programs”;  
17 and

18 (2) by striking paragraph (2) and inserting the  
19 following:

20 “(2) REDUCTION IN CASE OF FAILURE TO  
21 MEET EFFORT.—The Secretary shall reduce the  
22 amount of a State’s allotment of funds under this  
23 Act for any applicable fiscal year (as defined in  
24 paragraph (1)(A)(ii)) in the exact proportion by  
25 which the State fails to meet the requirement of

1 paragraph (1)(A)(i) by falling below 80 percent of  
2 both the State's fiscal effort per student and the  
3 State's aggregate expenditures (using the measure  
4 most favorable to the State), if the State failed to  
5 meet such requirement (as determined using the  
6 measure most favorable to the State).

7 “(3) WAIVER.—The Secretary may waive the  
8 application of paragraph (2) due to exceptional or  
9 uncontrollable circumstances affecting the ability of  
10 the State to meet the requirement of paragraph  
11 (1)(A)(i).”.

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