

Calendar No. 153

104TH CONGRESS
1ST SESSION

S. 143

[Report No. 104-118]

A BILL

To consolidate Federal employment training programs and create a new process and structure for funding the programs, and for other purposes.

JULY 24 (legislative day, JULY 10), 1995

Reported with an amendment and an amendment to the title

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IN THE SENATE OF THE UNITED STATES

JANUARY 4, 1995

Mrs. KASSEBAUM introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

JULY 24 (legislative day, JULY 10), 1995

Reported by Mrs. KASSEBAUM, with an amendment and an amendment to the title

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

A BILL

To consolidate Federal employment training programs and create a new process and structure for funding the programs, and for other purposes.

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

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

4 ~~(a) SHORT TITLE.—~~This Act may be cited as the
5 ~~“Job Training Consolidation Act of 1995”.~~

1 ~~(b)~~ TABLE OF CONTENTS.—The table of contents is
 2 as follows:

Sec. 1. Short title; table of contents.
 Sec. 2. Findings.
 Sec. 3. Definitions.

TITLE I—USE OF FEDERAL FUNDS FOR STATE EMPLOYMENT
 TRAINING ACTIVITIES

Sec. 101. Formula assistance.
 Sec. 102. Discretionary assistance.
 Sec. 103. Trade adjustment assistance services.
 Sec. 104. Employment training activities.
 Sec. 105. Reports.

TITLE II—CONSOLIDATION OF EMPLOYMENT TRAINING
 PROGRAMS

Sec. 201. Repeals of employment training programs.

3 **SEC. 2. FINDINGS.**

4 Congress finds that—

5 ~~(1)~~ according to the General Accounting Of-
 6 fice—

7 ~~(A)~~ there are currently 154 Federal em-
 8 ployment training programs; and

9 ~~(B)~~ these programs cost nearly
 10 \$25,000,000,000 annually and are administered
 11 by 14 different Federal agencies;

12 ~~(2)~~ these programs target individual popu-
 13 lations such as economically disadvantaged persons,
 14 dislocated workers, youth, and persons with disabil-
 15 ities;

16 ~~(3)~~ many of these programs provide similar
 17 services, such as counseling, assessment, and literacy
 18 skills enhancement, resulting in overlapping services,

1 wasted funds, and confusion on the part of local
2 service providers and individuals seeking assistance;

3 (4) the Federal agencies administering these
4 programs fail to collect enough performance data to
5 know whether the programs are working effectively;

6 (5) the additional cost of administering overlap-
7 ping employment training programs at the Federal,
8 State, and local levels diverts scarce resources that
9 could be better used to assist all persons in entering
10 the work force, gaining basic skills, or retraining for
11 new jobs;

12 (6) the conflicting eligibility requirements, and
13 annual budgeting or operating cycles, of employment
14 training programs create barriers to coordination of
15 the programs that may restrict access to services
16 and result in inefficient use of resources;

17 (7) despite more than 30 years of federally
18 funded employment training programs, the Federal
19 Government has no single, coherent policy guiding
20 its employment training efforts;

21 (8) the Federal Government has failed to ade-
22 quately maximize the effectiveness of the substantial
23 public and private sector resources of the United
24 States for training and work-related education; and

1 ~~(9)~~ the Federal Government lacks a national
2 labor market information system, which is needed to
3 provide current data on jobs and skills in demand in
4 different regions of the country.

5 **SEC. 3. DEFINITIONS.**

6 As used in this Act:

7 ~~(1)~~ COVERED ACT.—The term “covered Act”
8 means an Act described in paragraph ~~(3)~~.

9 ~~(2)~~ COVERED ACTIVITY.—The term “covered
10 activity” means an activity authorized to be carried
11 out under a covered provision.

12 ~~(3)~~ COVERED PROVISION.—The term “covered
13 provision” means a provision of—

14 ~~(A)~~ the Job Training Partnership Act ~~(29~~
15 U.S.C. 1501 et seq.);

16 ~~(B)~~ the Carl D. Perkins Vocational and
17 Applied Technology Education Act ~~(20 U.S.C.~~
18 2301 et seq.);

19 ~~(C)~~ part B of title III of the Adult Edu-
20 cation Act ~~(20 U.S.C. 1203 et seq.);~~

21 ~~(D)~~ part F of title IV of the Social Secu-
22 rity Act ~~(42 U.S.C. 681 et seq.);~~

23 ~~(E)~~ section 235 or 236, or paragraph ~~(1)~~
24 or ~~(2)~~ of section 250(d), of the Trade Act of
25 1974 ~~(19 U.S.C. 2295, 2296, or 2331(d));~~

1 ~~(F) the Wagner-Peyser Act (29 U.S.C. 49~~
2 ~~et seq.);~~

3 ~~(G) title I of the Rehabilitation Act of~~
4 ~~1973 (29 U.S.C. 720 et seq.);~~

5 ~~(H) section 6(d)(4) of the Food Stamp Act~~
6 ~~of 1977 (7 U.S.C. 2015(d)(4));~~

7 ~~(I) the Refugee Education Assistance Act~~
8 ~~of 1980 (8 U.S.C. 1522 note);~~

9 ~~(J) section 204 of the Immigration Reform~~
10 ~~and Control Act of 1986 (8 U.S.C. 1255a~~
11 ~~note);~~

12 ~~(K) title VII of the Stewart B. McKinney~~
13 ~~Homeless Assistance Act (42 U.S.C. 11421 et~~
14 ~~seq.);~~

15 ~~(L) title V of the Older Americans Act of~~
16 ~~1965 (42 U.S.C. 3056 et seq.); and~~

17 ~~(M) the School-to-Work Opportunities Act~~
18 ~~of 1994 (20 U.S.C. 6101 et seq.).~~

19 ~~(4) LOCAL ENTITY.—The term “local entity”~~
20 ~~includes public and private entities.~~

1 **TITLE I—USE OF FEDERAL**
 2 **FUNDS FOR STATE EMPLOY-**
 3 **MENT TRAINING ACTIVITIES**

4 **SEC. 101. FORMULA ASSISTANCE.**

5 (a) USE OF FUNDS.—Notwithstanding any other pro-
 6 vision of Federal law, a State that receives State formula
 7 assistance for a covered activity for a fiscal year may use
 8 the assistance to carry out activities as described in sec-
 9 tion 104 for the fiscal year. Notwithstanding any other
 10 provision of Federal law, a local entity that receives local
 11 formula assistance for a covered activity for a fiscal year
 12 may use the assistance to carry out activities as described
 13 in section 104 for the fiscal year.

14 (b) REQUIREMENTS.—

15 (1) IN GENERAL.—Except as otherwise pro-
 16 vided in this subsection, a State may use such State
 17 formula assistance, and a local entity may use such
 18 local formula assistance, to carry out activities as
 19 described in section 104, without regard to the re-
 20 quirements of any covered Act.

21 (2) REMAINING PROGRAM REQUIREMENTS.—

22 (A) ALLOCATION AND ENFORCEMENT.—

23 Any head of a Federal agency that allocates
 24 State formula assistance, and any State that al-

1 locates local formula assistance, for a covered
2 activity—

3 (i) shall allocate such assistance in ac-
4 cordance with allocation requirements that
5 are specified in the covered Acts and that
6 relate to the covered activity, including
7 provisions relating to minimum or maxi-
8 mum allocations; and

9 (ii)(I) if the State or local entity uses
10 such assistance to carry out the covered
11 activity, shall exercise the enforcement and
12 oversight authorities that are specified in
13 the covered Acts and that relate to the cov-
14 ered activity; and

15 (II) if the State or local entity does
16 not use such assistance to carry out the
17 covered activity, shall exercise such au-
18 thorities solely for the purpose of ensuring
19 that the assistance is used to carry out ac-
20 tivities as described in section 104, and in
21 accordance with the applicable require-
22 ments of this title.

23 (B) ADMINISTRATIVE EXPENSE LIMITS.—

24 Each State that receives State formula assist-

1 ance, and each local entity that receives local
2 formula assistance, for a covered activity—

3 (i) shall comply with any limits on ad-
4 ministrative expenses that are specified in
5 the covered Acts and that relate to the cov-
6 ered activity; and

7 (ii) for any fiscal year, may not use a
8 greater percentage of the State formula as-
9 sistance or local formula assistance to pay
10 for the administrative expenses of activities
11 carried out under section 104 than the
12 State or entity used to pay for such admin-
13 istrative expenses relating to the covered
14 activity for fiscal year 1995.

15 (C) ~~CONDITIONAL BENEFITS.~~—Any State
16 that receives State formula assistance to carry
17 out a covered activity described in a covered
18 provision specified in subparagraph (D) or (H)
19 of section 3(3) and that uses the assistance to
20 carry out activities as described in section 104
21 shall carry out an activity that is appropriate
22 for persons who would otherwise be eligible to
23 participate in the covered activity. Any person
24 in the State who would otherwise be required to
25 participate in the covered activity in order to

1 obtain Federal assistance under a covered Act
 2 shall be eligible to receive the assistance by par-
 3 ticipating in such appropriate activity.

4 ~~(D) AVAILABILITY OF APPROPRIATIONS.—~~

5 Nothing in this section shall affect the period
 6 for which any appropriation under a covered
 7 Act remains available.

8 ~~(c) DEFINITIONS.—~~As used in this section:

9 ~~(1) LOCAL FORMULA ASSISTANCE.—~~The term
 10 “local formula assistance” means assistance made
 11 available by a State to a local entity under—

12 ~~(A)(i) subsections (a)(2) and (b) of section~~
 13 ~~202 of the Job Training Partnership Act (29~~
 14 ~~U.S.C. 1602);~~

15 ~~(ii) section 252(b) of such Act (29 U.S.C.~~
 16 ~~1631(b)) in accordance with subsections (a)(2)~~
 17 ~~and (b) of section 262 of such Act (29 U.S.C.~~
 18 ~~1642);~~

19 ~~(iii) subsections (a)(2) and (b) of section~~
 20 ~~262 of such Act (29 U.S.C. 1642); or~~

21 ~~(iv) subsections (a)(1), (b), and (d) of sec-~~
 22 ~~tion 302 of such Act (29 U.S.C. 1652); or~~

23 ~~(B)(i) section 102(a)(1), and section~~
 24 ~~231(a) or 232 of the Carl D. Perkins Voca-~~

1 tional Education Act ~~(20 U.S.C. 2312(a)(1),~~
 2 and ~~2341(a) or 2341a)~~; or

3 ~~(ii) section 353(b) of such Act (20 U.S.C.~~
 4 ~~2395b(b)).~~

5 ~~(2) STATE FORMULA ASSISTANCE.—~~The term
 6 “State formula assistance” means assistance made
 7 available by an agency of the Federal Government to
 8 a State under—

9 ~~(A)(i) subsections (a)(2) and (c) of section~~
 10 ~~202 of the Job Training Partnership Act (29~~
 11 ~~U.S.C. 1602);~~

12 ~~(ii) subsections (a)(2) and (c) of section~~
 13 ~~262 of such Act (29 U.S.C. 1642);~~

14 ~~(iii) subsections (a)(1), (b), and (c)(1) of~~
 15 ~~section 302 of such Act (29 U.S.C. 1652); or~~

16 ~~(iv) sections 502(d) and 503 of such Act~~
 17 ~~(29 U.S.C. 1791a(d));~~

18 ~~(B)(i) section 101(a)(2) of the Carl D.~~
 19 ~~Perkins Vocational Education Act (20 U.S.C.~~
 20 ~~2311(a)(2)) (other than assistance made avail-~~
 21 ~~able under section 231(a) or 232 of such Act~~
 22 ~~(20 U.S.C. 2341(a) or 2341a) to local edu-~~
 23 ~~cational agencies or other local entities within~~
 24 ~~the State);~~

1 (ii) section 112(f) of such Act (20 U.S.C.
2 2322(f)); or

3 (iii) section 343(b)(1) of such Act (20
4 U.S.C. 2394a(b)(1));

5 (C) section 313(b) of the Adult Education
6 Act (20 U.S.C. 1201b(b)) (other than assist-
7 ance reserved to carry out part D of title III of
8 such Act (20 U.S.C. 1213 et seq.));

9 (D) subsection (k) or (l) of section 403 of
10 the Social Security Act (42 U.S.C. 603);

11 (E) section 6(b)(1) of the Wagner-Peyser
12 Act (29 U.S.C. 49e(b)(1));

13 (F)(i) subsection (a) or (b) of section 110
14 of the Rehabilitation Act of 1973 (29 U.S.C.
15 730) (less any amount reserved under sub-
16 section (d) of such section);

17 (ii) section 112(e) of such Act (29 U.S.C.
18 732(e)); or

19 (iii) section 124 of such Act (29 U.S.C.
20 744);

21 (G) section 16(h)(1) of the Food Stamp
22 Act of 1977 (7 U.S.C. 2025(h)(1)) (other than
23 funds made available under subparagraph (B)
24 of such section);

1 ~~(H)(i) section 201(b) of the Refugee Edu-~~
 2 ~~cation Assistance Act of 1980 (8 U.S.C. 1522~~
 3 ~~note);~~

4 ~~(ii) section 301(b) of such Act (8 U.S.C.~~
 5 ~~1522 note); or~~

6 ~~(iii) section 401(b) of such Act (8 U.S.C.~~
 7 ~~1522 note);~~

8 ~~(I) section 204(b) of the Immigration Re-~~
 9 ~~form and Control Act of 1986 (8 U.S.C. 1255a~~
 10 ~~note);~~

11 ~~(J)(i) section 722(c) of the Stewart B.~~
 12 ~~McKinney Homeless Assistance Act; or~~

13 ~~(ii) section 752(a) of such Act (42 U.S.C.~~
 14 ~~11462(a)); or~~

15 ~~(K) section 506(a)(3) of the Older Ameri-~~
 16 ~~cans Act of 1965 (42 U.S.C. 3056d(a)(3)).~~

17 **SEC. 102. DISCRETIONARY ASSISTANCE.**

18 ~~(a) IN GENERAL.—~~

19 ~~(1) PRIOR ASSISTANCE.—~~Notwithstanding any
 20 other provision of Federal law, a State or local en-
 21 tity that received, prior to the date of enactment of
 22 this Act, discretionary assistance for a covered activ-
 23 ity for a fiscal year may use the assistance to carry
 24 out activities as described in section 104 for the
 25 fiscal year.

1 ~~(2) FUTURE ASSISTANCE.~~—Notwithstanding
2 any other provision of Federal law, a State or local
3 entity that is eligible to apply for discretionary as-
4 sistance for a covered activity for a fiscal year may
5 apply, as described in subsection (c), for the assist-
6 ance to carry out activities as described in section
7 104 for the fiscal year.

8 ~~(b) USE OF FUNDS.~~—

9 ~~(1) IN GENERAL.~~—Except as otherwise pro-
10 vided in this subsection, a State or local entity that
11 receives discretionary assistance prior to the date of
12 enactment of this Act or on approval of an applica-
13 tion submitted under subsection (c) may use the dis-
14 cretionary assistance to carry out activities as de-
15 scribed in section 104, without regard to the require-
16 ments of any covered Act.

17 ~~(2) REMAINING PROGRAM REQUIREMENTS.~~—A
18 State or local entity that uses discretionary assist-
19 ance to carry out such activities shall use the assist-
20 ance in accordance with the requirements of sub-
21 paragraphs (A), (B), and (D) of section 101(b)(2),
22 which shall apply to such assistance in the same
23 manner and to the same extent as the requirements
24 apply to State formula assistance or local formula
25 assistance, as appropriate, used under section 101.

1 ~~(c) ADDITIONAL INFORMATION IN APPLICATION.—A~~
2 State or local entity seeking to use discretionary assistance
3 as described in subsection ~~(a)(2)~~ shall include in the appli-
4 cation ~~(under the covered provision involved)~~ of the State
5 or local entity for the assistance ~~(in lieu of any informa-~~
6 tion otherwise required to be submitted)—

7 ~~(1) a description of the funds the State or local~~
8 entity proposes to use to carry out activities as de-
9 scribed in section 104;

10 ~~(2) a description of the activities to be carried~~
11 out with such funds;

12 ~~(3) a description of the specific outcomes ex-~~
13 pected of participants in the activities; and

14 ~~(4) such other information as the head of the~~
15 agency with responsibility for evaluating the applica-
16 tion may require.

17 ~~(d) EVALUATION OF APPLICATION.—In evaluating an~~
18 application described in subsection ~~(c)~~, the agency with re-
19 sponsibility for evaluating the application shall evaluate
20 the application by determining the likelihood that the
21 State or local entity submitting the application will be able
22 to carry out activities as described in section 104. In eval-
23 uating applications for discretionary assistance, the agen-
24 cy shall not give preference to applications proposing cov-

1 ered activities over applications proposing activities de-
 2 scribed in section 104.

3 ~~(e) DEFINITION.—As used in this section, the term~~
 4 “discretionary assistance” means assistance that—

5 ~~(1) is not State formula assistance or local for-~~
 6 ~~mula assistance, as defined in section 101(c);~~

7 ~~(2) is not Federal assistance available to pro-~~
 8 ~~vide services described in section 235 or 236, or~~
 9 ~~paragraph (1) or (2) of section 250(d), of the Trade~~
 10 ~~Act of 1974 (19 U.S.C. 2295, 2296, or 2331(d));~~
 11 ~~and~~

12 ~~(3) is made available by an agency of the Fed-~~
 13 ~~eral Government, or by a State, to a State or local~~
 14 ~~entity to enable the State or local entity to carry out~~
 15 ~~an activity under a covered provision.~~

16 **SEC. 103. TRADE ADJUSTMENT ASSISTANCE SERVICES.**

17 ~~(a) USE OF ASSISTANCE.—~~

18 ~~(1) IN GENERAL.—Notwithstanding any other~~
 19 ~~provision of Federal law, if the Secretary of Labor~~
 20 ~~initiates efforts under section 235 of the Trade Act~~
 21 ~~of 1974 (19 U.S.C. 2295) to secure services de-~~
 22 ~~scribed in such section 235 (including services that~~
 23 ~~are provided under section 250(d)(1) of such Act~~
 24 ~~(19 U.S.C. 2331(d)(1))) for a worker, or if the Sec-~~
 25 ~~retary makes a determination under section 236(a)~~

1 of the Trade Act of 1974 (19 U.S.C. 2296(a)) that
2 entitles a worker to payments described in such sec-
3 tion for services (including services for which pay-
4 ment is provided under section 250(d)(2) of such
5 Act), the Secretary shall notify the State in which
6 the worker is located.

7 (2) ACTIVITIES.—A State that receives such no-
8 tification may apply under subsection (c) for the
9 Federal assistance that would otherwise have been
10 expended to provide services described in paragraph
11 (1) to the worker, to enable the State to carry out
12 activities as described in section 104 for the fiscal
13 year. If the State has received such assistance in ad-
14 vance, the State may apply under subsection (c) to
15 use such assistance to enable the State to carry out
16 activities as described in section 104 for the fiscal
17 year.

18 (b) REQUIREMENTS.—

19 (1) IN GENERAL.—Except as otherwise pro-
20 vided in this subsection, a State that receives such
21 Federal assistance and receives approval of an appli-
22 cation submitted under subsection (c) may use the
23 assistance to carry out activities as described in sec-
24 tion 104, without regard to the requirements of any
25 covered Act.

1 (2) REMAINING PROGRAM REQUIREMENTS.—A
2 State that uses such Federal assistance to carry out
3 such activities shall use the assistance in accordance
4 with the requirements of subparagraphs (A)(ii), (B),
5 and (D) of section 101(b)(2), which shall apply to
6 such assistance in the same manner and to the same
7 extent as the requirements apply to State formula
8 assistance or local formula assistance, as appro-
9 priate, used under section 101.

10 (3) CONDITIONAL BENEFITS.—Any State that
11 receives Federal assistance that would otherwise
12 have been expended to provide services described in
13 subsection (a)(1) to a worker, and that uses the as-
14 sistance to carry out activities as described in sec-
15 tion 104, shall carry out eligible alternative activities
16 that are appropriate for the worker. If the worker
17 would otherwise be required to receive such services
18 in order to obtain Federal funds under another pro-
19 vision of chapter 2 of title II of the Trade Act of
20 1974 (19 U.S.C. 2291 et seq.), the worker shall be
21 eligible to receive the funds by participating in such
22 eligible alternative activities.

23 (c) ADDITIONAL INFORMATION IN APPLICATION.—A
24 State seeking to use Federal assistance that would other-
25 wise have been expended to provide services described in

1 subsection (a)(1) to a worker shall submit an application
 2 to the Secretary of Labor, at such time and in such man-
 3 ner as the Secretary may require, that contains—

4 (1) a description of the Federal assistance the
 5 State proposes to use to carry out activities as de-
 6 scribed in section 104;

7 (2) a description of the activities to be carried
 8 out with such assistance;

9 (3) a description of the specific outcomes ex-
 10 pected of participants in the activities; and

11 (4) such other information as the Secretary of
 12 Labor may require.

13 (d) EVALUATION OF APPLICATION.—In evaluating an
 14 application described in subsection (c), the Secretary of
 15 Labor shall evaluate the application by determining the
 16 likelihood that the State submitting the application will
 17 be able to carry out activities as described in section 104.
 18 In evaluating applications for such Federal assistance, the
 19 Secretary of Labor shall not give preference to applica-
 20 tions proposing covered activities over applications propos-
 21 ing activities described in section 104.

22 **SEC. 104. EMPLOYMENT TRAINING ACTIVITIES.**

23 A State or local entity that receives State formula
 24 assistance or local formula assistance as described in sec-
 25 tion 101(a), receives discretionary assistance as described

1 in section 102(b), or receives Federal assistance as de-
2 scribed in section 103(b), may—

3 ~~(1)~~ use the assistance to carry out activities to
4 develop a comprehensive statewide employment
5 training system that—

6 ~~(A)~~ is primarily designed and implemented
7 by communities to serve local labor markets in
8 the State involved;

9 ~~(B)~~ requires the participation and involve-
10 ment of private sector employers in all phases
11 of the planning, development, and implementa-
12 tion of the system, including—

13 ~~(i)~~ determining the skills to be devel-
14 oped by each employment training program
15 carried out through the system; and

16 ~~(ii)~~ designing the training to be pro-
17 vided by each such program;

18 ~~(C)~~ assures that State and local training
19 efforts are linked to available employment op-
20 portunities;

21 ~~(D)~~ includes standards for determining the
22 effectiveness of such programs; and

23 ~~(E)~~ is an integrated system that assures
24 that individuals seeking employment in the
25 State will receive information about all available

1 employment training services provided in the
 2 State, regardless of where the individuals ini-
 3 tially enter the system; or

4 ~~(2)~~ may use the assistance that would otherwise
 5 have been used to carry out 2 or more covered ac-
 6 tivities—

7 ~~(A)~~ to address the high priority needs of
 8 unemployed persons in the State or community
 9 involved for employment training services;

10 ~~(B)~~ to improve efficiencies in the delivery
 11 of the covered activities; or

12 ~~(C)~~ in the case of overlapping or duplica-
 13 tive activities—

14 ~~(i)~~ by combining the covered activities
 15 and funding the combined activities; or

16 ~~(ii)~~ by eliminating one of the covered
 17 activities and increasing the funding to the
 18 remaining covered activity.

19 **SEC. 105. REPORTS.**

20 ~~(a)~~ STATE REPORTS.—

21 ~~(1)~~ PREPARATION.—A State that receives State
 22 formula assistance as described in section 101(a),
 23 receives discretionary assistance as described in sec-
 24 tion 102(b), or receives Federal assistance as de-
 25 scribed in section 103(b), and that uses the assist-

1 ance to carry out activities as described in section
2 104 shall annually prepare a report containing—

3 (A) information on the amount and origin
4 of such assistance;

5 (B) information on the activities carried
6 out with such assistance;

7 (C) information regarding the populations
8 to be served with such assistance, such as eco-
9 nomically disadvantaged persons, dislocated
10 workers, youth, and individuals with disabilities;

11 (D) a summary of the reports received by
12 the State under subsection (b); and

13 (E) such other information as the commit-
14 tees described in paragraph (2) may require.

15 (2) SUBMISSION.—The State shall submit the
16 report described in paragraph (1) to the Committee
17 on Education and Labor of the House of Represent-
18 atives, and the Committee on Labor and Human Re-
19 sources of the Senate, not later than 60 days after
20 the end of each year.

21 (b) LOCAL ENTITY REPORTS.—

22 (1) PREPARATION.—A local entity that receives
23 local formula assistance as described in section
24 101(a), or that receives discretionary assistance as
25 described in section 102(b), and uses the assistance

to carry out activities as described in section 104
shall annually prepare a report containing—

(A) information on the amount and origin
of such assistance;

(B) information on the activities carried
out with such assistance;

(C) information regarding the populations
to be served with such assistance, such as eco-
nomically disadvantaged persons, dislocated
workers, youth, and individuals with disabilities;
and

(D) such other information as the State
that allocated the assistance may require.

(2) SUBMISSION.—The local entity shall submit
the report described in paragraph (1) to the State
not later than 30 days after the end of each year.

TITLE II—CONSOLIDATION OF EMPLOYMENT TRAINING PROGRAMS

SEC. 201. REPEALS OF EMPLOYMENT TRAINING PRO- GRAMS.

(a) IN GENERAL.—The following provisions are re-
pealed:

(1) The Job Training Partnership Act (29
U.S.C. 1501 et seq.).

1 (2) The Carl D. Perkins Vocational and Applied
2 Technology Education Act (20 U.S.C. 2301 et seq.).

3 (3) Part B of title III of the Adult Education
4 Act (20 U.S.C. 1203 et seq.).

5 (4) Part F of title IV of the Social Security Act
6 (42 U.S.C. 681 et seq.).

7 (5) Sections 235 and 236 of the Trade Act of
8 1974 (19 U.S.C. 2295 and 2296), and paragraphs
9 (1) and (2) of section 250(d) of such Act (19 U.S.C.
10 2331(d)).

11 (6) The Wagner-Peyser Act (29 U.S.C. 49 et
12 seq.).

13 (7) Title I of the Rehabilitation Act of 1973
14 (29 U.S.C. 720 et seq.).

15 (8) Section 6(d)(4) of the Food Stamp Act of
16 1977 (7 U.S.C. 2015(d)(4)).

17 (9) The Refugee Education Assistance Act of
18 1980 (8 U.S.C. 1522 note).

19 (10) Section 204 of the Immigration Reform
20 and Control Act of 1986 (8 U.S.C. 1255a note).

21 (11) Title VII of the Stewart B. McKinney
22 Homeless Assistance Act (42 U.S.C. 11421 et seq.).

23 (12) Title V of the Older Americans Act of
24 1965 (42 U.S.C. 3056 et seq.).

1 ~~(13) The School-to-Work Opportunities Act of~~
 2 ~~1994 (20 U.S.C. 6101 et seq.).~~

3 ~~(b) TECHNICAL AND CONFORMING AMENDMENTS.—~~

4 ~~Section 250(d) of the Trade Act of 1974 (as amended by~~
 5 ~~subsection (a)(5)) is amended by redesignating para-~~
 6 ~~graphs (3), (4), and (5) as paragraphs (1), (2), and (3),~~
 7 ~~respectively.~~

8 ~~(c) EFFECTIVE DATE.—The repeals made by sub-~~
 9 ~~section (a), and the amendments made by subsection (b),~~
 10 ~~shall take effect 24 months after the date of enactment~~
 11 ~~of this Act.~~

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

13 ~~(a) SHORT TITLE.—This Act may be cited as the~~
 14 ~~“Workforce Development Act of 1995”.~~

15 ~~(b) TABLE OF CONTENTS.—The table of contents is as~~
 16 ~~follows:~~

Sec. 1. Short title; table of contents.

Sec. 2. Findings and purposes.

Sec. 3. Definitions.

TITLE I—STATEWIDE WORKFORCE DEVELOPMENT SYSTEMS

Subtitle A—State Provisions

Sec. 101. Statewide workforce development systems established.

Sec. 102. State allotments.

Sec. 103. State apportionment by activity.

Sec. 104. State plans.

Sec. 105. State workforce development boards.

Sec. 106. Use of funds.

Subtitle B—Local Provisions

Sec. 111. Local apportionment by activity.

Sec. 112. Distribution for secondary school vocational education.

Sec. 113. Distribution for postsecondary and adult vocational education.

Sec. 114. Distribution for adult education.

- Sec. 115. Special rule for minimal allocation.*
- Sec. 116. Redistribution.*
- Sec. 117. Local application for workforce education activities.*
- Sec. 118. Local partnerships, agreements, and workforce development boards.*

Subtitle C—Provisions for Other Entities

- Sec. 121. Indian workforce development activities.*
- Sec. 122. Grants to outlying areas.*

Subtitle D—General Provisions

- Sec. 131. Accountability.*
- Sec. 132. Incentives and sanctions.*
- Sec. 133. Unemployment trust fund.*
- Sec. 134. Authorization of appropriations.*
- Sec. 135. Effective date.*

TITLE II—TRANSITION PROVISIONS

Subtitle A—Transition Provisions Relating to Use of Federal Funds for State and Local Activities

- Sec. 201. Waivers.*

Subtitle B—Transition Provisions Relating to Applications and Plans

- Sec. 211. Interim State plans.*
- Sec. 212. Applications and plans under covered Acts.*

Subtitle C—Job Corps and Other Workforce Preparation Activities for At-Risk Youth

CHAPTER 1—GENERAL JOB CORPS PROVISIONS

- Sec. 221. Purposes.*
- Sec. 222. Definitions.*
- Sec. 223. General authority.*
- Sec. 224. Individuals eligible for the Job Corps.*
- Sec. 225. Screening and selection of applicants.*
- Sec. 226. Enrollment and assignment.*
- Sec. 227. Job Corps centers.*
- Sec. 228. Program activities.*
- Sec. 229. Support.*
- Sec. 230. Operating plan.*
- Sec. 231. Standards of conduct.*
- Sec. 232. Community participation.*
- Sec. 233. Counseling and placement.*
- Sec. 234. Leases and sales of centers.*
- Sec. 235. Closure of Job Corps centers.*
- Sec. 236. Interim operating plans for Job Corps centers.*
- Sec. 237. Effective date.*

CHAPTER 2—OTHER WORKFORCE PREPARATION ACTIVITIES FOR AT-RISK YOUTH

- Sec. 241. Workforce preparation activities for at-risk youth.*

*Subtitle D—Interim Administration of School-to-Work Programs**Sec. 251. Administration of school-to-work programs.**Subtitle E—Amendments Relating to Certain Authorizations of Appropriations**Sec. 261. Older American Community Service Employment Act.**Sec. 262. Carl D. Perkins Vocational and Applied Technology Education Act.**Sec. 263. Adult Education Act.**TITLE III—NATIONAL ACTIVITIES**Sec. 301. Federal Partnership.**Sec. 302. National assessment of vocational education programs.**Sec. 303. Labor market information.**Sec. 304. National Center for Research in Education and Workforce Development.**Sec. 305. Transfers to Federal Partnership.**Sec. 306. Transfers to other Federal agencies and offices.**Sec. 307. Elimination of certain offices.**TITLE IV—AMENDMENTS TO THE REHABILITATION ACT OF 1973**Sec. 401. References.**Sec. 402. Findings and purposes.**Sec. 403. Consolidated rehabilitation plan.**Sec. 404. Definitions.**Sec. 405. Administration.**Sec. 406. Reports.**Sec. 407. Evaluation.**Sec. 408. Declaration of policy.**Sec. 409. State plans.**Sec. 410. Individualized employment plans.**Sec. 411. Scope of vocational rehabilitation services.**Sec. 412. State Rehabilitation Advisory Council.**Sec. 413. Evaluation standards and performance indicators.**Sec. 414. Repeals.**Sec. 415. Effective date.**TITLE V—OTHER PROGRAMS**Subtitle A—Amendments to Immigration and Nationality Act**Sec. 501. Prohibition on use of funds for certain employment activities.**Subtitle B—Welfare Programs**Sec. 511. Welfare reform.**TITLE VI—REPEALS OF EMPLOYMENT AND TRAINING AND
VOCATIONAL AND ADULT EDUCATION PROGRAMS**Sec. 601. Repeals.**Sec. 602. Conforming amendments.***1 SEC. 2. FINDINGS AND PURPOSES.****2 (a) FINDINGS.—Congress finds that—**

1 (1) increasing international competition, techno-
2 logical advances, and structural changes in the Unit-
3 ed States economy present new challenges to private
4 businesses and public policymakers in creating a
5 skilled workforce with the ability to adapt to change
6 and technological progress;

7 (2) despite more than 60 years of federally fund-
8 ed employment training programs, the Federal Gov-
9 ernment has no single, coherent policy guiding em-
10 ployment training efforts;

11 (3) according to the General Accounting Office,
12 there are over 100 federally funded employment train-
13 ing programs, which are administered by 15 different
14 Federal agencies and cost more than \$20,000,000,000
15 annually;

16 (4) many of the programs fail to collect enough
17 performance data to determine the relative effective-
18 ness of each of the programs or the effectiveness of the
19 programs as a whole;

20 (5) because of the fragmentation, duplication,
21 and lack of accountability that currently exist within
22 and among Federal employment training programs it
23 is often difficult for workers, jobseekers, and businesses
24 to easily access the services they need;

1 (6) *high quality, innovative vocational education*
 2 *programs provide youth with skills and knowledge on*
 3 *which to build successful careers and, in providing*
 4 *the skills and knowledge, vocational education serves*
 5 *as the foundation of a successful workforce develop-*
 6 *ment system;*

7 (7) *in recent years, several States and commu-*
 8 *nities have begun to develop promising new initia-*
 9 *tives such as—*

10 (A) *school-to-work programs to better inte-*
 11 *grate youth employment and education pro-*
 12 *grams; and*

13 (B) *one-stop systems to make workforce de-*
 14 *velopment activities more accessible to workers,*
 15 *jobseekers, and businesses; and*

16 (8) *Federal, State, and local governments have*
 17 *failed to adequately allow for private sector leadership*
 18 *in designing workforce development activities that are*
 19 *responsive to local labor market needs.*

20 (b) *PURPOSES.—The purposes of this Act are—*

21 (1) *to make the United States more competitive*
 22 *in the world economy by eliminating the fragmenta-*
 23 *tion in Federal employment training efforts and cre-*
 24 *ating coherent, integrated statewide workforce devel-*
 25 *opment systems designed to develop more fully the*

1 *academic, occupational, and literacy skills of all seg-*
 2 *ments of the workforce;*

3 *(2) to ensure that all segments of the workforce*
 4 *will obtain the skills necessary to earn wages suffi-*
 5 *cient to maintain the highest quality of living in the*
 6 *world; and*

7 *(3) to promote the economic development of each*
 8 *State by developing a skilled workforce that is respon-*
 9 *sive to the labor market needs of the businesses of each*
 10 *State.*

11 **SEC. 3. DEFINITIONS.**

12 *As used in this Act:*

13 *(1) ADULT EDUCATION.—*

14 *(A) IN GENERAL.—The term “adult edu-*
 15 *cation” means services or instruction below the*
 16 *college level for adults who—*

17 *(i) lack sufficient education or literacy*
 18 *skills to enable the adults to function effec-*
 19 *tively in society; or*

20 *(ii) do not have a certificate of gradua-*
 21 *tion from a school providing secondary edu-*
 22 *cation (as determined under State law) and*
 23 *who have not achieved an equivalent level of*
 24 *education.*

1 (B) *ADULT*.—As used in subparagraph (A),
2 the term “adult” means an individual who is
3 age 16 or older, or beyond the age of compulsory
4 school attendance under State law, and who is
5 not enrolled in secondary school.

6 (2) *AREA VOCATIONAL EDUCATION SCHOOL*.—
7 The term “area vocational education school” means—

8 (A) a specialized secondary school used ex-
9 clusively or principally for the provision of voca-
10 tional education to individuals who are available
11 for study in preparation for entering the labor
12 market;

13 (B) the department of a secondary school
14 exclusively or principally used for providing vo-
15 cational education in not fewer than 5 different
16 occupational fields to individuals who are avail-
17 able for study in preparation for entering the
18 labor market;

19 (C) a technical institute or vocational school
20 used exclusively or principally for the provision
21 of vocational education to individuals who have
22 completed or left secondary school and who are
23 available for study in preparation for entering
24 the labor market, if the institute or school admits
25 as regular students both individuals who have

1 *completed secondary school and individuals who*
 2 *have left secondary school; or*

3 *(D) the department or division of a junior*
 4 *college, community college, or university that*
 5 *provides vocational education in not fewer than*
 6 *5 different occupational fields leading to imme-*
 7 *diolate employment but not necessarily leading to*
 8 *a baccalaureate degree, if the department or divi-*
 9 *sion admits as regular students both individuals*
 10 *who have completed secondary school and indi-*
 11 *viduals who have left secondary school.*

12 *(3) AT-RISK YOUTH.—The term “at-risk youth”*
 13 *means an individual who—*

14 *(A) is not less than age 15 and not more*
 15 *than age 24; and*

16 *(B)(i) is determined under guidelines devel-*
 17 *oped by the Governing Board to be low-income,*
 18 *using the most recent available data provided by*
 19 *the Bureau of the Census, prior to the determina-*
 20 *tion; or*

21 *(ii) is a dependent of a family that is deter-*
 22 *mined under guidelines developed by the Govern-*
 23 *ing Board to be low-income, using such data.*

1 (4) *CHIEF ELECTED OFFICIAL*.—The term “chief
2 elected official” means the chief elected officer of a
3 unit of general local government in a substate area.

4 (5) *COMMUNITY-BASED ORGANIZATION*.—The
5 term “community-based organization” means a pri-
6 vate nonprofit organization of demonstrated effective-
7 ness that is representative of a community or a sig-
8 nificant segment of a community and that provides
9 workforce development activities.

10 (6) *COVERED ACTIVITY*.—The term “covered ac-
11 tivity” means an activity authorized to be carried out
12 under a provision described in section 601(b) (as such
13 provision was in effect on the day before the date of
14 enactment of this Act).

15 (7) *DISLOCATED WORKER*.—The term “dislocated
16 worker” means an individual who—

17 (A) has been terminated from employment
18 and is eligible for unemployment compensation;

19 (B) has received a notice of termination of
20 employment as a result of any permanent clo-
21 sure, or any layoff of 50 or more people, at a
22 plant, facility, or enterprise;

23 (C) is long-term unemployed;

1 (D) was self-employed (including a farmer
2 and a rancher) but is unemployed due to local
3 economic conditions;

4 (E) is a displaced homemaker; or

5 (F) has become unemployed as a result of a
6 Federal action that limits the use of, or restricts
7 access to, a marine natural resource.

8 (8) *DISPLACED HOMEMAKER*.—The term “dis-
9 placed homemaker” means an individual who was a
10 full-time homemaker for a substantial number of
11 years, as determined under guidelines developed by
12 the Governing Board, and who no longer receives fi-
13 nancial support previously provided by a spouse or
14 by public assistance.

15 (9) *ECONOMIC DEVELOPMENT ACTIVITIES*.—The
16 term “economic development activities” means the ac-
17 tivities described in section 106(e).

18 (10) *EDUCATIONAL SERVICE AGENCY*.—The term
19 “educational service agency” means a regional public
20 multiservice agency authorized by State statute to de-
21 velop and manage a service or program, and provide
22 the service or program to a local educational agency.

23 (11) *ELEMENTARY SCHOOL; LOCAL EDUCATIONAL*
24 *AGENCY; SECONDARY SCHOOL*.—The terms “elemen-
25 tary school”, “local educational agency” and “second-

ary school” have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(12) *FEDERAL PARTNERSHIP*.—The term “Federal Partnership” means the Workforce Development Partnership established in section 301.

(13) *FLEXIBLE WORKFORCE ACTIVITIES*.—The term “flexible workforce activities” means the activities described in section 106(d).

(14) *GOVERNING BOARD*.—The term “Governing Board” means the Governing Board of the Federal Partnership.

(15) *INDIVIDUAL WITH A DISABILITY*.—

(A) *IN GENERAL*.—The term “individual with a disability” means an individual with any disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)).

(B) *INDIVIDUALS WITH DISABILITIES*.—The term “individuals with disabilities” means more than 1 individual with a disability.

(16) *LOCAL ENTITY*.—The term “local entity” means a public or private entity responsible for local workforce development activities or workforce preparation activities for at-risk youth.

1 (17) *LOCAL PARTNERSHIP*.—The term “local
2 partnership” means a partnership referred to in sec-
3 tion 118(a).

4 (18) *OLDER WORKER*.—The term “older worker”
5 means an individual who is age 55 or older and who
6 is determined under guidelines developed by the Gov-
7 erning Board to be low-income, using the most recent
8 available data provided by the Bureau of the Census,
9 prior to the determination.

10 (19) *OUTLYING AREA*.—The term “outlying
11 area” means the United States Virgin Islands, Guam,
12 American Samoa, the Commonwealth of the Northern
13 Mariana Islands, the Republic of the Marshall Is-
14 lands, the Federated States of Micronesia, and the Re-
15 public of Palau.

16 (20) *PARTICIPANT*.—The term “participant”
17 means an individual participating in workforce de-
18 velopment activities or workforce preparation activi-
19 ties for at-risk youth, provided through a statewide
20 system.

21 (21) *POSTSECONDARY EDUCATIONAL INSTITU-*
22 *TION*.—The term “postsecondary educational institu-
23 tion” means an institution of higher education, as de-
24 fined in section 481(a) of the Higher Education Act
25 of 1965 (20 U.S.C. 1088(a)), that offers—

1 (A) a 2-year program of instruction leading
2 to an associate's degree or a certificate of mas-
3 tery; or

4 (B) a 4-year program of instruction leading
5 to a bachelor's degree.

6 (22) *RAPID RESPONSE ASSISTANCE*.—The term
7 “rapid response assistance” means workforce employ-
8 ment assistance provided in the case of a permanent
9 closure, or layoff of 50 or more people, at a plant, fa-
10 cility, or enterprise, including the establishment of
11 on-site contact with employers and employee rep-
12 resentatives immediately after the State is notified of
13 a current or projected permanent closure, or layoff of
14 50 or more people.

15 (23) *SCHOOL-TO-WORK ACTIVITIES*.—The term
16 “school-to-work activities” means activities for youth
17 that—

18 (A) integrate school-based learning and
19 work-based learning;

20 (B) integrate academic and occupational
21 learning;

22 (C) establish effective linkages between sec-
23 ondary education and postsecondary education;

24 (D) provide each youth participant with the
25 opportunity to complete a career major; and

1 (E) provide assistance in the form of con-
 2 necting activities that link each youth partici-
 3 pant with an employer in an industry or occu-
 4 pation relating to the career major of the youth
 5 participant.

6 (24) *STATE*.—The term “State” means each of
 7 the several States of the United States, the District of
 8 Columbia, and the Commonwealth of Puerto Rico.

9 (25) *STATE BENCHMARKS*.—The term “State
 10 benchmarks”, used with respect to a State, means—

11 (A) the quantifiable indicators established
 12 under section 131(c) and identified in the report
 13 submitted under section 131(a); and

14 (B) such other quantifiable indicators of the
 15 statewide progress of the State toward meeting
 16 the State goals as the State may identify in the
 17 report submitted under section 131(a).

18 (26) *STATE EDUCATIONAL AGENCY*.—The term
 19 “State educational agency” means the State board of
 20 education or other agency or officer primarily respon-
 21 sible for the State supervision of public elementary or
 22 secondary schools, or, if there is no such officer or
 23 agency, an officer or agency designated by the chief
 24 Governor or by State law.

1 (27) *STATE GOALS.*—The term “State goals”,
2 *used with respect to a State, means—*

3 (A) *the goals specified in section 131(b);*
4 *and*

5 (B) *such other major goals of the statewide*
6 *system of the State as the State may identify in*
7 *the report submitted under section 131(a).*

8 (28) *STATEWIDE SYSTEM.*—The term “statewide
9 system” means a statewide workforce development
10 system, referred to in section 101, that is designed to
11 integrate workforce employment activities, workforce
12 education activities, flexible workforce activities, eco-
13 nomic development activities (in a State that is eligi-
14 ble to carry out such activities), vocational rehabilita-
15 tion program activities, and workforce preparation
16 activities for at-risk youth in the State in order to en-
17 hance and develop more fully the academic, occupa-
18 tional, and literacy skills of all segments of the popu-
19 lation of the State and assist participants in obtain-
20 ing meaningful unsubsidized employment.

21 (29) *SUBSTATE AREA.*—The term “substate
22 area” means a geographic area designated by a Gov-
23 ernor that reflects, to the extent feasible, a local labor
24 market in a State.

1 (30) *TECH-PREP PROGRAM*.—The term “tech-
2 *prep program*” means a program of study that—

3 (A) combines at least 2 years of secondary
4 education (as determined under State law) and
5 2 years of postsecondary education in a
6 nonduplicative sequence;

7 (B) integrates academic and vocational in-
8 struction and utilizes worksite learning where
9 appropriate;

10 (C) provides technical preparation in an
11 area such as engineering technology, applied
12 science, a mechanical, industrial, or practical
13 art or trade, agriculture, a health occupation, or
14 business;

15 (D) builds student competence in mathe-
16 matics, science, communications, and workplace
17 skills, through applied academics and integrated
18 instruction in a coherent sequence of courses;

19 (E) leads to an associate degree or a certifi-
20 cate in a specific career field; and

21 (F) leads to placement in appropriate em-
22 ployment or further education.

23 (31) *VOCATIONAL EDUCATION*.—The term “voca-
24 tional education” means organized educational pro-
25 grams that—

1 (A) offer a sequence of courses that provide
 2 individuals with the academic knowledge and
 3 skills the individuals need to prepare for further
 4 education and careers in current or emerging
 5 employment sectors; and

6 (B) include competency-based applied learn-
 7 ing that contributes to the academic knowledge,
 8 higher-order reasoning and problem-solving
 9 skills, work attitudes, general employability
 10 skills, and occupational-specific skills, of an in-
 11 dividual.

12 (32) VOCATIONAL REHABILITATION PROGRAM.—
 13 The term “vocational rehabilitation program” means
 14 a program assisted under title I of the Rehabilitation
 15 Act of 1973 (29 U.S.C. 720 et seq.).

16 (33) WELFARE ASSISTANCE.—The term “welfare
 17 assistance” means a Federal, State, or local govern-
 18 ment cash payment for which eligibility is determined
 19 by need or by an income test.

20 (34) WELFARE RECIPIENT.—The term “welfare
 21 recipient” means an individual who receives welfare
 22 assistance.

23 (35) WORKFORCE DEVELOPMENT ACTIVITIES.—
 24 The term “workforce development activities” means
 25 workforce education activities, workforce employment

1 *activities, flexible workforce activities, and economic*
 2 *development activities (within a State that is eligible*
 3 *to carry out such activities).*

4 (36) *WORKFORCE EDUCATION ACTIVITIES.*—*The*
 5 *term “workforce education activities” means the ac-*
 6 *tivities described in section 106(b).*

7 (37) *WORKFORCE EMPLOYMENT ACTIVITIES.*—
 8 *The term “workforce employment activities” means*
 9 *the activities described in paragraphs (2) through (8)*
 10 *of section 106(a), including activities described in sec-*
 11 *tion 106(a)(6) provided through a voucher described*
 12 *in section 106(a)(9).*

13 (38) *WORKFORCE PREPARATION ACTIVITIES FOR*
 14 *AT-RISK YOUTH.*—*The term “workforce preparation*
 15 *activities for at-risk youth” means the activities de-*
 16 *scribed in section 241(b), carried out for at-risk*
 17 *youth.*

18 ***TITLE I—STATEWIDE WORK-***
 19 ***FORCE DEVELOPMENT SYS-***
 20 ***TEMS***

21 ***Subtitle A—State Provisions***

22 ***SEC. 101. STATEWIDE WORKFORCE DEVELOPMENT SYS-***
 23 ***TEMS ESTABLISHED.***

24 *For program year 1998 and each subsequent program*
 25 *year, the Governing Board shall make allotments under sec-*

tion 102 to States to assist the States in paying for the cost of establishing and carrying out activities through statewide workforce development systems, in accordance with this title.

SEC. 102. STATE ALLOTMENTS.

(a) *IN GENERAL.*—The Governing Board shall allot to each State with a State plan approved under section 104 an amount equal to the total of the amounts made available under subparagraphs (A), (B), (C), and (D) of subsection (b)(2), adjusted in accordance with subsection (c).

(b) *ALLOTMENTS BASED ON POPULATIONS.*—

(1) *DEFINITIONS.*—As used in this subsection:

(A) *ADULT RECIPIENT OF AID TO FAMILIES WITH DEPENDENT CHILDREN.*—The term “adult recipient of aid to families with dependent children” means a recipient of aid to families with dependent children under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) who is not a dependent child (as defined in section 406(a) of such Act (42 U.S.C. 606(a))).

(B) *INDIVIDUAL IN POVERTY.*—The term “individual in poverty” means an individual who—

(i) is not less than age 18;

(ii) is not more than age 64; and

1 (iii) is a member of a family (of 1 or
2 more members) with an income at or below
3 the poverty line.

4 (C) *POVERTY LINE*.—The term “poverty
5 line” means the poverty line (as defined by the
6 Office of Management and Budget, and revised
7 annually in accordance with section 673(2) of
8 the Community Services Block Grant Act (42
9 U.S.C. 9902(2)) applicable to a family of the size
10 involved, using the most recent available data
11 provided by the Bureau of the Census, prior to
12 the program year for which the allotment is
13 made, and applying the definition of poverty
14 used by the Bureau of the Census in compiling
15 the 1990 decennial census.

16 (2) *CALCULATION*.—Except as provided in sub-
17 section (c), from the amount reserved under section
18 134(b)(1), the Governing Board—

19 (A) using funds equal to 60 percent of such
20 reserved amount, shall make available to each
21 State an amount that bears the same relation-
22 ship to such funds as the total number of indi-
23 viduals who are not less than 15 and not more
24 than 65 (as determined by the Governing Board
25 using the most recent available data provided by

1 *the Bureau of the Census, prior to the program*
2 *year for which the allotment is made) in the*
3 *State bears to the total number of such individ-*
4 *uals in all States;*

5 *(B) using funds equal to 10 percent of such*
6 *reserved amount, shall make available to each*
7 *State an amount that bears the same relation-*
8 *ship to such funds as the total number of indi-*
9 *viduals in poverty in the State bears to the total*
10 *number of individuals in poverty in all States;*

11 *(C) using funds equal to 10 percent of such*
12 *reserved amount, shall make available to each*
13 *State an amount that bears the same relation-*
14 *ship to such funds as the average number of un-*
15 *employed individuals (as determined by the Sec-*
16 *retary of Labor for the most recent 24-month pe-*
17 *riod for which data are available, prior to the*
18 *program year for which the allotment is made)*
19 *in the State bears to the average number of un-*
20 *employed individuals (as so determined) in all*
21 *States; and*

22 *(D) using funds equal to 20 percent of such*
23 *reserved amount, shall make available to each*
24 *State an amount that bears the same relation-*
25 *ship to such funds as the average monthly num-*

1 *ber of adult recipients of aid to families with de-*
 2 *pendent children (as determined by the Secretary*
 3 *of Health and Human Services for the most re-*
 4 *cent 12-month period for which data are avail-*
 5 *able, prior to the program year for which the al-*
 6 *lotment is made) in the State bears to the aver-*
 7 *age monthly number of adult recipients of aid to*
 8 *families with dependent children (as so deter-*
 9 *mined) in all States.*

10 *(c) ADJUSTMENTS.—*

11 *(1) DEFINITION.—As used in this subsection, the*
 12 *term “national average per capita payment”, used*
 13 *with respect to a program year, means the amount*
 14 *obtained by dividing—*

15 *(A) the total amount allotted to all States*
 16 *under this section for the program year; by*

17 *(B) the total number of individuals who are*
 18 *not less than 15 and not more than 65 (as deter-*
 19 *mined by the Governing Board using the most*
 20 *recent available data provided by the Bureau of*
 21 *the Census, prior to the program year for which*
 22 *the allotment is made) in all States.*

23 *(2) MINIMUM ALLOTMENT.—Except as provided*
 24 *in paragraph (3), no State with a State plan ap-*
 25 *proved under section 104 for a program year shall re-*

1 *ceive an allotment under this section for the program*
 2 *year in an amount that is less than 0.5 percent of the*
 3 *amount reserved under section 134(b)(1) for the pro-*
 4 *gram year.*

5 (3) *LIMITATION.*—*No State that receives an in-*
 6 *crease in an allotment under this section for a pro-*
 7 *gram year as a result of the application of paragraph*
 8 *(2) shall receive an allotment under this section for*
 9 *the program year in an amount that is more than the*
 10 *product obtained by multiplying—*

11 (A) *the total number of individuals who are*
 12 *not less than 15 and not more than 65 (as deter-*
 13 *mined by the Governing Board using the most*
 14 *recent available data provided by the Bureau of*
 15 *the Census, prior to the program year for which*
 16 *the allotment is made) in the State; and*

17 (B) *the product obtained by multiplying—*

18 (i) *1.3; and*

19 (ii) *the national average per capita*
 20 *payment for the program year.*

21 **SEC. 103. STATE APPORTIONMENT BY ACTIVITY.**

22 (a) *ACTIVITIES.*—*From the sum of the funds made*
 23 *available to a State through an allotment received under*
 24 *section 102 and the funds made available under section*

1 901(c)(1)(A) of the Social Security Act (42 U.S.C.
2 1101(c)(1)(A)) to carry out this Act for a program year—

3 (1) a portion equal to 25 percent of such sum
4 (which portion shall include the amount allotted to
5 the State from funds made available under section
6 901(c)(1)(A) of the Social Security Act) shall be made
7 available for workforce employment activities;

8 (2) a portion equal to 25 percent of such sum
9 shall be made available for workforce education ac-
10 tivities; and

11 (3) a portion (referred to in this Act as the “flex
12 account”) equal to 50 percent of such sum shall be
13 made available for flexible workforce activities.

14 (b) *RECIPIENTS.*—In making an allotment under sec-
15 tion 102 to a State, the Governing Board shall make a pay-
16 ment—

17 (1) to the Governor of the State for the portion
18 described in subsection (a)(1), and such part of the
19 flex account as the Governor may be eligible to re-
20 ceive, as determined under the State plan of the State
21 submitted under section 104; and

22 (2) to the State educational agency of the State
23 for the portion described in subsection (a)(2), and
24 such part of the flex account as the State educational
25 agency may be eligible to receive, as determined under

1 *the State plan of the State submitted under section*
2 *104.*

3 **SEC. 104. STATE PLANS.**

4 *(a) IN GENERAL.—For a State to be eligible to receive*
5 *an allotment under section 102, the Governor of the State*
6 *shall submit to the Governing Board, and obtain approval*
7 *of, a single comprehensive State workforce development plan*
8 *(referred to in this section as a “State plan”), outlining*
9 *a 3-year strategy for the statewide system of the State.*

10 *(b) PARTS.—*

11 *(1) IN GENERAL.—The State plan shall contain*
12 *3 parts.*

13 *(2) STRATEGIC PLAN AND FLEXIBLE WORKFORCE*
14 *ACTIVITIES.—The first part of the State plan shall de-*
15 *scribe a strategic plan for the statewide system, in-*
16 *cluding the flexible workforce activities, and, if appro-*
17 *priate, economic development activities, that are de-*
18 *signed to meet the State goals and reach the State*
19 *benchmarks and are to be carried out with the allot-*
20 *ment. The Governor shall develop the first part of the*
21 *State plan, using procedures that are consistent with*
22 *the procedures described in subsection (d).*

23 *(3) WORKFORCE EMPLOYMENT ACTIVITIES.—The*
24 *second part of the State plan shall describe the*
25 *workforce employment activities that are designed to*

1 *meet the State goals and reach the State benchmarks*
2 *and are to be carried out with the allotment. The*
3 *Governor shall develop the second part of the State*
4 *plan.*

5 (4) *WORKFORCE EDUCATION ACTIVITIES.*—*The*
6 *third part of the State plan shall describe the*
7 *workforce education activities that are designed to*
8 *meet the State goals and reach the State benchmarks*
9 *and are to be carried out with the allotment. The*
10 *State educational agency of the State shall develop the*
11 *third part of the State plan.*

12 (c) *CONTENTS OF THE PLAN.*—*The State plan shall*
13 *include—*

14 (1) *with respect to the strategic plan for the*
15 *statewide system—*

16 (A) *information describing how the State*
17 *will identify the current and future workforce de-*
18 *velopment needs of the industry sectors most im-*
19 *portant to the economic competitiveness of the*
20 *State;*

21 (B) *information describing how the State*
22 *will identify the current and future workforce de-*
23 *velopment needs of all segments of the population*
24 *of the State;*

1 (C) information identifying the State goals
2 and State benchmarks and how the goals and
3 benchmarks will make the statewide system rel-
4 evant and responsive to labor market and edu-
5 cation needs at the local level;

6 (D) information describing how the State
7 will coordinate workforce development activities
8 to meet the State goals and reach the State
9 benchmarks;

10 (E) information describing the allocation
11 within the State of the funds made available
12 through the flex account for the State, and how
13 the flexible workforce activities, including school-
14 to-work activities, to be carried out with such
15 funds will be carried out to meet the State goals
16 and reach the State benchmarks;

17 (F) information identifying how the State
18 will obtain the active and continuous participa-
19 tion of business, industry, and labor in the devel-
20 opment and continuous improvement of the
21 statewide system;

22 (G) information identifying how any funds
23 that a State receives under this title will be le-
24 veraged with other public and private resources
25 to maximize the effectiveness of such resources for

1 *all workforce development activities, and expand*
2 *the participation of business, industry, labor,*
3 *and individuals in the statewide system;*

4 *(H) information describing how the State*
5 *will eliminate duplication in the administration*
6 *and delivery of services under this Act;*

7 *(I) information describing the process the*
8 *State will use to independently evaluate and*
9 *continuously improve the performance of the*
10 *statewide system, on a yearly basis, including*
11 *the development of specific performance indica-*
12 *tors to measure progress toward meeting the*
13 *State goals;*

14 *(J) an assurance that the funds made avail-*
15 *able under this title will supplement and not*
16 *supplant other public funds expended to provide*
17 *workforce development activities;*

18 *(K) information identifying the steps that*
19 *the State will take over the 3 years covered by*
20 *the plan to establish common data collection and*
21 *reporting requirements for workforce development*
22 *activities and vocational rehabilitation program*
23 *activities;*

24 *(L) with respect to economic development*
25 *activities, information—*

1 (i) describing the activities to be car-
2 ried out with the funds made available
3 under this title;

4 (ii) describing how the activities will
5 lead directly to increased earnings of
6 nonmanagerial employees in the State; and

7 (iii) describing whether the labor orga-
8 nization, if any, representing the
9 nonmanagerial employees supports the ac-
10 tivities;

11 (M) the description referred to in subsection
12 (d)(1); and

13 (N)(i) information demonstrating the sup-
14 port of individuals and entities described in sub-
15 section (d)(1) for the plan; or

16 (ii) in a case in which the Governor is un-
17 able to obtain the support of such individuals
18 and entities as provided in subsection (d)(2), the
19 comments referred to in subsection (d)(2)(B),

20 (2) with respect to workforce employment activi-
21 ties, information—

22 (A)(i) identifying and designating substate
23 areas, including urban and rural areas, to which
24 funds received through the allotment will be dis-

1 *tributed, which areas shall, to the extent feasible,*
2 *reflect local labor market areas; or*

3 *(ii) stating that the State will be treated as*
4 *a substate area for purposes of the application of*
5 *this title, if the State receives an increase in an*
6 *allotment under section 102 for a program year*
7 *as a result of the application of section*
8 *102(c)(2); and*

9 *(B) describing the basic features of one-stop*
10 *delivery of core services described in section*
11 *106(a)(2) in the State, including information re-*
12 *garding—*

13 *(i) the strategy of the State for develop-*
14 *ing fully operational one-stop delivery of*
15 *core services described in section 106(a)(2);*

16 *(ii) the time frame for achieving the*
17 *strategy;*

18 *(iii) the estimated cost for achieving*
19 *the strategy;*

20 *(iv) the steps that the State will take*
21 *over the 3 years covered by the plan to pro-*
22 *vide individuals with access to one-stop de-*
23 *livery of core services described in section*
24 *106(a)(2);*

1 (v) the steps that the State will take
2 over the 3 years covered by the plan to pro-
3 vide information through the one-stop deliv-
4 ery to individuals on the quality of
5 workforce employment activities, workforce
6 education activities, and vocational reha-
7 bilitation program activities, provided
8 through the statewide system;

9 (vi) the steps that the State will take
10 over the 3 years covered by the plan to link
11 services provided through the one-stop deliv-
12 ery with services provided through State
13 welfare agencies; and

14 (vii) in a case in which the State
15 chooses to use vouchers to deliver workforce
16 employment activities, the steps that the
17 State will take over the 3 years covered by
18 the plan to comply with the requirements in
19 section 106(a)(9) and the information re-
20 quired in such section;

21 (C) identifying performance indicators that
22 relate to the State goals, and to the State bench-
23 marks, concerning workforce employment activi-
24 ties;

1 (D) describing the workforce employment
2 activities to be carried out with funds received
3 through the allotment;

4 (E) describing the steps that the State will
5 take over the 3 years covered by the plan to es-
6 tablish a statewide comprehensive labor market
7 information system described in section 303(c)
8 that will be utilized by all the providers of one-
9 stop delivery of core services described in section
10 106(a)(2), providers of other workforce employ-
11 ment activities, and providers of workforce edu-
12 cation activities, in the State;

13 (F) describing the steps that the State will
14 take over the 3 years covered by the plan to es-
15 tablish a job placement accountability system de-
16 scribed in section 131(d); and

17 (G)(i) describing the steps that the State
18 will take to segregate the amount allotted to the
19 State from funds made available under section
20 901(c)(1)(A) of the Social Security Act (42
21 U.S.C. 1101(c)(1)(A)) from the remainder of the
22 portion described in section 103(a)(1); and

23 (ii) describing how the State will use the
24 amount allotted to the State from funds made

1 *available under such section 901(c)(1)(A) to*
2 *carry out—*

3 *(I) the required activities described in*
4 *clauses (ii) through (v) of section*
5 *106(a)(2)(B) and section 303; and*

6 *(II) any permissive activities carried*
7 *out by the State that consist of—*

8 *(aa) the evaluation of programs*
9 *provided through the statewide system*
10 *of the State;*

11 *(bb) the provision of services*
12 *through the statewide system for work-*
13 *ers who have received notice of perma-*
14 *nent or impending layoff, or workers*
15 *in occupations that are experiencing*
16 *limited demand due to technological*
17 *change, the impact of imports, or plant*
18 *closures; or*

19 *(cc) the administration of the*
20 *work test for the State unemployment*
21 *compensation system and provision of*
22 *job finding and placement services for*
23 *unemployment insurance claimants;*
24 *and*

1 (3) *with respect to workforce education activities,*
2 *information—*

3 (A) *describing how funds received through*
4 *the allotment will be allocated among—*

5 (i) *secondary school vocational edu-*
6 *cation, or postsecondary and adult voca-*
7 *tional education, or both; and*

8 (ii) *adult education;*

9 (B) *identifying performance indicators that*
10 *relate to the State goals, and to the State bench-*
11 *marks, concerning workforce education activities;*

12 (C) *describing the workforce education ac-*
13 *tivities that will be carried out with funds re-*
14 *ceived through the allotment;*

15 (D) *describing how the State will address*
16 *the adult education needs of the State;*

17 (E) *describing how the State will*
18 *disaggregate data relating to at-risk youth in*
19 *order to adequately measure the progress of at-*
20 *risk youth toward accomplishing the results*
21 *measured by the State goals, and the State*
22 *benchmarks;*

23 (F) *describing how the State will adequately*
24 *address the needs of both at-risk youth who are*
25 *in school, and out-of-school youth, in alternative*

1 *education programs that teach to the same chal-*
2 *lenging academic, occupational, and skill pro-*
3 *ficiencies as are provided for in-school youth;*

4 *(G) describing how the workforce education*
5 *activities described in the State plan and the*
6 *State allocation of funds received through the al-*
7 *lotment for such activities are an integral part*
8 *of comprehensive efforts of the State to improve*
9 *education for all students and adults;*

10 *(H) describing how the State will annually*
11 *evaluate the effectiveness of the State plan with*
12 *respect to workforce education activities;*

13 *(I) describing how the State will address the*
14 *professional development needs of the State with*
15 *respect to workforce education activities;*

16 *(J) describing how the State will provide*
17 *local educational agencies in the State with tech-*
18 *nical assistance; and*

19 *(K) describing how the State will assess the*
20 *progress of the State in implementing student*
21 *performance measures.*

22 *(d) PROCEDURE FOR DEVELOPMENT OF PART OF*
23 *PLAN RELATING TO STRATEGIC PLAN.—*

1 (1) *DESCRIPTION OF DEVELOPMENT.*—The part
2 of the State plan relating to the strategic plan shall
3 include a description of the manner in which—

4 (A) the Governor;

5 (B) the State educational agency;

6 (C) representatives of business and indus-
7 try, including representatives of key industry
8 sectors, and of small- and medium-size and large
9 employers, in the State;

10 (D) representatives of labor and workers;

11 (E) local elected officials from throughout
12 the State;

13 (F) the State agency officials responsible for
14 vocational education;

15 (G) the State agency officials responsible for
16 postsecondary education;

17 (H) the State agency officials responsible
18 for adult education;

19 (I) the State agency officials responsible for
20 vocational rehabilitation;

21 (J) such other State agency officials, includ-
22 ing officials responsible for economic develop-
23 ment and employment, as the Governor may des-
24 ignate;

1 (K) representatives of elected officials of
2 tribal governments;

3 (L) the representative of the Veterans' Em-
4 ployment Training Service assigned to the State
5 under section 4103 of title 38, United States
6 Code; and

7 (M) other appropriate officials, including
8 members of the State workforce development
9 board described in section 105, if the State has
10 established such a board;
11 collaborated in the development of such part of the
12 plan.

13 (2) *FAILURE TO OBTAIN SUPPORT.*—If, after a
14 reasonable effort, the Governor is unable to obtain the
15 support of the individuals and entities described in
16 paragraph (1) for the strategic plan the Governor
17 shall—

18 (A) provide such individuals and entities
19 with copies of the strategic plan;

20 (B) allow such individuals and entities to
21 submit to the Governor, not later than the end
22 of the 30-day period beginning on the date on
23 which the Governor provides such individuals
24 and entities with copies of such plan under sub-
25 paragraph (A), comments on such plan; and

1 (C) include any such comments in such
2 plan.

3 (e) APPROVAL.—The Governing Board shall approve
4 a State plan if the Governing Board—

5 (1) determines that the plan contains the infor-
6 mation described in subsection (c);

7 (2) determines that the State has prepared the
8 plan in accordance with the requirements of this sec-
9 tion, including the requirements relating to develop-
10 ment of any part of the plan; and

11 (3) has negotiated State benchmarks with the
12 State in accordance with section 131(c).

13 (f) NO ENTITLEMENT TO A SERVICE.—Nothing in this
14 Act shall be construed to provide any individual with an
15 entitlement to a service provided under this Act.

16 **SEC. 105. STATE WORKFORCE DEVELOPMENT BOARDS.**

17 (a) ESTABLISHMENT.—A Governor of a State that re-
18 ceives an allotment under section 102 may establish a State
19 workforce development board—

20 (1) on which a majority of the members are rep-
21 resentatives of business and industry;

22 (2) on which not less than 25 percent of the
23 members shall be representatives of labor, workers,
24 and community-based organizations;

25 (3) that shall include representatives of veterans;

1 (4) *that shall include a representative of the*
2 *State educational agency and a representative from*
3 *the State agency responsible for vocational rehabilita-*
4 *tion;*

5 (5) *that may include any other individual or en-*
6 *tity that participates in the collaboration described in*
7 *section 104(d)(1); and*

8 (6) *that may include any other individual or en-*
9 *tity the Governor may designate.*

10 (b) *CHAIRPERSON.—The State workforce development*
11 *board shall select a chairperson from among the members*
12 *of the board who are representatives of business and indus-*
13 *try.*

14 (c) *FUNCTIONS.—The functions of the State workforce*
15 *development board shall include—*

16 (1) *advising the Governor on the development of*
17 *the statewide system, the State plan described in sec-*
18 *tion 104, and the State goals and State benchmarks;*

19 (2) *assisting in the development of specific per-*
20 *formance indicators to measure progress toward meet-*
21 *ing the State goals and reaching the State bench-*
22 *marks and providing guidance on how such progress*
23 *may be improved;*

24 (3) *serving as a link between business, industry,*
25 *labor, and the statewide system;*

1 (4) *assisting the Governor in preparing the an-*
 2 *nual report to the Governing Board regarding*
 3 *progress in reaching the State benchmarks, as de-*
 4 *scribed in section 131(a);*

5 (5) *receiving and commenting on the State plan*
 6 *developed under section 101 of the Rehabilitation Act*
 7 *of 1973 (29 U.S.C. 721);*

8 (6) *assisting the Governor in developing the*
 9 *statewide comprehensive labor market information*
 10 *system described in section 303(c) to provide informa-*
 11 *tion that will be utilized by all the providers of one-*
 12 *stop delivery of core services described in section*
 13 *106(a)(2), providers of other workforce employment*
 14 *activities, and providers of workforce education ac-*
 15 *tivities, in the State; and*

16 (7) *assisting in the monitoring and continuous*
 17 *improvement of the performance of the statewide sys-*
 18 *tem, including evaluation of the effectiveness of*
 19 *workforce development activities funded under this*
 20 *Act.*

21 **SEC. 106. USE OF FUNDS.**

22 (a) *WORKFORCE EMPLOYMENT ACTIVITIES.—*

23 (1) *IN GENERAL.—Funds made available to a*
 24 *State under this title to carry out workforce employ-*
 25 *ment activities through a statewide system—*

1 (A) shall be used to carry out the activities
2 described in paragraphs (2), (3), and (4); and

3 (B) may be used to carry out the activities
4 described in paragraphs (5), (6), (7), and (8),
5 including providing activities described in para-
6 graph (6) through vouchers described in para-
7 graph (9).

8 (2) ONE-STOP DELIVERY OF CORE SERVICES.—

9 (A) ACCESS.—The State shall use a portion
10 of the funds described in paragraph (1) to estab-
11 lish a means of providing access to the statewide
12 system through core services described in sub-
13 paragraph (B) available—

14 (i) through multiple, connected access
15 points, linked electronically or otherwise;

16 (ii) through a network that assures
17 participants that such core services will be
18 available regardless of where the partici-
19 pants initially enter the statewide system;

20 (iii) at not less than 1 physical loca-
21 tion in each substate area of the State; or

22 (iv) through some combination of the
23 options described in clauses (i), (ii), and
24 (iii).

1 (B) *CORE SERVICES.*—*The core services re-*
2 *ferred to in subparagraph (A) shall, at a mini-*
3 *mum, include—*

4 (i) *outreach, intake, and orientation to*
5 *the information and other services available*
6 *through one-stop delivery of core services de-*
7 *scribed in this subparagraph;*

8 (ii) *initial assessment of skill levels,*
9 *aptitudes, abilities, and supportive service*
10 *needs;*

11 (iii) *job search and placement assist-*
12 *ance and, where appropriate, career coun-*
13 *seling;*

14 (iv) *customized screening and referral*
15 *of qualified applicants to employment;*

16 (v) *provision of accurate information*
17 *relating to local labor market conditions,*
18 *including employment profiles of growth in-*
19 *dustries and occupations within a substate*
20 *area, the educational and skills require-*
21 *ments of jobs in the industries and occupa-*
22 *tions, and the earnings potential of the jobs;*

23 (vi) *provision of accurate information*
24 *relating to the quality and availability of*
25 *other workforce employment activities,*

workforce education activities, and vocational rehabilitation program activities;

(vii) provision of information regarding how the substate area is performing on the State benchmarks;

(viii) provision of initial eligibility information on forms of public financial assistance that may be available in order to enable persons to participate in workforce employment activities, workforce education activities, or vocational rehabilitation program activities; and

(ix) referral to other appropriate workforce employment activities, workforce education activities, and vocational rehabilitation employment activities.

(3) *LABOR MARKET INFORMATION SYSTEM.*—The State shall use a portion of the funds described in paragraph (1) to establish a statewide comprehensive labor market information system described in section 303(c).

(4) *JOB PLACEMENT ACCOUNTABILITY SYSTEM.*—The State shall use a portion of the funds described in paragraph (1) to establish a job placement accountability system described in section 131(d).

1 (5) *PERMISSIBLE ONE-STOP DELIVERY ACTIVITIES.*—*The State may provide, through one-stop delivery—*

2
3
4 (A) *co-location of services related to*
5 *workforce development activities, such as unem-*
6 *ployment insurance, vocational rehabilitation*
7 *program activities, welfare assistance, veterans'*
8 *employment services, or other public assistance;*

9 (B) *intensive services for participants who*
10 *are unable to obtain employment through the*
11 *core services described in paragraph (2)(B), as*
12 *determined by the State; and*

13 (C) *dissemination to employers of informa-*
14 *tion on activities carried out through the state-*
15 *wide system.*

16 (6) *OTHER PERMISSIBLE ACTIVITIES.*—*The State*
17 *may use a portion of the funds described in para-*
18 *graph (1) to provide services through the statewide*
19 *system that may include—*

20 (A) *on-the-job training;*

21 (B) *occupational skills training;*

22 (C) *entrepreneurial training;*

23 (D) *training to develop work habits to help*
24 *individuals obtain and retain employment;*

1 (E) customized training conducted with a
2 commitment by an employer or group of employ-
3 ers to employ an individual after successful com-
4 pletion of the training;

5 (F) rapid response assistance for dislocated
6 workers;

7 (G) skill upgrading and retraining for per-
8 sons not in the workforce;

9 (H) preemployment and work maturity
10 skills training for youth;

11 (I) connecting activities that organize con-
12 sortia of small- and medium-size businesses to
13 provide work-based learning opportunities for
14 youth participants in school-to-work programs;

15 (J) programs for adults that combine work-
16 place training with related instruction;

17 (K) services to assist individuals in attain-
18 ing certificates of mastery with respect to indus-
19 try-based skill standards;

20 (L) case management services;

21 (M) supportive services, such as transpor-
22 tation and financial assistance, that enable indi-
23 viduals to participate in the statewide system;
24 and

1 (N) *followup services for participants who*
 2 *are placed in unsubsidized employment.*

3 (7) *STAFF DEVELOPMENT AND TRAINING.—The*
 4 *State may use a portion of the funds described in*
 5 *paragraph (1) for the development and training of*
 6 *staff of providers of one-stop delivery of core services*
 7 *described in paragraph (2), including development*
 8 *and training relating to principles of quality man-*
 9 *agement.*

10 (8) *INCENTIVE GRANT AWARDS.—The State may*
 11 *use a portion of the funds described in paragraph (1)*
 12 *to award incentive grants to substate areas that reach*
 13 *or exceed the State benchmarks established under sec-*
 14 *tion 131(c), with an emphasis on benchmarks estab-*
 15 *lished under section 131(c)(3). A substate area that*
 16 *receives such a grant may use the funds made avail-*
 17 *able through the grant to carry out any workforce de-*
 18 *velopment activities authorized under this Act.*

19 (9) *VOUCHERS.—*

20 (A) *IN GENERAL.—A State may deliver*
 21 *some or all of the workforce employment activi-*
 22 *ties described in paragraph (6) that are provided*
 23 *under this title through a system of vouchers ad-*
 24 *ministered through the one-stop delivery of core*
 25 *services described in paragraph (2) in the State.*

1 (B) *ELIGIBILITY REQUIREMENTS.*—

2 (i) *IN GENERAL.*—A State that chooses
3 to deliver the activities described in sub-
4 paragraph (A) through vouchers shall indi-
5 cate in the State plan described in section
6 104 the criteria that will be used to deter-
7 mine—

8 (I) which workforce employment
9 activities described in paragraph (6)
10 will be delivered through the voucher
11 system;

12 (II) eligibility requirements for
13 participants to receive the vouchers
14 and the amount of funds that partici-
15 pants will be able to access through the
16 voucher system; and

17 (III) which employment, training,
18 and education providers are eligible to
19 receive payment through the vouchers.

20 (ii) *CONSIDERATIONS.*—In establishing
21 State criteria for service providers eligible
22 to receive payment through the vouchers
23 under clause (i)(III), the State shall take
24 into account industry-recognized skills

1 standards promoted by the National Skills
2 Standards Board.

3 (C) ACCOUNTABILITY REQUIREMENTS.—A
4 State that chooses to deliver the activities de-
5 scribed in paragraph (6) through vouchers shall
6 indicate in the State plan—

7 (i) information concerning how the
8 State will utilize the statewide comprehen-
9 sive labor market information system de-
10 scribed in section 303(c) and the job place-
11 ment accountability system established
12 under section 131(d) to provide timely and
13 accurate information to participants about
14 the performance of eligible employment,
15 training, and education providers;

16 (ii) other information about the per-
17 formance of eligible providers of services
18 that the State believes is necessary for par-
19 ticipants receiving the vouchers to make in-
20 formed career choices; and

21 (iii) the timeframe in which the infor-
22 mation developed under clauses (i) and (ii)
23 will be widely available through the one-
24 stop delivery of core services described in
25 paragraph (2) in the State.

1 (b) *WORKFORCE EDUCATION ACTIVITIES.*—*The State*
2 *educational agency shall use the funds made available to*
3 *the State educational agency under this title for workforce*
4 *education activities to carry out, through the statewide sys-*
5 *tem, activities that include—*

6 (1) *integrating academic and vocational edu-*
7 *cation;*

8 (2) *linking secondary education (as determined*
9 *under State law) and postsecondary education, in-*
10 *cluding implementing tech-prep programs;*

11 (3) *providing career guidance and counseling for*
12 *students at the earliest possible age, including the*
13 *provision of career awareness, exploration, and guid-*
14 *ance information to students and their parents that*
15 *is, to the extent possible, in a language and form that*
16 *the students and their parents understand;*

17 (4) *providing literacy and basic education serv-*
18 *ices for adults and out-of-school youth, including*
19 *adults and out-of-school youth in correctional institu-*
20 *tions;*

21 (5) *providing programs for adults and out-of-*
22 *school youth to complete their secondary education;*

23 (6) *expanding, improving, and modernizing*
24 *quality vocational education programs; and*

1 (7) *improving access to quality vocational edu-*
2 *cation programs for at-risk youth.*

3 (c) *FISCAL REQUIREMENTS FOR WORKFORCE EDU-*
4 *CATION ACTIVITIES.—*

5 (1) *SUPPLEMENT NOT SUPPLANT.—Funds made*
6 *available under this title for workforce education ac-*
7 *tivities shall supplement, and may not supplant,*
8 *other public funds expended to carry out workforce*
9 *education activities.*

10 (2) *MAINTENANCE OF EFFORT.—*

11 (A) *DETERMINATION.—No payments shall*
12 *be made under this title for any program year*
13 *to a State for workforce education activities un-*
14 *less the Governing Board determines that the fis-*
15 *cal effort per student or the aggregate expendi-*
16 *tures of such State for workforce education for*
17 *the program year preceding the program year for*
18 *which the determination is made, equaled or ex-*
19 *ceeded such effort or expenditures for workforce*
20 *education for the second program year preceding*
21 *the fiscal year for which the determination is*
22 *made.*

23 (B) *WAIVER.—The Governing Board may*
24 *waive the requirements of this section (with re-*
25 *spect to not more than 5 percent of expenditures*

1 by any State educational agency) for 1 program
2 year only, on making a determination that such
3 waiver would be equitable due to exceptional or
4 uncontrollable circumstances affecting the ability
5 of the applicant to meet such requirements, such
6 as a natural disaster or an unforeseen and pre-
7 cipitous decline in financial resources. No level
8 of funding permitted under such a waiver may
9 be used as the basis for computing the fiscal ef-
10 fort or aggregate expenditures required under
11 this section for years subsequent to the year cov-
12 ered by such waiver. The fiscal effort or aggre-
13 gate expenditures for the subsequent years shall
14 be computed on the basis of the level of funding
15 that would, but for such waiver, have been re-
16 quired.

17 (d) FLEXIBLE WORKFORCE ACTIVITIES.—

18 (1) CORE FLEXIBLE WORKFORCE ACTIVITIES.—

19 The State shall use a portion of the funds made avail-
20 able to the State under this title through the flex ac-
21 count to carry out school-to-work activities through
22 the statewide system, except that any State that re-
23 ceived a grant under subtitle B of title II of the
24 School-to-Work Opportunities Act of 1994 (20 U.S.C.
25 6141 et seq.) shall use such portion to support the

1 *continued development of the statewide School-to-*
2 *Work Opportunities system of the State through the*
3 *continuation of activities that are carried out in ac-*
4 *cordance with the terms of such grant.*

5 (2) *PERMISSIBLE FLEXIBLE WORKFORCE ACTIVI-*
6 *TIES.—The State may use a portion of the funds*
7 *made available to the State under this title through*
8 *the flex account—*

9 (A) *to carry out workforce employment ac-*
10 *tivities through the statewide system; and*

11 (B) *to carry out workforce education activi-*
12 *ties through the statewide system.*

13 (e) *ECONOMIC DEVELOPMENT ACTIVITIES.—In the*
14 *case of a State that meets the requirements of section 118(c),*
15 *the State may use a portion of the funds made available*
16 *to the State under this title through the flex account to sup-*
17 *plement other funds provided by the State or private sec-*
18 *tor—*

19 (1) *to provide customized assessments of the*
20 *skills of workers and an analysis of the skill needs of*
21 *employers;*

22 (2) *to assist consortia of small- and medium-size*
23 *employers in upgrading the skills of their workforces;*

1 (3) to provide productivity and quality improve-
 2 ment training programs for the workforces of small-
 3 and medium-size employers;

4 (4) to provide recognition and use of voluntary
 5 industry-developed skills standards by employers,
 6 schools, and training institutions;

7 (5) to carry out training activities in companies
 8 that are developing modernization plans in conjunc-
 9 tion with State industrial extension service offices;
 10 and

11 (6) to provide on-site, industry-specific training
 12 programs supportive of industrial and economic de-
 13 velopment;

14 through the statewide system.

15 (f) LIMITATIONS.—

16 (1) WAGES.—No funds provided under this title
 17 shall be used to pay the wages of incumbent workers
 18 during their participation in economic development
 19 activities provided through the statewide system.

20 (2) RELOCATION.—No funds provided under this
 21 title shall be used or proposed for use to encourage or
 22 induce the relocation, of a business or part of a busi-
 23 ness, that results in a loss of employment for any em-
 24 ployee of such business at the original location.

1 (3) *TRAINING AND ASSESSMENTS FOLLOWING RE-*
 2 *LOCATION.*—No funds provided under this title shall
 3 be used for customized or skill training, on-the-job
 4 training, or company specific assessments of job ap-
 5 plicants or workers, for any business or part of a
 6 business, that has relocated, until 120 days after the
 7 date on which such business commences operations at
 8 the new location, if the relocation of such business or
 9 part of a business, results in a loss of employment for
 10 any worker of such business at the original location.

11 (g) *LIMITATIONS ON PARTICIPANTS.*—

12 (1) *DIPLOMA OR EQUIVALENT.*—

13 (A) *IN GENERAL.*—No individual may par-
 14 ticipate in workforce employment activities de-
 15 scribed in subparagraph (A), (B), (C), (E), (G),
 16 (J), or (K) of section 106(a)(6) until the individ-
 17 ual has obtained a secondary school diploma or
 18 its recognized equivalent, or is enrolled in a pro-
 19 gram or course of study to obtain a secondary
 20 school diploma or its recognized equivalent.

21 (B) *EXCEPTION.*—Nothing in subparagraph
 22 (A) shall prevent participation in workforce em-
 23 ployment activities described under subpara-
 24 graph (A), (B), (C), (E), (G), (J), or (K) of sec-
 25 tion 106(a)(6) by individuals who, after testing

1 *and in the judgment of medical, psychiatric,*
2 *academic, or other appropriate professionals,*
3 *lack the requisite capacity to complete success-*
4 *fully a course of study that would lead to a sec-*
5 *ondary school diploma or its recognized equiva-*
6 *lent.*

7 (2) *SERVICES.—*

8 (A) *REFERRAL.—If an individual who has*
9 *not obtained a secondary school diploma or its*
10 *recognized equivalent applies to participate in*
11 *workforce employment activities described under*
12 *subparagraph (A), (B), (C), (E), (G), (J), or (K)*
13 *of section 106(a)(6), such individual shall be re-*
14 *ferred to State approved adult education services*
15 *that provide instruction designed to help such*
16 *individual obtain a secondary school diploma or*
17 *its recognized equivalent.*

18 (B) *STATE PROVISION OF SERVICES.—Not-*
19 *withstanding any other provision of this Act, a*
20 *State may use funds made available under sec-*
21 *tion 103(a)(1) to provide State approved adult*
22 *education services that provide instruction de-*
23 *signed to help individuals obtain a secondary*
24 *school diploma or its recognized equivalent, to*
25 *individuals who—*

- 1 (i) are seeking to participate in
 2 workforce employment activities described
 3 under subparagraph (A), (B), (C), (E), (G),
 4 (J), or (K) of section 106(a)(6); and
 5 (ii) are otherwise unable to obtain such
 6 services.

7 ***Subtitle B—Local Provisions***

8 ***SEC. 111. LOCAL APPORTIONMENT BY ACTIVITY.***

9 (a) *WORKFORCE EMPLOYMENT ACTIVITIES.*—

10 (1) *IN GENERAL.*—The sum of the funds made
 11 available to a State for any program year under
 12 paragraphs (1) and (3) of section 103(a) for
 13 workforce employment activities shall be made avail-
 14 able to the Governor of such State for use in accord-
 15 ance with paragraph (2).

16 (2) *DISTRIBUTION.*—Of the sum described in
 17 paragraph (1), for a program year—

18 (A) 25 percent shall be reserved by the Gov-
 19 ernor to carry out workforce employment activi-
 20 ties through the statewide system; and

21 (B) 75 percent shall be distributed by the
 22 Governor to local entities to carry out workforce
 23 employment activities through the statewide sys-
 24 tem, based on—

1 (i) *such factors as the relative distribu-*
 2 *tion among substate areas of individuals*
 3 *who are not less than 15 and not more than*
 4 *65, individuals in poverty, unemployed in-*
 5 *dividuals, and adult recipients of aid to*
 6 *families with dependent children, as deter-*
 7 *mined using the definitions specified and*
 8 *the determinations described in section*
 9 *102(b); and*

10 (ii) *such additional factors as the Gov-*
 11 *ernor (in consultation with local partner-*
 12 *ships described in section 118(a) or, where*
 13 *established, local workforce development*
 14 *boards described in section 118(b)), deter-*
 15 *mines to be necessary.*

16 (b) *WORKFORCE EDUCATION ACTIVITIES.—*

17 (1) *IN GENERAL.—The sum of the funds made*
 18 *available to a State for any program year under*
 19 *paragraphs (2) and (3) of section 103(a) for*
 20 *workforce education activities shall be made available*
 21 *to the State educational agency serving such State for*
 22 *use in accordance with paragraph (2).*

23 (2) *DISTRIBUTION.—Of the sum described in*
 24 *paragraph (1), for a program year—*

1 (A) 20 percent shall be reserved by the State
 2 educational agency to carry out statewide
 3 workforce education activities through the state-
 4 wide system, of which not more than 5 percent
 5 of such 20 percent may be used for administra-
 6 tive expenses; and

7 (B) 80 percent shall be distributed by the
 8 State educational agency to entities eligible for
 9 financial assistance under section 112, 113, or
 10 114, to carry out workforce education activities
 11 through the statewide system.

12 (3) STATE DETERMINATIONS.—From the amount
 13 available to a State educational agency under para-
 14 graph (2)(B) for a program year, such agency shall
 15 determine the percentage of such amount that will be
 16 distributed in accordance with sections 112, 113, and
 17 114 for such year for workforce education activities in
 18 such State in each of the following areas:

19 (A) Secondary school vocational education,
 20 or postsecondary and adult vocational education,
 21 or both; and

22 (B) Adult education.

23 (c) SPECIAL RULE.—Nothing in this title shall be con-
 24 strued to prohibit any individual or agency in a State
 25 (other than the State educational agency) that is admin-

1 *istering workforce education activities on the day preceding*
 2 *the date of enactment of this Act from continuing to admin-*
 3 *ister such activities under this title.*

4 ***SEC. 112. DISTRIBUTION FOR SECONDARY SCHOOL VOCA-***
 5 ***TIONAL EDUCATION.***

6 *(a) ALLOCATION.—Except as otherwise provided in*
 7 *this section and section 115, each State educational agency*
 8 *shall distribute the portion of the funds made available for*
 9 *any program year (from funds made available for the cor-*
 10 *responding fiscal year, as determined under section 134(c))*
 11 *by such agency for secondary school vocational education*
 12 *under section 111(b)(3)(A) to local educational agencies*
 13 *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(a)(5) of the Individuals with Dis-*
 5 *abilities Education Act (20 U.S.C. 1414(a)(5)) served*
 6 *by such local educational agency for the preceding fis-*
 7 *cal year bears to the total number of such students*
 8 *served by all local educational agencies in the State*
 9 *for such 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 \$15,000. 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 State educational agency may*
 5 *waive the application of paragraph (1) in any case*
 6 *in which the local educational agency—*

7 (A) *is located in a rural, sparsely-populated*
 8 *area; and*

9 (B) *demonstrates that such agency is unable*
 10 *to enter into a consortium for purposes of pro-*
 11 *viding services under this section.*

12 (3) *REDISTRIBUTION.—Any amounts that are*
 13 *not allocated by reason of paragraph (1) or (2) shall*
 14 *be redistributed to local educational agencies that*
 15 *meet the requirements of paragraph (1) or (2) in ac-*
 16 *cordance with the provisions of this section.*

17 (c) *LIMITED JURISDICTION AGENCIES.—*

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

1 (2) *SPECIAL RULE.*—*The amount to be allocated*
 2 *under paragraph (1) to a local educational agency*
 3 *that has jurisdiction only over secondary schools shall*
 4 *be determined based on the number of students that*
 5 *entered such secondary schools in the previous year*
 6 *from the elementary schools involved.*

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

9 (1) *IN GENERAL.*—*Each State educational agen-*
 10 *cy shall distribute the portion of funds made available*
 11 *for any program year by such agency for secondary*
 12 *school vocational education under section*
 13 *111(b)(3)(A) to the appropriate area vocational edu-*
 14 *cation school or educational service agency in any*
 15 *case in which—*

16 (A) *the area vocational education school or*
 17 *educational service agency, and the local edu-*
 18 *cational agency concerned—*

19 (i) *have formed or will form a consor-*
 20 *tium for the purpose of receiving funds*
 21 *under this section; or*

22 (ii) *have entered into or will enter into*
 23 *a cooperative arrangement for such purpose;*
 24 *and*

1 (B)(i) the area vocational education school
2 or educational service agency serves an approxi-
3 mately equal or greater proportion of students
4 who are individuals with disabilities or are low-
5 income than the proportion of such students at-
6 tending the secondary schools under the jurisdic-
7 tion of all of the local educational agencies send-
8 ing students to the area vocational education
9 school or the educational service agency; or

10 (ii) the area vocational education school,
11 educational service agency, or local educational
12 agency demonstrates that the vocational edu-
13 cation school or educational service agency is un-
14 able to meet the criterion described in clause (i)
15 due to the lack of interest by students described
16 in clause (i) in attending vocational education
17 programs in that area vocational education
18 school or educational service agency.

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

22 (A) the amount that will otherwise be dis-
23 tributed to the local educational agency under
24 this section shall be allocated to the area voca-
25 tional education school, the educational service

1 agency, and the local educational agency, based
 2 on each school's or agency's relative share of stu-
 3 dents described in paragraph (1)(B)(i) who are
 4 attending vocational education programs (based,
 5 if practicable, on the average enrollment for the
 6 prior 3 years); or

7 (B) such amount may be allocated on the
 8 basis of an agreement between the local edu-
 9 cational agency and the area vocational edu-
 10 cation school or educational service agency.

11 (3) STATE DETERMINATION.—

12 (A) IN GENERAL.—For the purposes of this
 13 subsection, the State educational agency may de-
 14 termine the number of students who are low-in-
 15 come on the basis of—

16 (i) eligibility for—

17 (I) free or reduced-price meals
 18 under the National School Lunch Act
 19 (7 U.S.C. 1751 et seq.);

20 (II) the program for aid to fami-
 21 lies with dependent children under
 22 part A of title IV of the Social Secu-
 23 rity Act (42 U.S.C. 601 et seq.);

1 (III) *benefits under the Food*
 2 *Stamp Act of 1977 (7 U.S.C. 2011 et*
 3 *seq.); or*

4 (IV) *services under title I of the*
 5 *Elementary and Secondary Education*
 6 *Act of 1965 (20 U.S.C. 6301 et seq.);*
 7 *and*

8 (ii) *another index of economic status,*
 9 *including an estimate of such index, if the*
 10 *State educational agency demonstrates to*
 11 *the satisfaction of the Governing Board that*
 12 *such index is a more representative means*
 13 *of determining such number.*

14 (B) *DATA.—If a State educational agency*
 15 *elects to use more than 1 factor described in sub-*
 16 *paragraph (A) for purposes of making the deter-*
 17 *mination described in such subparagraph, the*
 18 *State educational agency shall ensure that the*
 19 *data used is not duplicative.*

20 (4) *APPEALS PROCEDURE.—The State edu-*
 21 *cational agency shall establish an appeals procedure*
 22 *for resolution of any dispute arising between a local*
 23 *educational agency and an area vocational education*
 24 *school or an educational service agency with respect*
 25 *to the allocation procedures described in this section,*

1 including the decision of a local educational agency
2 to leave a consortium.

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

9 (A) form a consortium or enter into a coop-
10 erative agreement with an area vocational edu-
11 cation school or educational service agency offer-
12 ing secondary school vocational education pro-
13 grams of sufficient size, scope, and quality to be
14 effective and that are accessible to students who
15 are individuals with disabilities or are low-in-
16 come, and are served by such local educational
17 agency; and

18 (B) transfer such allocation to the area vo-
19 cational education school or educational service
20 agency.

21 (e) *SPECIAL RULE.*—Each State educational agency
22 distributing funds under this section shall treat a secondary
23 school funded by the Bureau of Indian Affairs within the
24 State as if such school were a local educational agency with-

1 *in the State for the purpose of receiving a distribution*
 2 *under this section.*

3 **SEC. 113. DISTRIBUTION FOR POSTSECONDARY AND ADULT**
 4 **VOCATIONAL EDUCATION.**

5 (a) *ALLOCATION.*—

6 (1) *IN GENERAL.*—*Except as provided in sub-*
 7 *section (b) and section 115, each State educational*
 8 *agency, using the portion of the funds made available*
 9 *for any program year by such agency for postsecond-*
 10 *ary and adult vocational education under section*
 11 *111(b)(3)(A)—*

12 (A) *shall reserve funds to carry out sub-*
 13 *section (d); and*

14 (B) *shall distribute the remainder to eligible*
 15 *institutions or consortia of the institutions with-*
 16 *in the State.*

17 (2) *FORMULA.*—*Each such eligible institution or*
 18 *consortium shall receive an amount for the program*
 19 *year (from funds made available for the correspond-*
 20 *ing fiscal year, as determined under section 134(c))*
 21 *from such remainder bears the same relationship to*
 22 *such remainder as the number of individuals who are*
 23 *Pell Grant recipients or recipients of assistance from*
 24 *the Bureau of Indian Affairs and are enrolled in pro-*
 25 *grams offered by such institution or consortium for*

1 *the preceding fiscal year bears to the number of all*
 2 *such individuals who are enrolled in any such pro-*
 3 *gram within the State for such preceding year.*

4 (3) *CONSORTIUM REQUIREMENTS.—In order for*
 5 *a consortium of eligible institutions described in*
 6 *paragraph (1) to receive assistance pursuant to such*
 7 *paragraph such consortium shall operate joint*
 8 *projects that—*

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

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

13 (b) *WAIVER FOR MORE EQUITABLE DISTRIBUTION.—*
 14 *The Governing Board may waive the application of sub-*
 15 *section (a) in the case of any State educational agency that*
 16 *submits to the Governing Board an application for such*
 17 *a waiver that—*

18 (1) *demonstrates that the formula described in*
 19 *subsection (a) does not result in a distribution of*
 20 *funds to the institutions or consortia within the State*
 21 *that have the highest numbers of low-income individ-*
 22 *uals and that an alternative formula will result in*
 23 *such a distribution; and*

24 (2) *includes a proposal for an alternative for-*
 25 *mula that may include criteria relating to the num-*

1 *ber of individuals attending the institutions or con-*
 2 *sortia within the State who—*

3 *(A) receive need-based postsecondary finan-*
 4 *cial aid provided from public funds;*

5 *(B) are members of families participating*
 6 *in the program of aid to families with dependent*
 7 *children under part A of title IV of the Social*
 8 *Security Act (42 U.S.C. 601 et seq.);*

9 *(C) are enrolled in postsecondary edu-*
 10 *cational institutions that—*

11 *(i) are funded by the State;*

12 *(ii) do not charge tuition; and*

13 *(iii) serve only low-income students;*

14 *(D) are enrolled in programs serving low-*
 15 *income adults; or*

16 *(E) are Pell Grant recipients.*

17 *(c) MINIMUM AMOUNT.—*

18 *(1) IN GENERAL.—No distribution of funds pro-*
 19 *vided to any institution or consortium for a program*
 20 *year under this section shall be for an amount that*
 21 *is less than \$50,000.*

22 *(2) REDISTRIBUTION.—Any amounts that are*
 23 *not distributed by reason of paragraph (1) shall be re-*
 24 *distributed to eligible institutions or consortia in ac-*
 25 *cordance with the provisions of this section.*

1 (d) *SPECIAL RULE FOR CRIMINAL OFFENDERS.*—Each
 2 State educational agency shall distribute the funds reserved
 3 under subsection (a)(1)(A) to 1 or more State corrections
 4 agencies to enable the State corrections agencies to admin-
 5 ister vocational education programs for juvenile and adult
 6 criminal offenders in correctional institutions in the State,
 7 including correctional institutions operated by local au-
 8 thorities.

9 (e) *DEFINITION.*—For the purposes of this section—

10 (1) the term “eligible institution” means an in-
 11 stitution of higher education, a local educational
 12 agency serving adults, or an area vocational edu-
 13 cation school serving adults that offers or will offer a
 14 program that seeks to receive financial assistance
 15 under this section;

16 (2) the term “institution of higher education”,
 17 notwithstanding section 427(b)(2) of the Higher Edu-
 18 cation Amendments of 1992 (20 U.S.C. 1085 note),
 19 has the meaning given the term in section 435(b) of
 20 the Higher Education Act of 1965 as such section was
 21 in effect on July 22, 1992;

22 (3) the term “low-income”, used with respect to
 23 a person, means a person who is determined under
 24 guidelines developed by the Governing Board to be
 25 low-income, using the most recent available data pro-

1 *vided by the Bureau of the Census, prior to the deter-*
 2 *mination; and*

3 *(4) the term “Pell Grant recipient” means a re-*
 4 *ipient of financial aid under subpart 1 of part A of*
 5 *title IV of the Higher Education Act of 1965 (20*
 6 *U.S.C. 1070a et seq.).*

7 **SEC. 114. DISTRIBUTION FOR ADULT EDUCATION.**

8 *(a) IN GENERAL.—Except as provided in subsection*
 9 *(b)(3), from the amount made available by a State edu-*
 10 *cational agency for adult education under section*
 11 *111(b)(3)(B) for a program year, such agency shall award*
 12 *grants, on a competitive basis, to local educational agencies,*
 13 *correctional education agencies, community-based organiza-*
 14 *tions of demonstrated effectiveness, volunteer literacy orga-*
 15 *nizations, public or private nonprofit agencies, postsecond-*
 16 *ary educational institutions, public housing authorities,*
 17 *and other nonprofit institutions that have the ability to*
 18 *provide literacy services to adults and families, or consortia*
 19 *of agencies, organizations, or institutions described in this*
 20 *subsection, to enable such agencies, organizations, institu-*
 21 *tions, and consortia to establish or expand adult education*
 22 *programs.*

23 *(b) GRANT REQUIREMENTS.—*

24 *(1) ACCESS.—Each State educational agency*
 25 *making funds available for any program year for*

1 *adult education under section 111(b)(3)(B) shall en-*
 2 *sure that the entities described in subsection (a) will*
 3 *be provided direct and equitable access to all Federal*
 4 *funds provided under this section.*

5 (2) *CONSIDERATIONS.—In awarding grants*
 6 *under this section, the State educational agency shall*
 7 *consider—*

8 (A) *the past effectiveness of applicants in*
 9 *providing services (especially with respect to re-*
 10 *ruitment and retention of educationally dis-*
 11 *advantaged adults and the learning gains dem-*
 12 *onstrated by such adults);*

13 (B) *the degree to which an applicant will*
 14 *coordinate and utilize other literacy and social*
 15 *services available in the community; and*

16 (C) *the commitment of the applicant to*
 17 *serve individuals in the community who are*
 18 *most in need of literacy services.*

19 (3) *CONSORTIA.—A State educational agency*
 20 *may award a grant under subsection (a) to a consor-*
 21 *tium that includes an entity described in subsection*
 22 *(a) and a for-profit agency, organization, or institu-*
 23 *tion, if such agency, organization, or institution—*

24 (A) *can make a significant contribution to*
 25 *carrying out the purposes of this Act; and*

1 (B) enters into a contract with the entity
2 described in subsection (a) for the purpose of es-
3 tablishing or expanding adult education pro-
4 grams.

5 (c) LOCAL ADMINISTRATIVE COSTS LIMITS.—

6 (1) IN GENERAL.—Except as provided in para-
7 graph (2), of the funds provided under this section by
8 a State educational agency to an agency, organiza-
9 tion, institution, or consortium described in sub-
10 section (a), at least 95 percent shall be expended for
11 provision of adult education instructional activities.
12 The remainder shall be used for planning, adminis-
13 tration, personnel development, and interagency co-
14 ordination.

15 (2) SPECIAL RULE.—In cases where the cost lim-
16 its described in paragraph (1) will be too restrictive
17 to allow for adequate planning, administration, per-
18 sonnel development, and interagency coordination
19 supported under this section, the State educational
20 agency shall negotiate with the agency, organization,
21 institution, or consortium described in subsection (a)
22 in order to determine an adequate level of funds to be
23 used for noninstructional purposes.

1 **SEC. 115. SPECIAL RULE FOR MINIMAL ALLOCATION.**

2 (a) *GENERAL AUTHORITY.*—For any program year for
3 which a minimal amount is made available by a State edu-
4 cational agency for distribution under section 112 or 113
5 such agency may, notwithstanding the provisions of section
6 112 or 113, respectively, in order to make a more equitable
7 distribution of funds for programs serving the highest num-
8 bers of low-income individuals (as defined in section
9 113(e)), distribute such minimal amount—

10 (1) on a competitive basis; or

11 (2) through any alternative method determined
12 by the State educational agency.

13 (b) *MINIMAL AMOUNT.*—For purposes of this section,
14 the term “minimal amount” means not more than 15 per-
15 cent of the total amount made available by the State edu-
16 cational agency under section 111(b)(3)(A) for section 112
17 or 113, respectively, for such program year.

18 **SEC. 116. REDISTRIBUTION.**

19 (a) *IN GENERAL.*—In any program year that an en-
20 tity receiving financial assistance under section 112 or 113
21 does not expend all of the amounts distributed to such entity
22 for such year under section 112 or 113, respectively, such
23 entity shall return any unexpended amounts to the State
24 educational agency for distribution under section 112 or
25 113, respectively.

1 (b) *REDISTRIBUTION OF AMOUNTS RETURNED LATE*
 2 *IN AN PROGRAM YEAR.*—In any program year in which
 3 amounts are returned to the State educational agency under
 4 subsection (a) for programs described in section 112 or 113
 5 and the State educational agency is unable to redistribute
 6 such amounts according to section 112 or 113, respectively,
 7 in time for such amounts to be expended in such program
 8 year, the State educational agency shall retain such
 9 amounts for distribution in combination with amounts pro-
 10 vided under such section for the following program year.

11 **SEC. 117. LOCAL APPLICATION FOR WORKFORCE EDU-**
 12 **CATION ACTIVITIES.**

13 (a) *IN GENERAL.*—

14 (1) *IN GENERAL.*—Each eligible entity desiring
 15 financial assistance under this title for workforce edu-
 16 cation activities shall submit an application to the
 17 State educational agency at such time, in such man-
 18 ner and accompanied by such information as such
 19 agency (in consultation with such other educational
 20 entities as the State educational agency determines to
 21 be appropriate) may require. Such application shall
 22 cover the same period of time as the period of time
 23 applicable to the State workforce development plan.

24 (2) *DEFINITION.*—For the purpose of this section
 25 the term “eligible entity” means an entity eligible for

1 *financial assistance under section 112, 113, or 114*
2 *from a State educational agency.*

3 (b) *CONTENTS.*—*Each application described in sub-*
4 *section (a) shall, at a minimum—*

5 (1) *describe how the workforce education activi-*
6 *ties required under section 106(b), and other*
7 *workforce education activities, will be carried out*
8 *with funds received under this title;*

9 (2) *describe how the activities to be carried out*
10 *relate to meeting the State goals, and reaching the*
11 *State benchmarks, concerning workforce education ac-*
12 *tivities;*

13 (3) *describe how the activities to be carried out*
14 *are an integral part of the comprehensive efforts of*
15 *the eligible entity to improve education for all stu-*
16 *dents and adults;*

17 (4) *describe the process that will be used to inde-*
18 *pendently and continuously improve the performance*
19 *of the eligible entity; and*

20 (5) *describe how the eligible entity will coordi-*
21 *nate the activities of the entity with the activities of*
22 *the local workforce development board, if any, in the*
23 *substate area.*

1 **SEC. 118. LOCAL PARTNERSHIPS, AGREEMENTS, AND**
2 **WORKFORCE DEVELOPMENT BOARDS.**

3 (a) *LOCAL AGREEMENTS.*—

4 (1) *IN GENERAL.*—After a Governor submits the
5 State plan described in section 104 to the Governing
6 Board, the Governor shall negotiate and enter into a
7 local agreement regarding the workforce employment
8 activities, school-to-work activities, and economic de-
9 velopment activities (within a State that is eligible to
10 carry out such activities, as described in subsection
11 (c)) to be carried out in each substate area in the
12 State with local partnerships (or, where established,
13 local workforce development boards described in sub-
14 section (b)).

15 (2) *LOCAL PARTNERSHIPS.*—

16 (A) *IN GENERAL.*—A local partnership re-
17 ferred to in paragraph (1) shall be established by
18 the local chief elected official, in accordance with
19 subparagraphs (B) and (C), and shall consist of
20 individuals representing business, industry, and
21 labor, local secondary schools, local postsecond-
22 ary education institutions, local adult education
23 providers, local elected officials, rehabilitation
24 agencies and organizations, and community-
25 based organizations, within the appropriate sub-
26 state area.

1 (B) *MULTIPLE JURISDICTIONS.*—In any
2 case in which there are 2 or more units of gen-
3 eral local government in the substate area in-
4 volved, the chief elected official of each such unit
5 shall appoint members of the local partnership
6 in accordance with an agreement entered into by
7 such chief elected officials. In the absence of such
8 an agreement, such appointments shall be made
9 by the Governor of the State involved from the
10 individuals nominated or recommended by the
11 chief elected officials.

12 (C) *SELECTION OF BUSINESS AND INDUS-*
13 *TRY REPRESENTATIVES.*—Individuals represent-
14 ing business and industry in the local partner-
15 ship shall be appointed by the chief elected offi-
16 cial from nominations submitted by business or-
17 ganizations in the substate area involved. Such
18 individuals shall reasonably represent the indus-
19 trial and demographic composition of the busi-
20 ness community. Where possible, at least 50 per-
21 cent of such business and industry representa-
22 tives shall be representatives of small business.

23 (3) *BUSINESS AND INDUSTRY INVOLVEMENT.*—
24 The business and industry representatives shall have
25 a lead role in the design, management, and evalua-

tion of the activities to be carried out in the substate area under the local agreement.

(4) CONTENTS.—

(A) STATE GOALS AND STATE BENCHMARKS.—Such an agreement shall include a description of the manner in which funds allocated to a substate area under this title will be spent to meet the State goals and reach the State benchmarks in a manner that reflects local labor market conditions.

(B) COLLABORATION.—The agreement shall also include information that demonstrates the manner in which—

(i) the Governor; and

(ii) the local partnership (or, where established, the local workforce development board);

collaborated in reaching the agreement.

(5) FAILURE TO REACH AGREEMENT.—If, after a reasonable effort, the Governor is unable to enter into an agreement with the local partnership (or, where established, the local workforce development board), the Governor shall notify the partnership or board, as appropriate, and provide the partnership or board, as appropriate, with the opportunity to comment, not

1 *later than 30 days after the date of the notification,*
 2 *on the manner in which funds allocated to such sub-*
 3 *state area will be spent to meet the State goals and*
 4 *reach the State benchmarks.*

5 (6) *EXCEPTION.*—A State that indicates in the
 6 *State plan described in section 104 that the State will*
 7 *be treated as a substate area for purposes of the appli-*
 8 *cation of this title shall not be subject to this sub-*
 9 *section.*

10 (b) *LOCAL WORKFORCE DEVELOPMENT BOARDS.*—

11 (1) *IN GENERAL.*—Each State may facilitate the
 12 *establishment of local workforce development boards*
 13 *in each substate area to set policy and provide over-*
 14 *sight over the workforce development activities in the*
 15 *substate area.*

16 (2) *MEMBERSHIP.*—

17 (A) *STATE CRITERIA.*—The Governor shall
 18 *establish criteria for use by local chief elected of-*
 19 *ficials in each substate area in the selection of*
 20 *members of the local workforce development*
 21 *boards, in accordance with the requirements of*
 22 *subparagraph (B).*

23 (B) *REPRESENTATION REQUIREMENT.*—
 24 *Such criteria shall require, at a minimum, that*
 25 *a local workforce development board consist of—*

1 (i) *representatives of business and in-*
2 *dustry in the substate area, who shall con-*
3 *stitute a majority of the board;*

4 (ii) *representatives of labor, workers,*
5 *and community-based organizations, who*
6 *shall constitute not less than 25 percent of*
7 *the members of the board;*

8 (iii) *representatives of local secondary*
9 *schools, postsecondary education institu-*
10 *tions, and adult education providers;*

11 (iv) *representatives of veterans; and*

12 (v) *1 or more individuals with disabil-*
13 *ities, or their representatives.*

14 (C) *CHAIR.*—*Each local workforce develop-*
15 *ment board shall select a chairperson from*
16 *among the members of the board who are rep-*
17 *resentatives of business and industry.*

18 (3) *CONFLICT OF INTEREST.*—*No member of a*
19 *local workforce development board shall vote on a*
20 *matter relating to the provision of services by the*
21 *member (or any organization that the member di-*
22 *rectly represents) or vote on a matter that would pro-*
23 *vide direct financial benefit to such member or the*
24 *immediate family of such member or engage in any*

1 *other activity determined by the Governor to con-*
2 *stitute a conflict of interest.*

3 (4) *FUNCTIONS.—The functions of the local*
4 *workforce development board shall include—*

5 (A) *submitting to the Governor a single*
6 *comprehensive 3-year strategic plan for*
7 *workforce development activities in the substate*
8 *area that includes information—*

9 (i) *identifying the workforce develop-*
10 *ment needs of local industries, students, job-*
11 *seekers, and workers;*

12 (ii) *identifying the workforce develop-*
13 *ment activities to be carried out in the sub-*
14 *state area with funds received through the*
15 *allotment made to the State under section*
16 *102, to meet the State goals and reach the*
17 *State benchmarks; and*

18 (iii) *identifying how the local*
19 *workforce development board will obtain the*
20 *active and continuous participation of busi-*
21 *ness, industry, and labor in the development*
22 *and continuous improvement of the*
23 *workforce development activities carried out*
24 *in the substate area;*

1 (B) entering into local agreements with the
2 Governor as described in subsection (a);

3 (C) overseeing the operations of the one-stop
4 delivery of core services described in section
5 106(a)(2) in the substate area, including the re-
6 sponsibility to—

7 (i) designate local entities to operate
8 the one-stop delivery in the substate area,
9 consistent with the criteria referred to in
10 section 106(a)(2); and

11 (ii) develop and approve the budgets
12 and annual operating plans of the providers
13 of the one-stop delivery; and

14 (D) submitting annual reports to the Gov-
15 ernor on the progress being made in the substate
16 area toward meeting the State goals and reach-
17 ing the State benchmarks.

18 (5) CONSULTATION.—A local workforce develop-
19 ment board that serves a substate area shall conduct
20 the functions described in paragraph (4) in consulta-
21 tion with the chief elected officials in the substate
22 area.

23 (c) ECONOMIC DEVELOPMENT ACTIVITIES.—A State
24 shall be eligible to use the funds made available through

1 *the flex account for flexible workforce activities to carry out*
 2 *economic development activities if—*

3 *(1) the boards described in section 105 and sub-*
 4 *section (b) are established in the State; or*

5 *(2) in the case of a State that indicates in the*
 6 *State plan described in section 104 that the State will*
 7 *be treated as a substate area for purposes of the appli-*
 8 *cation of this title, the board described in section 105*
 9 *is established in the State.*

10 ***Subtitle C—Provisions for Other*** 11 ***Entities***

12 ***SEC. 121. INDIAN WORKFORCE DEVELOPMENT ACTIVITIES.***

13 *(a) PURPOSE.—*

14 *(1) IN GENERAL.—The purpose of this section is*
 15 *to support workforce development activities for Indian*
 16 *and Native Hawaiian individuals in order—*

17 *(A) to develop more fully the academic, oc-*
 18 *cupational, and literacy skills of such individ-*
 19 *uals;*

20 *(B) to make such individuals more competi-*
 21 *tive in the workforce; and*

22 *(C) to promote the economic and social de-*
 23 *velopment of Indian and Native Hawaiian com-*
 24 *munities in accordance with the goals and values*
 25 *of such communities.*

1 (2) *INDIAN POLICY.*—All programs assisted
 2 under this section shall be administered in a manner
 3 consistent with the principles of the Indian Self-Determination and Education Assistance Act (25 U.S.C.
 4 450 et seq.) and the government-to-government relationship between the Federal Government and Indian
 5 tribal governments.

6 (b) *DEFINITIONS.*—As used in this section:

7 (1) *ALASKA NATIVE.*—The term “Alaska Native”
 8 means a Native as such term is defined in section
 9 3(b) of the Alaska Native Claims Settlement Act (43
 10 U.S.C. 1602(b)).

11 (2) *INDIAN, INDIAN TRIBE, AND TRIBAL ORGANIZATION.*—The terms “Indian”, “Indian tribe”, and
 12 “tribal organization” have the same meanings given
 13 such terms in subsections (d), (e) and (l), respectively,
 14 of section 4 of the Indian Self-Determination and
 15 Education Assistance Act (25 U.S.C. 450b).

16 (3) *INSTITUTION OF HIGHER EDUCATION.*—The
 17 term “institution of higher education” has the mean-
 18 ing given the term in section 1201(a) of the Higher
 19 Education Act of 1965 (20 U.S.C. 1141(a)).

20 (4) *NATIVE HAWAIIAN AND NATIVE HAWAIIAN ORGANIZATION.*—The terms “Native Hawaiian” and
 21 “Native Hawaiian organization” have the same
 22 meaning given the term in section 1201(a) of the Higher
 23 Education Act of 1965 (20 U.S.C. 1141(a)).

meanings given such terms in paragraphs (1) and (3), respectively, of section 9212 of the Native Hawaiian Education Act (20 U.S.C. 7912).

(5) *TRIBALLY CONTROLLED COMMUNITY COLLEGE*.—The term “tribally controlled community college” has the same meaning given such term in section 2(a)(4) of the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801(a)(4)).

(6) *TRIBALLY CONTROLLED POSTSECONDARY VOCATIONAL INSTITUTION*.—The term “tribally controlled postsecondary vocational institution” means an institution of higher education that—

(A) is formally controlled, or has been formally sanctioned or chartered, by the governing body of an Indian tribe or Indian tribes;

(B) offers a technical degree or certificate granting program;

(C) is governed by a board of directors or trustees, a majority of whom are Indians;

(D) demonstrates adherence to stated goals, a philosophy, or a plan of operation, that fosters individual Indian economic and self-sufficiency opportunity, including programs that are appropriate to stated tribal goals of developing indi-

1 *vidual entrepreneurships and self-sustaining eco-*
 2 *nom ic infrastructures on reservations;*

3 *(E) has been in operation for at least 3*
 4 *years;*

5 *(F) holds accreditation with or is a can-*
 6 *didate for accreditation by a nationally recog-*
 7 *nized accrediting authority for postsecondary vo-*
 8 *cational education; and*

9 *(G) enrolls the full-time equivalent of not*
 10 *fewer than 100 students, of whom a majority are*
 11 *Indians.*

12 *(c) PROGRAM AUTHORIZED.—*

13 *(1) ASSISTANCE AUTHORIZED.—From amounts*
 14 *made available under section 134(b)(2), the Govern-*
 15 *ing Board shall make grants to, or enter into con-*
 16 *tracts or cooperative agreements with, Indian tribes*
 17 *and tribal organizations, Alaska Native entities, trib-*
 18 *ally controlled community colleges, tribally controlled*
 19 *postsecondary vocational institutions, Indian-con-*
 20 *trolled organizations serving Indians or Alaska Na-*
 21 *tives, and Native Hawaiian organizations to carry*
 22 *out the authorized activities described in subsection*
 23 *(d).*

24 *(2) FORMULA.—The Governing Board shall*
 25 *make grants to, or enter into contracts and coopera-*

1 *tive agreements with, entities as described in para-*
 2 *graph (1) to carry out the activities described in*
 3 *paragraphs (2) and (3) of subsection (d) on the basis*
 4 *of a formula developed by the Governing Board in*
 5 *consultation with entities described in paragraph (1).*

6 *(d) AUTHORIZED ACTIVITIES.—*

7 *(1) IN GENERAL.—Funds made available under*
 8 *this section shall be used to carry out the activities*
 9 *described in paragraphs (2) and (3) that—*

10 *(A) are consistent with this section; and*

11 *(B) are necessary to meet the needs of Indi-*
 12 *ans and Native Hawaiians preparing to enter,*
 13 *reenter, or retain unsubsidized employment.*

14 *(2) WORKFORCE DEVELOPMENT ACTIVITIES AND*
 15 *SUPPLEMENTAL SERVICES.—*

16 *(A) IN GENERAL.—Funds made available*
 17 *under this section shall be used for—*

18 *(i) comprehensive workforce develop-*
 19 *ment activities for Indians and Native Ha-*
 20 *waiians;*

21 *(ii) supplemental services for Indian or*
 22 *Native Hawaiian youth on or near Indian*
 23 *reservations in Oklahoma, Alaska, or Ha-*
 24 *waii; and*

1 (iii) *supplemental services to recipients*
 2 *of public assistance on or near Indian res-*
 3 *ervations or former reservation areas in*
 4 *Oklahoma or in Alaska.*

5 (B) *SPECIAL RULE.*—*Notwithstanding any*
 6 *other provision of this section, individuals who*
 7 *were eligible to participate in programs under*
 8 *section 401 of the Job Training Partnership Act*
 9 *(29 U.S.C. 1671) (as such section was in effect*
 10 *on the day before the date of enactment of this*
 11 *Act) shall be eligible to participate in an activ-*
 12 *ity assisted under subparagraph (A)(i).*

13 (3) *VOCATIONAL EDUCATION, ADULT EDUCATION,*
 14 *AND LITERACY SERVICES.*—*Funds made available*
 15 *under this section shall be used for—*

16 (A) *workforce education activities conducted*
 17 *by entities described in subsection (c)(1); and*

18 (B) *the support of tribally controlled post-*
 19 *secondary vocational institutions in order to en-*
 20 *sure continuing and expanded educational op-*
 21 *portunities for Indian students.*

22 (e) *PROGRAM PLAN.*—*In order to receive a grant or*
 23 *enter into a contract or cooperative agreement under this*
 24 *section an entity described in subsection (c)(1) shall submit*
 25 *to the Governing Board a plan that describes a 3-year strat-*

1 *egy for meeting the needs of Indian and Native Hawaiian*
 2 *individuals, as appropriate, in the area served by such en-*
 3 *tity. Such plan shall—*

4 *(1) be consistent with the purposes of this sec-*
 5 *tion;*

6 *(2) identify the population to be served;*

7 *(3) identify the education and employment needs*
 8 *of the population to be served and the manner in*
 9 *which the services to be provided will strengthen the*
 10 *ability of the individuals served to obtain or retain*
 11 *unsubsidized employment;*

12 *(4) describe the services to be provided and the*
 13 *manner in which such services are to be integrated*
 14 *with other appropriate services; and*

15 *(5) describe the goals and benchmarks to be used*
 16 *to assess the performance of entities in carrying out*
 17 *the activities assisted under this section.*

18 *(f) FURTHER CONSOLIDATION OF FUNDS.—Each en-*
 19 *tity receiving assistance under this section may consolidate*
 20 *such assistance with assistance received from related pro-*
 21 *grams in accordance with the provisions of the Indian Em-*
 22 *ployment, Training and Related Services Demonstration*
 23 *Act of 1992 (25 U.S.C. 3401 et seq.).*

24 *(g) NONDUPLICATIVE AND NONEXCLUSIVE SERV-*
 25 *ICES.—Nothing in this section shall be construed—*

1 (1) to limit the eligibility of any entity described
 2 in subsection (c)(1) to participate in any program of-
 3 fered by a State or local entity under this Act; or

4 (2) to preclude or discourage any agreement, be-
 5 tween any entity described in subsection (c)(1) and
 6 any State or local entity, to facilitate the provision
 7 of services by such entity or to the population served
 8 by such entity.

9 (h) PARTNERSHIP PROVISIONS.—

10 (1) OFFICE ESTABLISHED.—The Governing
 11 Board shall establish an office within the Federal
 12 Partnership to administer the activities assisted
 13 under this section.

14 (2) CONSULTATION REQUIRED.—

15 (A) IN GENERAL.—The Governing Board,
 16 through the office established under paragraph
 17 (1), shall develop regulations and policies for ac-
 18 tivities assisted under this section in consulta-
 19 tion with tribal organizations and Native Ha-
 20 waiian organizations. Such regulations and poli-
 21 cies shall take into account the special cir-
 22 cumstances under which such activities operate.

23 (B) ADMINISTRATIVE SUPPORT.—The Gov-
 24 erning Board shall provide such administrative
 25 support to the office established under paragraph

1 (1) *as the Governing Board determines to be nec-*
 2 *essary to carry out the consultation required by*
 3 *subparagraph (A).*

4 (3) *TECHNICAL ASSISTANCE.—The Governing*
 5 *Board, through the office established under paragraph*
 6 *(1), is authorized to provide technical assistance to*
 7 *entities described in subsection (c)(1) that receive as-*
 8 *sistance under this section to enable such entities to*
 9 *improve the workforce development activities provided*
 10 *by such entities.*

11 **SEC. 122. GRANTS TO OUTLYING AREAS.**

12 (a) *GENERAL AUTHORITY.—Using funds made avail-*
 13 *able under section 134(b)(3), the Governing Board shall*
 14 *make grants to outlying areas to carry out workforce devel-*
 15 *opment activities.*

16 (b) *APPLICATION.—The Governing Board shall issue*
 17 *regulations specifying the provisions of this Act that shall*
 18 *apply to outlying areas that receive funds under this title.*

19 **Subtitle D—General Provisions**

20 **SEC. 131. ACCOUNTABILITY.**

21 (a) *REPORT.—Each State that receives an allotment*
 22 *under section 102 shall annually prepare and submit to the*
 23 *Governing Board a report that states how the State is per-*
 24 *forming on State benchmarks specified in this section,*
 25 *which relate to workforce development activities carried out*

1 *through the statewide system of the State. In preparing the*
2 *report, the State may include information on such addi-*
3 *tional benchmarks as the State may establish to meet the*
4 *State goals.*

5 *(b) GOALS.—*

6 *(1) MEANINGFUL EMPLOYMENT.—Each statewide*
7 *system supported by an allotment under section 102*
8 *shall be designed to meet the goal of assisting partici-*
9 *pants in obtaining meaningful unsubsidized employ-*
10 *ment opportunities in the State.*

11 *(2) EDUCATION.—Each statewide system sup-*
12 *ported by an allotment under section 102 shall be de-*
13 *signed to meet the goal of enhancing and developing*
14 *more fully the academic, occupational, and literacy*
15 *skills of all segments of the population of the State.*

16 *(c) BENCHMARKS.—*

17 *(1) MEANINGFUL EMPLOYMENT.—To be eligible*
18 *to receive an allotment under section 102, a State*
19 *shall develop, in accordance with paragraph (5), and*
20 *identify in the State plan of the State, proposed*
21 *quantifiable benchmarks to measure the statewide*
22 *progress of the State toward meeting the goal de-*
23 *scribed in subsection (b)(1), which shall include, at a*
24 *minimum, measures of—*

1 (A) placement in unsubsidized employment
2 of participants;

3 (B) retention of the participants in such
4 employment (12 months after completion of the
5 participation); and

6 (C) increased earnings for the participants.

7 (2) EDUCATION.—To be eligible to receive an al-
8 lotment under section 102, a State shall develop, in
9 accordance with paragraph (5), and identify in the
10 State plan of the State, proposed quantifiable bench-
11 marks to measure the statewide progress of the State
12 toward meeting the goal described in subsection
13 (b)(2), which shall include, at a minimum, measures
14 of—

15 (A) student mastery of academic knowledge
16 and work readiness skills;

17 (B) student mastery of occupational and in-
18 dustry-recognized skills according to skill pro-
19 ficiencies for students in career preparation pro-
20 grams;

21 (C) placement in, retention in, and comple-
22 tion of secondary education (as determined
23 under State law) and postsecondary education,
24 and placement and retention in employment and
25 in military service; and

1 (D) mastery of the literacy, knowledge, and
 2 skills adults need to be productive and respon-
 3 sible citizens and to become more actively in-
 4 volved in the education of their children.

5 (3) POPULATIONS.—To be eligible to receive an
 6 allotment under section 102, a State shall develop, in
 7 accordance with paragraph (5), and identify in the
 8 State plan of the State, proposed quantifiable bench-
 9 marks to measure progress toward meeting the goals
 10 described in subsection (b) for populations including,
 11 at a minimum—

12 (A) welfare recipients;

13 (B) individuals with disabilities;

14 (C) older workers;

15 (D) at-risk youth; and

16 (E) dislocated workers.

17 (4) SPECIAL RULE.—If a State has developed
 18 performance indicators, attainment levels, or assess-
 19 ments for skills according to challenging academic, oc-
 20 cupational, or industry-recognized skill proficiencies,
 21 the State shall use such performance indicators, at-
 22 tainment levels, or assessments in measuring the
 23 progress of all students in attaining the skills.

24 (5) NEGOTIATIONS.—

1 (A) *INITIAL DETERMINATION.*—On receipt
 2 of a State plan submitted under section 104, the
 3 Governing Board shall, not later than 30 days
 4 after the date of the receipt, determine—

5 (i) how the proposed State benchmarks
 6 identified by the State in the State plan
 7 compare to the model benchmarks estab-
 8 lished by the Governing Board under sec-
 9 tion 301(b)(4)(B)(ii);

10 (ii) how the proposed State benchmarks
 11 compare with State benchmarks proposed by
 12 other States in their State plans;

13 (iii) whether the proposed State bench-
 14 marks, taken as a whole, are sufficient—

15 (I) to enable the State to meet the
 16 State goals; and

17 (II) to make the State eligible for
 18 an incentive grant under section
 19 132(a).

20 (B) *NOTIFICATION.*—The Governing Board
 21 shall immediately notify the State of the deter-
 22 minations referred to in subparagraph (A). If
 23 the Governing Board determines that the pro-
 24 posed State benchmarks are not sufficient to
 25 make the State eligible for an incentive grant

1 *under section 132(a), the Governing Board shall*
2 *provide the State with guidance on the steps the*
3 *State may take to allow the State to become eli-*
4 *gible for the grant.*

5 (C) *REVISION.*—*Not later than 30 days*
6 *after the date of receipt of the notification re-*
7 *ferred to in subparagraph (B), the State may re-*
8 *visе some or all of the State benchmarks identi-*
9 *fied in the State plan in order to become eligible*
10 *for the incentive grant or provide reasons why*
11 *the State benchmarks should be sufficient to*
12 *make the State eligible for the incentive grant.*

13 (D) *FINAL DETERMINATION.*—*After review-*
14 *ing any revised State benchmarks or information*
15 *submitted by the State in accordance with sub-*
16 *paragraph (C), the Governing Board shall issue*
17 *a final determination on the eligibility of the*
18 *State for the incentive grant.*

19 (6) *INCENTIVE GRANTS.*—*Each State that sets*
20 *high benchmarks under paragraph (1), (2), or (3) and*
21 *reaches or exceeds the benchmarks, as determined by*
22 *the Governing Board, shall be eligible to receive an*
23 *incentive grant under section 132(a).*

24 (7) *SANCTIONS.*—*A State that has failed to dem-*
25 *onstrate sufficient progress toward reaching the State*

1 *benchmarks established under this subsection for the 3*
2 *years covered by a State plan described in section*
3 *104, as determined by the Governing Board, may be*
4 *subject to sanctions under section 132(b).*

5 *(d) JOB PLACEMENT ACCOUNTABILITY SYSTEM.—*

6 *(1) IN GENERAL.—Each State that receives an*
7 *allotment under section 102 shall establish a job*
8 *placement accountability system, which will provide a*
9 *uniform set of data to track the progress of the State*
10 *toward reaching the State benchmarks.*

11 *(2) DATA.—*

12 *(A) IN GENERAL.—In order to maintain*
13 *data relating to the measures described in sub-*
14 *section (c)(1), each such State shall establish a*
15 *job placement accountability system using quar-*
16 *terly wage records available through the unem-*
17 *ployment insurance system. The State agency or*
18 *entity within the State responsible for labor*
19 *market information, as designated in section*
20 *303(c)(1)(B), in conjunction with the Commis-*
21 *sioner of Labor Statistics, shall maintain the job*
22 *placement accountability system and match in-*
23 *formation on participants served by the state-*
24 *wide systems of the State and other States with*
25 *quarterly employment and earnings records.*

1 (B) *REIMBURSEMENT.*—Each local entity
 2 that carries out workforce employment activities
 3 or workforce education activities and that re-
 4 ceives funds under this title shall provide infor-
 5 mation regarding the social security numbers of
 6 the participants served by the entity and such
 7 other information as the State may require to
 8 the State agency or entity within the State re-
 9 sponsible for labor market information, as des-
 10 ignated in section 303(c)(1)(B).

11 (C) *CONFIDENTIALITY.*—The State agency
 12 or entity within the State responsible for labor
 13 market information, as designated in section
 14 303(c)(1)(B), shall protect the confidentiality of
 15 information obtained through the job placement
 16 accountability system through the use of recog-
 17 nized security procedures.

18 **SEC. 132. INCENTIVES AND SANCTIONS.**

19 (a) *INCENTIVES.*—

20 (1) *IN GENERAL.*—The Governing Board may
 21 award incentive grants of not more than \$15,000,000
 22 per program year to a State that—

23 (A) reaches or exceeds State benchmarks es-
 24 tablished under section 131(c), with an emphasis
 25 on the benchmarks established under section

1 131(c)(3), in accordance with section 131(c)(6);
2 or

3 (B) demonstrates to the Governing Board
4 that the State has made substantial reductions
5 in the number of adult recipients of aid to fami-
6 lies with dependent children, as defined in sec-
7 tion 102(b)(1)(A), resulting from increased
8 placement of such adult recipients in
9 unsubsidized employment.

10 (2) *USE OF FUNDS.*—A State that receives such
11 a grant may use the funds made available through the
12 grant to carry out any workforce development activi-
13 ties authorized under this Act.

14 (b) *SANCTIONS.*—

15 (1) *FAILURE TO DEMONSTRATE SUFFICIENT*
16 *PROGRESS.*—If the Governing Board determines, after
17 notice and an opportunity for a hearing, that a State
18 has failed to demonstrate sufficient progress toward
19 reaching the State benchmarks established under sec-
20 tion 131(c) for the 3 years covered by a State plan
21 described in section 104, the Governing Board may
22 reduce the allotment of the State under section 102 by
23 not more than 10 percent per program year for not
24 more than 3 years. The Governing Board may deter-
25 mine that the failure of the State to demonstrate such

1 *progress is attributable to the workforce employment*
 2 *activities, workforce education activities, or flexible*
 3 *workforce activities, of the State, and reduce only the*
 4 *portion of the allotment for such activities.*

5 (2) *EXPENDITURE CONTRARY TO ACT.*—*If the*
 6 *Governor of a State determines that a local entity*
 7 *that carries out workforce employment activities in a*
 8 *substate area of the State has expended funds made*
 9 *available under this Act in a manner contrary to the*
 10 *purposes of this Act, and such expenditures do not*
 11 *constitute fraudulent activity, the Governor may de-*
 12 *duct an amount equal to the funds from a subsequent*
 13 *program year allocation to the substate area.*

14 (c) *FUNDS RESULTING FROM REDUCED ALLOT-*
 15 *MENTS.*—*The Governing Board may use an amount re-*
 16 *tained as a result of a reduction in an allotment made*
 17 *under subsection (b)(1) to award an incentive grant under*
 18 *subsection (a).*

19 **SEC. 133. UNEMPLOYMENT TRUST FUND.**

20 (a) *IN GENERAL.*—*Section 901(c) of the Social Secu-*
 21 *rity Act (42 U.S.C. 1101(c)) is amended—*

22 (1) *in paragraph (1)—*

23 (A) *in subparagraph (A), by striking clause*

24 (ii) *and inserting the following:*

1 “(ii) the establishment and mainte-
 2 nance of statewide workforce development
 3 systems, to the extent the systems are used
 4 to carry out activities described in section
 5 303, or in any of clauses (ii) through (v) of
 6 section 106(a)(2)(B), of the Workforce De-
 7 velopment Act of 1995, and”; and
 8 (B) in subparagraph (B)—

9 (i) in the matter preceding clause (i),
 10 by striking “Department of Labor” and in-
 11 serting “Department of Labor or the
 12 Workforce Development Partnership, as ap-
 13 propriate,”; and

14 (ii) by striking clause (iii) and insert-
 15 ing the following:

16 “(iii) the Workforce Development Act
 17 of 1995,”; and

18 (2) in the first sentence of paragraph (4), by
 19 striking “the total cost” and all that follows through
 20 “the President determines” and inserting “the total
 21 cost of administering the statewide workforce develop-
 22 ment systems, to the extent the systems are used to
 23 carry out activities described in section 303, or in
 24 any of clauses (ii) through (v) of section 106(a)(2)(B),
 25 of the Workforce Development Act of 1995, and of the

1 *necessary expenses of the Workforce Development*
 2 *Partnership for the performance of the functions of*
 3 *the partnership under such Act, as the President de-*
 4 *termines”.*

5 *(b) EFFECTIVE DATE.—The amendments made by sub-*
 6 *section (a) shall take effect July 1, 1998.*

7 **SEC. 134. AUTHORIZATION OF APPROPRIATIONS.**

8 *(a) IN GENERAL.—There are authorized to be appro-*
 9 *priated to carry out this Act (other than subtitle C of title*
 10 *II) \$7,000,000,000 for each of fiscal years 1998 through*
 11 *2001.*

12 *(b) RESERVATIONS.—Of the amount appropriated*
 13 *under subsection (a)—*

14 *(1) 92.7 percent shall be reserved for making al-*
 15 *lotments under section 102;*

16 *(2) 1.25 percent shall be reserved for carrying*
 17 *out section 121;*

18 *(3) 0.2 percent shall be reserved for carrying out*
 19 *section 122;*

20 *(4) 4.3 percent shall be reserved for making in-*
 21 *centive grants under section 132(a) and for the ad-*
 22 *ministration of this Act;*

23 *(5) 0.15 percent shall be reserved for carrying*
 24 *out sections 302 and 304; and*

1 (6) 1.4 percent shall be reserved for carrying out
2 section 303.

3 (c) *PROGRAM YEAR.*—

4 (1) *IN GENERAL.*—Appropriations for any fiscal
5 year for programs and activities under this Act shall
6 be available for obligation only on the basis of a pro-
7 gram year. The program year shall begin on July 1
8 in the fiscal year for which the appropriation is
9 made.

10 (2) *ADMINISTRATION.*—Funds obligated for any
11 program year may be expended by each recipient dur-
12 ing the program year and the 2 succeeding program
13 years and no amount shall be deobligated on account
14 of a rate of expenditure that is consistent with the
15 provisions of the State plan specified in section 104
16 that relate to workforce employment activities.

17 **SEC. 135. EFFECTIVE DATE.**

18 This title shall take effect July 1, 1998.

19 **TITLE II—TRANSITION**
20 **PROVISIONS**

21 **Subtitle A—Transition Provisions**
22 **Relating to Use of Federal Funds**
23 **for State and Local Activities**

24 **SEC. 201. WAIVERS.**

25 (a) *WAIVER AUTHORITY.*—

1 (1) *IN GENERAL.*—*Notwithstanding any other*
 2 *provision of Federal law, and except as provided in*
 3 *subsection (d), the Secretary may waive any require-*
 4 *ment under any provision of law relating to a covered*
 5 *activity, or of any regulation issued under such a*
 6 *provision, for—*

7 (A) *a State that requests such a waiver and*
 8 *submits an application as described in sub-*
 9 *section (b); or*

10 (B) *a local entity that requests such a waiv-*
 11 *er and complies with the requirements of sub-*
 12 *section (c);*

13 *in order to assist the State or local entity in planning*
 14 *or developing a statewide system or workforce develop-*
 15 *ment activities to be carried out through the statewide*
 16 *system.*

17 (2) *TERM.*—

18 (A) *IN GENERAL.*—*Except as provided in*
 19 *subparagraph (B), each waiver approved pursu-*
 20 *ant to this section shall be for a period beginning*
 21 *on the date of the approval and ending on June*
 22 *30, 1998.*

23 (B) *FAILURE TO SUBMIT INTERIM PLAN.*—
 24 *If a State receives a waiver under this section*
 25 *and fails to submit an interim plan under sec-*

1 *tion 211 by June 30, 1997, the waiver shall be*
 2 *deemed to terminate on September 30, 1997. If*
 3 *a local entity receives a waiver under this sec-*
 4 *tion, and the State in which the local entity is*
 5 *located fails to submit an interim plan under*
 6 *section 211 by June 30, 1997, the waiver shall*
 7 *be deemed to terminate on September 30, 1997.*

8 *(b) STATE REQUEST FOR WAIVER.—*

9 *(1) IN GENERAL.—A State may submit to the*
 10 *Secretary a request for a waiver of 1 or more require-*
 11 *ments referred to in subsection (a). The request may*
 12 *include a request for different waivers with respect to*
 13 *different areas within the State.*

14 *(2) APPLICATION.—To be eligible to receive a*
 15 *waiver described in subsection (a), a State shall sub-*
 16 *mit an application to the Secretary at such time, in*
 17 *such manner, and containing such information as the*
 18 *Secretary may require, including information—*

19 *(A) identifying the requirement to be*
 20 *waived and the goal that the State (or the local*
 21 *agency applying to the State under subsection*
 22 *(c)) intends to achieve through the waiver;*

23 *(B) identifying, and describing the actions*
 24 *that the State will take to remove, similar State*
 25 *requirements;*

1 (C) describing the activities to which the
2 waiver will apply, including information on how
3 the activities may be continued, or related to ac-
4 tivities carried out, under the statewide system of
5 the State;

6 (D) describing the number and type of per-
7 sons to be affected by such waiver; and

8 (E) providing evidence of support for the
9 waiver request by the State agencies or officials
10 with jurisdiction over the requirement to be
11 waived.

12 (c) LOCAL ENTITY REQUEST FOR WAIVER.—

13 (1) IN GENERAL.—A local entity that seeks a
14 waiver of such a requirement shall submit to the
15 State a request for the waiver and an application
16 containing sufficient information to enable the State
17 to comply with the requirements of subsection (b)(2).
18 The State shall determine whether to submit a request
19 and an application for a waiver to the Secretary, as
20 provided in subsection (b).

21 (2) TIME LIMIT.—

22 (A) IN GENERAL.—The State shall make a
23 determination concerning whether to submit the
24 request and application for a waiver as described
25 in paragraph (1) not later than 30 days after

1 *the date on which the State receives the applica-*
2 *tion from the local entity.*

3 *(B) DIRECT SUBMISSION.—*

4 *(i) IN GENERAL.—If the State does not*
5 *make a determination to submit or does not*
6 *submit the request and application within*
7 *the 30-day time period specified in sub-*
8 *paragraph (A), the local entity may submit*
9 *the request and application to the Sec-*
10 *retary.*

11 *(ii) REQUIREMENTS.—In submitting*
12 *such a request, the local entity shall obtain*
13 *the agreement of the State involved to com-*
14 *ply with the requirements of this section*
15 *that would otherwise apply to a State sub-*
16 *mitting a request for a waiver. In reviewing*
17 *an application submitted by a local entity,*
18 *the Secretary shall comply with the require-*
19 *ments of this section that would otherwise*
20 *apply to the Secretary with respect to re-*
21 *view of such an application submitted by a*
22 *State.*

23 *(d) WAIVERS NOT AUTHORIZED.—The Secretary may*
24 *not waive any requirement of any provision referred to in*

1 subsection (a), or of any regulation issued under such provi-
 2 sion, relating to—

3 (1) the allocation of funds to States, local enti-
 4 ties, or individuals;

5 (2) public health or safety, civil rights, occupa-
 6 tional safety and health, environmental protection,
 7 displacement of employees, or fraud and abuse;

8 (3) the eligibility of an individual for participa-
 9 tion in a covered activity, except in a case in which
 10 the State or local entity can demonstrate that the in-
 11 dividuals who would have been eligible to participate
 12 in such activity without the waiver will participate
 13 in a similar covered activity; or

14 (4) a required supplementation of funds by the
 15 State or a prohibition against the State supplanting
 16 such funds.

17 (e) ACTIVITIES.—Subject to subsection (d), the Sec-
 18 retary may approve a request for a waiver described in sub-
 19 section (a) that would enable a State or local entity to—

20 (1) use the assistance that would otherwise have
 21 been used to carry out 2 or more covered activities (if
 22 the State or local entity were not using the assistance
 23 as described in this section)—

24 (A) to address the high priority needs of un-
 25 employed persons and at-risk youth in the ap-

1 *propriate State or community for workforce em-*
 2 *ployment activities or workforce education ac-*
 3 *tivities;*

4 *(B) to improve efficiencies in the delivery of*
 5 *the covered activities; or*

6 *(C) in the case of overlapping or duplicative*
 7 *activities—*

8 *(i) by combining the covered activities*
 9 *and funding the combined activities; or*

10 *(ii) by eliminating 1 of the covered ac-*
 11 *tivities and increasing the funding to the*
 12 *remaining covered activity; and*

13 *(2) use the assistance that would otherwise have*
 14 *been used for administrative expenses relating to a*
 15 *covered activity (if the State or local entity were not*
 16 *using the assistance as described in this section) to*
 17 *pay for the cost of developing an interim State plan*
 18 *described in section 211 or a State plan described in*
 19 *section 104.*

20 *(f) APPROVAL OR DISAPPROVAL.—The Secretary shall*
 21 *approve or disapprove any request submitted pursuant to*
 22 *subsection (b) or (c), not later than 45 days after the date*
 23 *of the submission and shall issue a decision that shall in-*
 24 *clude the reasons for approving or disapproving the request.*

1 (g) *FAILURE TO ACT.*—If the Secretary fails to ap-
 2 prove or disapprove the request within the 45-day period
 3 described in subsection (f), the request shall be deemed to
 4 be approved on the day after such period ends. If the Sec-
 5 retary subsequently determines that the waiver relates to
 6 a matter described in subsection (d) and issues a decision
 7 that includes the reasons for the determination, the waiver
 8 shall be deemed to terminate on the date of issuance of the
 9 decision.

10 (h) *DEFINITION.*—As used in this section:

11 (1) *LOCAL ENTITY.*—The term “local entity”
 12 means—

13 (A) a local educational agency, with respect
 14 to any act by a local agency or organization re-
 15 lating to a covered activity that is a workforce
 16 education activity; and

17 (B) the local public or private agency or or-
 18 ganization responsible for carrying out the cov-
 19 ered activity at issue, with respect to any act by
 20 a local agency or organization relating to any
 21 other covered activity.

22 (2) *SECRETARY.*—The term “Secretary”
 23 means—

1 (A) the Secretary of Labor, with respect to
2 any act relating to a covered activity carried out
3 by the Secretary of Labor;

4 (B) the Secretary of Education, with respect
5 to any act relating to a covered activity carried
6 out by the Secretary of Education; and

7 (C) the Secretary of Health and Human
8 Services, with respect to any act relating to a
9 covered activity carried out by the Secretary of
10 Health and Human Services.

11 (3) STATE.—The term “State” means—

12 (A) a State educational agency, with respect
13 to any act by a State entity relating to a covered
14 activity that is a workforce education activity;
15 and

16 (B) the Governor, with respect to any act by
17 a State entity relating to any other covered ac-
18 tivity.

19 (i) CONFORMING AMENDMENTS.—

20 (1) Section 501 of the School-to-Work Opportuni-
21 ties Act of 1994 (20 U.S.C. 6211) is amended—

22 (A) in subsection (a), by striking “sections
23 502 and 503” and inserting “section 502”;

24 (B) in subsection (b)(2)(B)(ii)—

1 (i) by striking “section 502(a)(1)(C) or
2 503(a)(1)(C), as appropriate,” and insert-
3 ing “section 502(a)(1)(C)”; and

4 (ii) by striking “section 502 or 503, as
5 appropriate,” and inserting “section 502”;

6 (C) in subsection (c), by striking “section
7 502 or 503” and inserting “section 502”; and

8 (D) by striking “Secretaries” each place the
9 term appears and inserting “Secretary of Edu-
10 cation”.

11 (2) Section 502(b) of such Act (20 U.S.C.
12 6212(b)) is amended—

13 (A) in paragraph (4), by striking the semi-
14 colon and inserting “; and”;

15 (B) in paragraph (5), by striking “; and”
16 and inserting a period; and

17 (C) by striking paragraph (6).

18 (3) Section 503 of such Act (20 U.S.C. 6213) is
19 repealed.

20 (4) Section 504 of such Act (20 U.S.C. 6214) is
21 amended—

22 (A) in subsection (a)(2)(B), by striking
23 clauses (i) and (ii) and inserting the following
24 clauses:

1 “(i) the provisions of law listed in
2 paragraphs (2) through (5) of section
3 502(b);

4 “(ii) the Job Training Partnership Act
5 (29 U.S.C. 1501 et seq.); and

6 “(iii) the Carl D. Perkins Vocational
7 and Applied Technology Education Act (20
8 U.S.C. 2301 et seq.).”; and

9 (B) in subsection (b), by striking “para-
10 graphs (1) through (3), and paragraphs (5) and
11 (6), of section 503(b)” and inserting “para-
12 graphs (2) through (4) and paragraphs (6) and
13 (7) of section 505(b)”.

14 (5) Section 505(b) of such Act (20 U.S.C.
15 6215(b)) is amended to read as follows:

16 “(b) *USE OF FUNDS.*—A State may use, under the re-
17 quirements of this Act, Federal funds that are made avail-
18 able to the State and combined under subsection (a) to
19 carry out school-to-work activities, except that the provi-
20 sions relating to—

21 “(1) the matters specified in section 502(c);

22 “(2) basic purposes or goals;

23 “(3) maintenance of effort;

24 “(4) distribution of funds;

1 “(5) *eligibility of an individual for participa-*
2 *tion;*

3 “(6) *public health or safety, labor standards,*
4 *civil rights, occupational safety and health, or envi-*
5 *ronmental protection; or*

6 “(7) *prohibitions or restrictions relating to the*
7 *construction of buildings or facilities;*

8 *that relate to the program through which the funds de-*
9 *scribed in subsection (a)(2)(B) were made available, shall*
10 *remain in effect with respect to the use of such funds.”.*

11 ***Subtitle B—Transition Provisions***
12 ***Relating to Applications and Plans***

13 ***SEC. 211. INTERIM STATE PLANS.***

14 (a) *IN GENERAL.*—For a State or local entity in a
15 State to use a waiver received under section 201 through
16 June 30, 1998, and for a State to be eligible to submit a
17 State plan described in section 104 for program year 1998,
18 the Governor of the State shall submit an interim State
19 plan to the Governing Board. The Governor shall submit
20 the plan not later than June 30, 1997.

21 (b) *REQUIREMENTS.*—The interim State plan shall
22 comply with the requirements applicable to State plans de-
23 scribed in section 104.

1 (c) *PROGRAM YEAR.*—In submitting the interim State
2 plan, the Governor shall indicate whether the plan is sub-
3 mitted—

4 (1) for review and approval for program year
5 1997; or

6 (2) solely for review.

7 (d) *REVIEW.*—In reviewing an interim State plan, the
8 Governing Board may—

9 (1) in the case of a plan submitted for review
10 and approval for program year 1997—

11 (A) approve the plan and permit the State
12 to use a waiver as described in section 201 to
13 carry out the plan; or

14 (B) disapprove the plan, and provide to the
15 State reasons for the disapproval and technical
16 assistance for developing an approvable plan to
17 be submitted under section 104 for program year
18 1998; and

19 (2) in the case of a plan submitted solely for re-
20 view, review the plan and provide to the State tech-
21 nical assistance for developing an approvable plan to
22 be submitted under section 104 for program year
23 1998.

1 (e) *EFFECT OF DISAPPROVAL.*—Disapproval of an in-
 2 terim plan shall not affect the ability of a State to use a
 3 waiver as described in section 201 through June 30, 1998.

4 **SEC. 212. APPLICATIONS AND PLANS UNDER COVERED**
 5 **ACTS.**

6 Notwithstanding any other provision of law, no State
 7 or local entity shall be required to comply with any provi-
 8 sion of a covered Act that would otherwise require the entity
 9 to submit an application or a plan to a Federal agency
 10 during fiscal year 1996 or 1997 for funding of a covered
 11 activity. In determining whether to provide funding to the
 12 State or local entity for the covered activity, the Secretary
 13 of Education, the Secretary of Labor, or the Secretary of
 14 Health and Human Services, as appropriate, shall consider
 15 the last application or plan, as appropriate, submitted by
 16 the entity for funding of the covered activity.

17 **Subtitle C—Job Corps and Other**
 18 **Workforce Preparation Activities**
 19 **for At-Risk Youth**

20 **CHAPTER 1—GENERAL JOB CORPS**
 21 **PROVISIONS**

22 **SEC. 221. PURPOSES.**

23 The purposes of this subtitle are—

24 (1) to maintain a Job Corps for at-risk youth as
 25 part of statewide systems;

1 (2) to set forth standards and procedures for se-
2 lecting individuals as enrollees in the Job Corps;

3 (3) to authorize the establishment of residential
4 and nonresidential Job Corps centers in which enroll-
5 ees will participate in intensive programs of
6 workforce development activities;

7 (4) to prescribe various other powers, duties, and
8 responsibilities incident to the operation and continu-
9 ing development of the Job Corps; and

10 (5) to assist at-risk youth who need and can ben-
11 efit from an unusually intensive program, operated in
12 a group setting, to become more responsible, employ-
13 able, and productive citizens.

14 **SEC. 222. DEFINITIONS.**

15 As used in this subtitle:

16 (1) *ENROLLEE*.—The term “enrollee” means an
17 individual enrolled in the Job Corps.

18 (2) *GOVERNOR*.—The term “Governor” means
19 the chief executive officer of a State.

20 (3) *JOB CORPS*.—The term “Job Corps” means
21 the corps described in section 223.

22 (4) *JOB CORPS CENTER*.—The term “Job Corps
23 center” means a center described in section 223.

1 **SEC. 223. GENERAL AUTHORITY.**

2 *If a State receives an allotment under section 241, and*
 3 *a center located in the State received assistance under part*
 4 *B of title IV of the Job Training Partnership Act for fiscal*
 5 *year 1996 and was not closed in accordance with section*
 6 *235, the State shall use a portion of the funds made avail-*
 7 *able through the allotment to maintain the center, and*
 8 *carry out activities described in this subtitle for individuals*
 9 *enrolled in a Job Corps and assigned to the center.*

10 **SEC. 224. INDIVIDUALS ELIGIBLE FOR THE JOB CORPS.**

11 *To be eligible to become an enrollee, an individual*
 12 *shall be an at-risk youth.*

13 **SEC. 225. SCREENING AND SELECTION OF APPLICANTS.**

14 *(a) STANDARDS AND PROCEDURES.—*

15 *(1) IN GENERAL.—The State shall prescribe spe-*
 16 *cific standards and procedures for the screening and*
 17 *selection of applicants for the Job Corps.*

18 *(2) IMPLEMENTATION.—To the extent prac-*
 19 *ticable, the standards and procedures shall be imple-*
 20 *mented through arrangements with—*

21 *(A) one-stop career centers;*

22 *(B) agencies and organizations such as*
 23 *community action agencies, professional groups,*
 24 *and labor organizations; and*

25 *(C) agencies and individuals that have con-*
 26 *tact with youth over substantial periods of time*

1 *and are able to offer reliable information about*
2 *the needs and problems of the youth.*

3 (3) *CONSULTATION.*—*The standards and proce-*
4 *dures shall provide for necessary consultation with in-*
5 *dividuals and organizations, including court, proba-*
6 *tion, parole, law enforcement, education, welfare, and*
7 *medical authorities and advisers.*

8 (b) *SPECIAL LIMITATIONS.*—*No individual shall be se-*
9 *lected as an enrollee unless the individual or organization*
10 *implementing the standards and procedures determines*
11 *that—*

12 (1) *there is a reasonable expectation that the in-*
13 *dividual can participate successfully in group situa-*
14 *tions and activities, is not likely to engage in behav-*
15 *ior that would prevent other enrollees from receiving*
16 *the benefit of the program or be incompatible with the*
17 *maintenance of sound discipline and satisfactory re-*
18 *lationships between the Job Corps center to which the*
19 *individual might be assigned and surrounding com-*
20 *munities; and*

21 (2) *the individual manifests a basic understand-*
22 *ing of both the rules to which the individual will be*
23 *subject and of the consequences of failure to observe*
24 *the rules.*

1 **SEC. 226. ENROLLMENT AND ASSIGNMENT.**

2 (a) *RELATIONSHIP BETWEEN ENROLLMENT AND MILI-*
3 *TARY OBLIGATIONS.*—*Enrollment in the Job Corps shall*
4 *not relieve any individual of obligations under the Military*
5 *Selective Service Act (50 U.S.C. App. 451 et seq.).*

6 (b) *ASSIGNMENT.*—

7 (1) *IN GENERAL.*—*Except as provided in para-*
8 *graph (2), the State shall assign an enrollee to the*
9 *Job Corps center within the State that is closest to the*
10 *residence of the enrollee.*

11 (2) *AGREEMENTS WITH OTHER STATES.*—*The*
12 *State may enter into agreements with 1 or more*
13 *States to enroll individuals from the States in the Job*
14 *Corps and assign the enrollees to Job Corps centers in*
15 *the State.*

16 **SEC. 227. JOB CORPS CENTERS.**

17 (a) *DEVELOPMENT.*—*The State shall enter into an*
18 *agreement with a Federal, State, or local agency, which*
19 *may be a State board or agency that operates or wishes*
20 *to develop an area vocational education school facility or*
21 *residential vocational school, or with a private organiza-*
22 *tion, for the establishment and operation of a Job Corps*
23 *center.*

24 (b) *CHARACTER AND ACTIVITIES.*—*Job Corps centers*
25 *may be residential or nonresidential in character, and shall*
26 *be designed and operated so as to provide enrollees, in a*

1 *well-supervised setting, with access to activities described*
 2 *in section 228.*

3 (c) *CIVILIAN CONSERVATION CENTERS.—The Job*
 4 *Corps centers may include Civilian Conservation Centers,*
 5 *located primarily in rural areas, which shall provide, in*
 6 *addition to other training and assistance, programs of work*
 7 *experience to conserve, develop, or manage public natural*
 8 *resources or public recreational areas or to develop commu-*
 9 *nity projects in the public interest.*

10 (d) *JOB CORPS OPERATORS.—To be eligible to receive*
 11 *funds under this chapter, an entity who entered into a con-*
 12 *tract with the Secretary of Labor that is in effect on the*
 13 *effective date of this section to carry out activities through*
 14 *a center under part B of title IV of the Job Training Part-*
 15 *nership Act (as in effect on the day before the effective date*
 16 *of this section), shall enter into a contract with the State*
 17 *in which the center is located that contains provisions sub-*
 18 *stantially similar to the provisions of the contract with the*
 19 *Secretary of Labor, as determined by the State.*

20 **SEC. 228. PROGRAM ACTIVITIES.**

21 (a) *ACTIVITIES PROVIDED THROUGH JOB CORPS CEN-*
 22 *TERS.—Each Job Corps center shall provide enrollees as-*
 23 *signed to the center with access to activities described in*
 24 *section 106(a)(2)(B), and such other workforce development*
 25 *activities as may be appropriate to meet the needs of the*

1 *enrollees, including providing work-based learning through-*
 2 *out the enrollment of the enrollees and assisting the enrollees*
 3 *in obtaining meaningful unsubsidized employment on com-*
 4 *pletion of their enrollment.*

5 (b) *ARRANGEMENTS.*—*The State shall arrange for en-*
 6 *rollees assigned to Job Corps centers in the State to receive*
 7 *workforce development activities through the statewide sys-*
 8 *tem, including workforce development activities provided*
 9 *through local public or private educational agencies, voca-*
 10 *tional educational institutions, or technical institutes.*

11 (c) *JOB PLACEMENT ACCOUNTABILITY.*—*Each Job*
 12 *Corps center located in a State shall be connected to the*
 13 *job placement accountability system of the State described*
 14 *in section 131(d).*

15 **SEC. 229. SUPPORT.**

16 *The State shall provide enrollees assigned to Job Corps*
 17 *centers in the State with such personal allowances as the*
 18 *State may determine to be necessary or appropriate to meet*
 19 *the needs of the enrollees.*

20 **SEC. 230. OPERATING PLAN.**

21 *To be eligible to operate a Job Corps center and receive*
 22 *assistance under section 241 for program year 1998 or any*
 23 *subsequent program year, an entity shall prepare and sub-*
 24 *mit, to the Governor of the State in which the center is*
 25 *located, and obtain the approval of the Governor for, an*

1 *operating plan that shall include, at a minimum, informa-*
 2 *tion indicating—*

3 *(1) in quantifiable terms, the extent to which the*
 4 *center will contribute to the achievement of the pro-*
 5 *posed State goals and State benchmarks identified in*
 6 *the State plan for the State submitted under section*
 7 *104;*

8 *(2) the extent to which workforce employment ac-*
 9 *tivities and workforce education activities delivered*
 10 *through the Job Corps center are directly linked to the*
 11 *workforce development needs of the industry sectors*
 12 *most important to the economic competitiveness of the*
 13 *State; and*

14 *(3) an implementation strategy to ensure that all*
 15 *enrollees assigned to the Job Corps center will have*
 16 *access to services through the one-stop delivery of core*
 17 *services described in section 106(a)(2) by the State.*

18 **SEC. 231. STANDARDS OF CONDUCT.**

19 *(a) PROVISION AND ENFORCEMENT.—The State shall*
 20 *provide, and directors of Job Corps center shall stringently*
 21 *enforce, standards of conduct within the centers. Such*
 22 *standards of conduct shall include provisions forbidding vi-*
 23 *olence, drug abuse, and other criminal activity.*

24 *(b) DISCIPLINARY MEASURES.—To promote the proper*
 25 *moral and disciplinary conditions in the Job Corps, the*

1 *directors of Job Corps centers shall take appropriate dis-*
 2 *ciplinary measures against enrollees. If such a director de-*
 3 *termines that an enrollee has committed a violation of the*
 4 *standards of conduct, the director shall dismiss the enrollee*
 5 *from the Corps if the director determines that the retention*
 6 *of the enrollee in the Corps will jeopardize the enforcement*
 7 *of such standards or diminish the opportunities of other en-*
 8 *rollees. If the director determines that an enrollee has en-*
 9 *gaged in an incident involving violence, drug abuse, or*
 10 *other criminal activity, the director shall immediately dis-*
 11 *miss the enrollee from the Corps.*

12 *(c) APPEAL.—A disciplinary measure taken by a di-*
 13 *rector under this section shall be subject to expeditious ap-*
 14 *peal in accordance with procedures established by the State.*

15 **SEC. 232. COMMUNITY PARTICIPATION.**

16 *The State shall encourage and cooperate in activities*
 17 *to establish a mutually beneficial relationship between Job*
 18 *Corps centers in the State and nearby communities. The*
 19 *activities may include the use of any local workforce devel-*
 20 *opment boards established in the State under section 118(b)*
 21 *to provide a mechanism for joint discussion of common*
 22 *problems and for planning programs of mutual interest.*

23 **SEC. 233. COUNSELING AND PLACEMENT.**

24 *The State shall ensure that enrollees assigned to Job*
 25 *Corps centers in the State receive counseling and job place-*

1 *ment services, which shall be provided, to the maximum ex-*
 2 *tent practicable, through the delivery of core services de-*
 3 *scribed in section 106(a)(2).*

4 ***SEC. 234. LEASES AND SALES OF CENTERS.***

5 *(a) LEASES.—*

6 *(1) IN GENERAL.—The Secretary of Labor shall*
 7 *offer to enter into a lease with each State that has an*
 8 *approved State plan submitted under section 104 and*
 9 *in which 1 or more Job Corps centers are located.*

10 *(2) NOMINAL CONSIDERATION.—Under the terms*
 11 *of the lease, the Secretary of Labor shall lease the Job*
 12 *Corps centers in the State to the State in return for*
 13 *nominal consideration.*

14 *(3) INDEMNITY AGREEMENT.—To be eligible to*
 15 *lease such a center, a State shall enter into an agree-*
 16 *ment to hold harmless and indemnify the United*
 17 *States from any liability or claim for damages or in-*
 18 *jury to any person or property arising out of the*
 19 *lease.*

20 *(b) SALES.—Notwithstanding the Federal Property*
 21 *and Administrative Services Act of 1949 (40 U.S.C. 471*
 22 *et seq.), the Secretary of Labor shall offer each State de-*
 23 *scribed in subsection (a)(1) the opportunity to purchase the*
 24 *Job Corps centers in the State in return for nominal consid-*
 25 *eration.*

1 **SEC. 235. CLOSURE OF JOB CORPS CENTERS.**

2 (a) *NATIONAL JOB CORPS AUDIT.*—Not later than
3 March 31, 1997, the Governing Board shall conduct an
4 audit of the activities carried out under part B of title IV
5 of the Job Training Partnership Act (29 U.S.C. 1691 et
6 seq.), and submit to the appropriate committees of Congress
7 a report containing the results of the audit, including infor-
8 mation indicating—

9 (1) *the amount of funds expended for fiscal year*
10 *1996 to carry out activities under such part, for each*
11 *State and for the United States;*

12 (2) *for each Job Corps center funded under such*
13 *part (referred to in this subtitle as a “Job Corps cen-*
14 *ter”), the amount of funds expended for fiscal year*
15 *1996 under such part to carry out activities related*
16 *to the direct operation of the center, including funds*
17 *expended for student training, outreach or intake ac-*
18 *tivities, meals and lodging, student allowances, medi-*
19 *cal care, placement or settlement activities, and ad-*
20 *ministration;*

21 (3) *for each Job Corps center, the amount of*
22 *funds expended for fiscal year 1996 under such part*
23 *through contracts to carry out activities not related to*
24 *the direct operation of the center, including funds ex-*
25 *pended for student travel, national outreach, screen-*
26 *ing, and placement services, national vocational*

1 *training, and national and regional administrative*
 2 *costs;*

3 *(4) for each Job Corps center, the amount of*
 4 *funds expended for fiscal year 1996 under such part*
 5 *for facility construction, rehabilitation, and acquisi-*
 6 *tion expenses; and*

7 *(5) the amount of funds required to be expended*
 8 *under such part to complete each new or proposed Job*
 9 *Corps center, and to rehabilitate and repair each ex-*
 10 *isting Job Corps center, as of the date of the submis-*
 11 *sion of the report.*

12 *(b) RECOMMENDATIONS OF GOVERNING BOARD.—*

13 *(1) RECOMMENDATIONS.—The Governing Board*
 14 *shall, based on the results of the audit described in*
 15 *subsection (a), make recommendations to the Sec-*
 16 *retary of Labor, including identifying 25 Job Corps*
 17 *centers to be closed by September 30, 1997.*

18 *(2) CONSIDERATIONS.—*

19 *(A) IN GENERAL.—In determining whether*
 20 *to recommend that the Secretary of Labor close*
 21 *a Job Corps center, the Governing Board shall*
 22 *consider whether the center—*

23 *(i) has consistently received low per-*
 24 *formance measurement ratings under the*

1 *Department of Labor or the Office of In-*
2 *spector General Job Corps rating system;*

3 (ii) *is among the centers that have ex-*
4 *perienced the highest number of serious in-*
5 *cidents of violence or criminal activity in*
6 *the past 5 years;*

7 (iii) *is among the centers that require*
8 *the largest funding for renovation or repair,*
9 *as specified in the Department of Labor Job*
10 *Corps Construction/Rehabilitation Funding*
11 *Needs Survey, or for rehabilitation or re-*
12 *pair, as reflected in the portion of the audit*
13 *described in subsection (a)(5);*

14 (iv) *is among the centers for which the*
15 *highest relative or absolute fiscal year 1996*
16 *expenditures were made, for any of the cat-*
17 *egories of expenditures described in para-*
18 *graph (2), (3), or (4) of subsection (a), as*
19 *reflected in the audit described in subsection*
20 *(a);*

21 (v) *is among the centers with the least*
22 *State and local support; or*

23 (vi) *is among the centers with the low-*
24 *est rating on such additional criteria as the*

1 *Governing Board may determine to be ap-*
 2 *propriate.*

3 *(B) COVERAGE OF STATES AND REGIONS.—*
 4 *Notwithstanding subparagraph (A), the Govern-*
 5 *ing Board shall not recommend that the Sec-*
 6 *retary of Labor close the only Job Corps center*
 7 *in a State or a region of the United States.*

8 *(C) ALLOWANCE FOR NEW JOB CORPS CEN-*
 9 *TERS.—Notwithstanding any other provision of*
 10 *this section, if the planning or construction of a*
 11 *Job Corps center that received Federal funding*
 12 *for fiscal year 1994 or 1995 has not been com-*
 13 *pleted by the date of enactment of this Act—*

14 *(i) the appropriate entity may com-*
 15 *plete the planning or construction and*
 16 *begin operation of the center; and*

17 *(ii) the Governing Board shall not*
 18 *evaluate the center under this Act sooner*
 19 *than 3 years after the first date of operation*
 20 *of the center.*

21 *(3) REPORT.—Not later than June 30, 1997, the*
 22 *Governing Board shall submit a report to the Sec-*
 23 *retary of Labor, which shall contain a detailed state-*
 24 *ment of the findings and conclusions of the Governing*
 25 *Board resulting from the audit described in subsection*

1 (a) together with the recommendations described in
2 paragraph (1).

(c) *CLOSURE*.—The Secretary of Labor shall, after reviewing the report submitted under subsection (b)(3), close 25 Job Corps centers by September 30, 1997.

6 **SEC. 236. INTERIM OPERATING PLANS FOR JOB CORPS CEN-**
7 **TERS.**

8 *Part B of title IV of the Job Training Partnership Act*
9 *(29 U.S.C. 1691 et seq.) is amended by inserting after sec-*
10 *tion 439 the following section:*

11 ***“SEC. 439A. OPERATING PLAN.***

12 “(a) *SUBMISSION OF PLAN.*—To be eligible to operate
13 a Job Corps center and receive assistance under this part
14 for fiscal year 1997, an entity shall prepare and submit
15 to the Secretary and the Governor of the State in which
16 the center is located, and obtain the approval of the Sec-
17 retary for, an operating plan that shall include, at a mini-
18 mum, information indicating—

“(1) in quantifiable terms, the extent to which the center will contribute to the achievement of the proposed State goals and State benchmarks identified in the interim plan for the State submitted under section 211 of the Workforce Development Act of 1995;

24 “(2) the extent to which workforce employment
25 activities and workforce education activities delivered

1 *through the Job Corps center are directly linked to the*
2 *workforce development needs of the industry sectors*
3 *most important to the economic competitiveness of the*
4 *State; and*

5 “(3) *an implementation strategy to ensure that*
6 *all enrollees assigned to the Job Corps center will*
7 *have access to services through the one-stop delivery of*
8 *core services described in section 106(a)(2) by the*
9 *State as identified in the interim plan.*

10 “(b) *SUBMISSION OF COMMENTS.—Not later than 30*
11 *days after receiving an operating plan described in sub-*
12 *section (a), the Governor of the State in which the center*
13 *is located may submit comments on the plan to the Sec-*
14 *retary.*

15 “(c) *APPROVAL.—The Secretary shall not approve an*
16 *operating plan described in subsection (a) for a center if*
17 *the Secretary determines that the activities proposed to be*
18 *carried out through the center are not sufficiently integrated*
19 *with the activities carried out through the statewide system*
20 *of the State in which the center is located.”.*

21 **SEC. 237. EFFECTIVE DATE.**

22 “(a) *IN GENERAL.—Except as provided in subsection*
23 *(b), this chapter shall take effect on July 1, 1998.*

1 (b) *INTERIM PROVISIONS.*—Sections 234 and 235, and
 2 the amendment made by section 236, shall take effect on
 3 the date of enactment of this Act.

4 **CHAPTER 2—OTHER WORKFORCE PREPA-**
 5 **RATION ACTIVITIES FOR AT-RISK**
 6 **YOUTH**

7 **SEC. 241. WORKFORCE PREPARATION ACTIVITIES FOR AT-**
 8 **RISK YOUTH.**

9 (a) *IN GENERAL.*—For program year 1998 and each
 10 subsequent program year, the Governing Board shall make
 11 allotments under subsection (c) to States to assist the States
 12 in paying for the cost of carrying out workforce preparation
 13 activities for at-risk youth, as described in this section.

14 (b) *STATE USE OF FUNDS.*—

15 (1) *CORE ACTIVITIES.*—The State shall use a
 16 portion of the funds made available to the State
 17 through an allotment received under subsection (c) to
 18 establish and operate Job Corps centers as described
 19 in chapter 1, if a center located in the State received
 20 assistance under part B of title IV of the Job Train-
 21 ing Partnership Act for fiscal year 1996 and was not
 22 closed in accordance with section 235.

23 (2) *PERMISSIBLE ACTIVITIES.*—The State may
 24 use a portion of the funds described in paragraph (1)
 25 to—

1 (A) make grants to eligible entities, as de-
 2 scribed in subsection (e), to assist the entities in
 3 carrying out innovative programs to assist out-
 4 of-school at-risk youth in participating in school-
 5 to-work activities;

6 (B) make grants to eligible entities, as de-
 7 scribed in subsection (e), to assist the entities in
 8 providing work-based learning as a component of
 9 school-to-work activities, including summer jobs
 10 linked to year-round school-to-work programs;
 11 and

12 (C) carry out other workforce development
 13 activities specifically for at-risk youth.

14 (c) ALLOTMENTS.—

15 (1) IN GENERAL.—The Governing Board shall
 16 allot to each State an amount equal to the total of—

17 (A) the amount made available to the State
 18 under paragraph (2); and

19 (B) the amounts made available to the State
 20 under subparagraphs (C), (D), and (E) of para-
 21 graph (3).

22 (2) ALLOTMENTS BASED ON FISCAL YEAR 1996
 23 APPROPRIATIONS.—Using a portion of the funds ap-
 24 propriated under subsection (g) for a fiscal year, the
 25 Governing Board shall make available to each State

1 *the amount that Job Corps centers in the State ex-*
 2 *pend for fiscal year 1996 under part B of title IV*
 3 *of the Job Training Partnership Act to carry out ac-*
 4 *tivities related to the direct operation of the centers,*
 5 *as determined under section 235(a)(2).*

6 (3) *ALLOTMENTS BASED ON POPULATIONS.—*

7 (A) *DEFINITIONS.—As used in this para-*
 8 *graph:*

9 (i) *INDIVIDUAL IN POVERTY.—The*
 10 *term “individual in poverty” means an in-*
 11 *dividual who—*

12 (I) *is not less than age 18;*

13 (II) *is not more than age 64; and*

14 (III) *is a member of a family (of*
 15 *1 or more members) with an income at*
 16 *or below the poverty line.*

17 (ii) *POVERTY LINE.—The term “pov-*
 18 *erty line” means the poverty line (as de-*
 19 *fin by the Office of Management and*
 20 *Budget, and revised annually in accordance*
 21 *with section 673(2) of the Community Serv-*
 22 *ices Block Grant Act (42 U.S.C. 9902(2))*
 23 *applicable to a family of the size involved,*
 24 *using the most recent available data pro-*
 25 *vided by the Bureau of the Census, prior to*

1 the program year for which the allotment is
2 made, and applying the definition of pov-
3 erty used by the Bureau of the Census in
4 compiling the 1990 decennial census.

5 (B) *TOTAL ALLOTMENTS.*—The Governing
6 Board shall use the remainder of the funds that
7 are appropriated under subsection (g) for a fis-
8 cal year, and that are not made available under
9 paragraph (2), to make amounts available under
10 this paragraph.

11 (C) *UNEMPLOYED INDIVIDUALS.*—From
12 funds equal to $33\frac{1}{3}$ percent of such remainder,
13 the Governing Board shall make available to
14 each State an amount that bears the same rela-
15 tionship to such funds as the average number of
16 unemployed individuals (as determined by the
17 Secretary of Labor for the most recent 24-month
18 period for which data are available, prior to the
19 program year for which the allotment is made)
20 in the State bears to the average number of un-
21 employed individuals (as so determined) in the
22 United States.

23 (D) *INDIVIDUALS IN POVERTY.*—From funds
24 equal to $33\frac{1}{3}$ percent of such remainder, the
25 Governing Board shall make available to each

1 *State an amount that bears the same relation-*
 2 *ship to such funds as the total number of indi-*
 3 *viduals in poverty in the State bears to the total*
 4 *number of individuals in poverty in the United*
 5 *States.*

6 *(E) AT-RISK YOUTH.—From funds equal to*
 7 *33 $\frac{1}{3}$ percent of such remainder, the Governing*
 8 *Board shall make available to each State an*
 9 *amount that bears the same relationship to such*
 10 *funds as the total number of at-risk youth in the*
 11 *State bears to the total number of at-risk youth*
 12 *in the United States.*

13 *(d) STATE PLAN.—*

14 *(1) INFORMATION.—To be eligible to receive an*
 15 *allotment under subsection (c), a State shall include,*
 16 *in the State plan to be submitted under section 104,*
 17 *information describing the allocation within the State*
 18 *of the funds made available through the allotment,*
 19 *and how the programs and activities described in sub-*
 20 *section (b)(2) will be carried out to meet the State*
 21 *goals and reach the State benchmarks.*

22 *(2) LIMITATION.—The Governing Board may not*
 23 *require a State to include the information described*
 24 *in paragraph (1) in the State plan to be submitted*

1 *under section 104 to be eligible to receive an allotment*
2 *under section 102.*

3 (e) *APPLICATION.—To be eligible to receive a grant*
4 *under subparagraph (A) or (B) of subsection (b)(2) from*
5 *a State, an entity shall prepare and submit to the Governor*
6 *of the State an application at such time, in such manner,*
7 *and containing such information as the Governor may re-*
8 *quire.*

9 (f) *WITHIN STATE DISTRIBUTION.—Of the funds allot-*
10 *ted to a State under subsection (c)(3) for workforce prepara-*
11 *tion activities for at-risk youth for a program year—*

12 (1) *15 percent shall be reserved by the Governor*
13 *to carry out such activities through the statewide sys-*
14 *tem; and*

15 (2) *85 percent shall be distributed to local enti-*
16 *ties to carry out such activities through the statewide*
17 *system.*

18 (g) *AUTHORIZATION OF APPROPRIATIONS.—There are*
19 *authorized to be appropriated to carry out this subtitle,*
20 *\$2,100,000,000 for each of fiscal years 1998 through 2001.*

21 (h) *EFFECTIVE DATE.—This chapter shall take effect*
22 *on July 1, 1998.*

1 ***Subtitle D—Interim Administration***
 2 ***of School-to-Work Programs***

3 ***SEC. 251. ADMINISTRATION OF SCHOOL-TO-WORK PRO-***
 4 ***GRAMS.***

5 (a) *IN GENERAL.*—Any provision of the School-to-
 6 Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.)
 7 that grants authority to the Secretary of Labor or the Sec-
 8 retary of Education shall be considered to grant the author-
 9 ity to the Governing Board.

10 (b) *EFFECTIVE DATE.*—Subsection (a) shall take effect
 11 on October 1, 1996.

12 ***Subtitle E—Amendments Relating***
 13 ***to Certain Authorizations of Ap-***
 14 ***propriations***

15 ***SEC. 261. OLDER AMERICAN COMMUNITY SERVICE EMPLOY-***
 16 ***MENT ACT.***

17 Section 508(a)(1) of the Older American Community
 18 Service Employment Act (42 U.S.C. 3056f(a)(1)) is amend-
 19 ed by striking “for fiscal years 1993, 1994, and 1995” and
 20 inserting “for each of fiscal years 1993 through 1998”.

21 ***SEC. 262. CARL D. PERKINS VOCATIONAL AND APPLIED***
 22 ***TECHNOLOGY EDUCATION ACT.***

23 (a) *IN GENERAL.*—Section 3(a) of the Carl D. Perkins
 24 Vocational and Applied Technology Education Act (20
 25 U.S.C. 2302(a)) is amended by striking “for each of the fis-

1 *cal years” and all that follows through “1995” and insert-*
 2 *ing “for each of fiscal years 1992 through 1998”.*

3 (b) *RESEARCH.*—Section 404(d) of such Act (20
 4 *U.S.C. 2404(d)) is amended by striking “for each of the fis-*
 5 *cal years” and all that follows through “1995” and insert-*
 6 *ing “for each of fiscal years 1992 through 1998”.*

7 **SEC. 263. ADULT EDUCATION ACT.**

8 (a) *IN GENERAL.*—Section 313(a) of the Adult Edu-
 9 *cation Act (20 U.S.C. 1201b(a)) is amended by striking “for*
 10 *each of the fiscal years” and all that follows through “1995”*
 11 *and inserting “for each of fiscal years 1993 through 1998”.*

12 (b) *STATE LITERACY RESOURCE CENTERS.*—Section
 13 *356(k) of such Act (20 U.S.C. 1208aa(k)) is amended by*
 14 *striking “for each of the fiscal years 1994 and 1995” and*
 15 *inserting “for each of fiscal years 1994 through 1998”.*

16 (c) *BUSINESS, INDUSTRY, LABOR, AND EDUCATION*
 17 *PARTNERSHIPS FOR WORKPLACE LITERACY.*—Section
 18 *371(e)(1) of such Act (20 U.S.C. 1211(e)(1)) is amended*
 19 *by striking “for each of the fiscal years” and all that follows*
 20 *through “1995” and inserting “for each of fiscal years 1993*
 21 *through 1998”.*

22 (d) *NATIONAL INSTITUTE FOR LITERACY.*—Section
 23 *384(n)(1) of such Act (20 U.S.C. 1213c(n)(1)) is amended*
 24 *by striking “for each of the fiscal years” and all that follows*

1 through “1996” and inserting “for each of fiscal years 1992
2 through 1998”.

3 ***TITLE III—NATIONAL ACTIVITIES***

4 ***SEC. 301. FEDERAL PARTNERSHIP.***

5 (a) *ESTABLISHMENT.*—There is established a
6 Workforce Development Partnership that shall administer
7 the activities established under this Act. The Federal Part-
8 nership shall be a Government corporation, as defined in
9 section 103 of title 5, United States Code. The principal
10 office of the Federal Partnership shall be located in the Dis-
11 trict of Columbia.

12 (b) *GOVERNING BOARD.*—

13 (1) *COMPOSITION.*—There shall be in the Federal
14 Partnership a Governing Board that shall be com-
15 posed of 13 individuals, including—

16 (A) 7 individuals who are representative of
17 business and industry in the United States, ap-
18 pointed by the President by and with the advice
19 and consent of the Senate;

20 (B) 2 individuals who are representative of
21 labor and workers in the United States, ap-
22 pointed by the President by and with the advice
23 and consent of the Senate;

24 (C) 2 individuals who are representative of
25 education providers, 1 of whom is a State or

1 *local adult education provider and 1 of whom is*
2 *a State or local vocational education provider,*
3 *appointed by the President by and with the ad-*
4 *vice and consent of the Senate; and*

5 *(D) 2 Governors, representing different po-*
6 *litical parties, appointed by the President by*
7 *and with the advice and consent of the Senate.*

8 *(2) TERMS.—Each member of the Governing*
9 *Board shall serve for a term of 3 years, except that,*
10 *as designated by the President—*

11 *(A) 5 of the members first appointed to the*
12 *Governing Board shall serve for a term of 2*
13 *years;*

14 *(B) 4 of the members first appointed to the*
15 *Governing Board shall serve for a term of 3*
16 *years; and*

17 *(C) 4 of the members first appointed to the*
18 *Governing Board shall serve for a term of 4*
19 *years.*

20 *(3) VACANCIES.—Any vacancy in the Governing*
21 *Board shall not affect the powers of the Governing*
22 *Board, but shall be filled in the same manner as the*
23 *original appointment. Any member appointed to fill*
24 *such a vacancy shall serve for the remainder of the*

1 *term for which the predecessor of such member was*
 2 *appointed.*

3 (4) *DUTIES AND POWERS.—*

4 (A) *POWERS.—The powers of the Federal*
 5 *Partnership shall be vested in the Governing*
 6 *Board.*

7 (B) *DUTIES.—The Governing Board shall—*

8 (i) *oversee the development and imple-*
 9 *mentation of the nationwide integrated*
 10 *labor market information system described*
 11 *in section 303, and the job placement ac-*
 12 *countability system described in section*
 13 *131(d);*

14 (ii) *establish model benchmarks for*
 15 *each of the benchmarks referred to in para-*
 16 *graph (1), (2), or (3) of section 131(c), at*
 17 *achievable levels based on existing (as of the*
 18 *date of the establishment of the benchmarks)*
 19 *workforce development efforts in the States;*

20 (iii) *negotiate State benchmarks with*
 21 *States in accordance with section 131(c)(5);*

22 (iv) *review and approve plans under*
 23 *section 104, and make allotments under sec-*
 24 *tion 102;*

1 (v) receive and review reports described
2 in section 131(a);

3 (vi) prepare and submit to the appro-
4 priate committees of Congress an annual re-
5 port on the absolute and relative perform-
6 ance of States toward reaching the State
7 benchmarks;

8 (vii) award annual incentive grants
9 under section 132(a);

10 (viii) initiate sanctions described in
11 section 132(b);

12 (ix) disseminate information to States
13 on the best practices used by States to estab-
14 lish and carry out activities through state-
15 wide systems, including model programs to
16 provide structured work and learning expe-
17 riences for welfare recipients;

18 (x) perform the duties specified for the
19 Governing Board in title II, including sub-
20 title C of title II (relating to the Job Corps);

21 (xi) review all federally funded pro-
22 grams providing workforce development ac-
23 tivities, other than programs carried out
24 under this Act, and submit recommenda-
25 tions to Congress on how the federally fund-

1 *ed programs could be integrated into the*
 2 *statewide systems of the States, including*
 3 *recommendations on the development of*
 4 *common terminology for activities and serv-*
 5 *ices provided through the programs;*

6 *(xii) review and approve the transition*
 7 *workplans developed by the Secretary of*
 8 *Labor and the Secretary of Education in*
 9 *accordance with sections 305 and 306; and*

10 *(xiii) oversee all activities of the Fed-*
 11 *eral Partnership.*

12 *(C) FINAL DETERMINATIONS.—Notwith-*
 13 *standing any other provision of this Act, the Sec-*
 14 *retary of Labor and the Secretary of Education*
 15 *shall jointly make the final determinations with*
 16 *respect to the approval of State plans, and the*
 17 *disbursement of funds, under this Act.*

18 *(5) CHAIRPERSON.—The position of Chairperson*
 19 *of the Governing Board shall rotate annually among*
 20 *the appointed members described in paragraph*
 21 *(1)(A).*

22 *(6) MEETINGS.—The Governing Board shall*
 23 *meet at the call of the Chairperson but not less often*
 24 *than 4 times during each calendar year. Five mem-*
 25 *bers of the Governing Board shall constitute a*

1 *quorum. All decisions of the Governing Board with*
2 *respect to the exercise of the duties and powers of the*
3 *Governing Board shall be made by a majority vote of*
4 *the members of the Governing Board.*

5 (7) *COMPENSATION AND TRAVEL EXPENSES.—*

6 (A) *COMPENSATION.—Each member of the*
7 *Governing Board who is not an officer or em-*
8 *ployee of the Federal Government shall be com-*
9 *pensated at a rate to be fixed by the President*
10 *but not to exceed the daily equivalent of the max-*
11 *imum rate authorized for a position above GS–*
12 *15 of the General Schedule under section 5108 of*
13 *title 5, United States Code, for each day (includ-*
14 *ing travel time) during which such member is*
15 *engaged in the performance of the duties of the*
16 *Governing Board. All members of the Governing*
17 *Board who are officers or employees of the Unit-*
18 *ed States shall serve without compensation in*
19 *addition to compensation received for their serv-*
20 *ices as officers or employees of the United States.*

21 (B) *EXPENSES.—While away from their*
22 *homes or regular places of business on the busi-*
23 *ness of the Governing Board, members of such*
24 *Governing Board shall be allowed travel ex-*
25 *penses, including per diem in lieu of subsistence,*

1 *at rates authorized for employees of agencies*
2 *under subchapter I of chapter 57 of title 5, United*
3 *States Code, for persons employed intermit-*
4 *tently in the Government service.*

5 (8) *DATE OF APPOINTMENT.*—*The Governing*
6 *Board shall be appointed not later than September*
7 *30, 1996.*

8 (c) *DIRECTOR.*—

9 (1) *IN GENERAL.*—*There shall be in the Federal*
10 *Partnership a Director, who shall be appointed by the*
11 *President, by and with the advice and consent of the*
12 *Senate.*

13 (2) *COMPENSATION.*—*The Director shall be com-*
14 *pensated at the rate provided for level IV of the Exec-*
15 *utive Schedule under section 5315 of title 5, United*
16 *States Code.*

17 (3) *DUTIES.*—*The Director shall—*

18 (A) *make recommendations to the Govern-*
19 *ing Board regarding the activities described in*
20 *subsection (b)(4)(B); and*

21 (B) *carry out the general administration*
22 *and enforcement of this Act.*

23 (4) *DATE OF APPOINTMENT.*—*The Director shall*
24 *be appointed not later than September 30, 1996.*

1 (d) *DETAIL OF GOVERNMENT EMPLOYEES.*—Any Fed-
2 eral Government employee may be detailed to the Federal
3 Partnership without reimbursement, and such detail shall
4 be without interruption or loss of civil service or privilege.
5 The Secretary of Education, the Secretary of Labor, and
6 the Secretary of Health and Human Services shall detail
7 a sufficient number of employees to the Federal Partnership
8 for the period beginning October 1, 1996 and ending June
9 30, 1998 to enable the Federal Partnership to carry out the
10 functions of the Federal Partnership during such period.

11 (e) *INSPECTOR GENERAL.*—There shall be an Office of
12 the Inspector General in the Federal Partnership. The Of-
13 fice shall be headed by an Inspector General appointed in
14 accordance with the Inspector General Act of 1978 (5
15 U.S.C. App.). The Inspector General shall carry out the du-
16 ties prescribed in such Act.

17 (f) *AUTHORIZATION OF APPROPRIATIONS.*—There is
18 authorized to be appropriated for fiscal years 1996 and
19 1997 \$500,000 to the Governing Board for the administra-
20 tion of this Act.

21 (g) *CONFORMING AMENDMENT.*—Section 11 of the In-
22 spector General Act of 1978 (5 U.S.C. App.) is amended—
23 (1) in paragraph (1), by inserting “the Govern-
24 ing Board of the Workforce Development Partner-
25 ship;” after “the Attorney General;”; and

1 (2) in paragraph (2), by inserting “the
2 Workforce Development Partnership;” after “Treas-
3 ury;”.

4 **SEC. 302. NATIONAL ASSESSMENT OF VOCATIONAL EDU-**
5 **CATION PROGRAMS.**

6 (a) *IN GENERAL.*—The Assistant Secretary for Edu-
7 cational Research and Improvement (referred to in this sec-
8 tion as the “Assistant Secretary”) shall conduct a national
9 assessment of vocational education programs assisted under
10 this Act, through studies and analyses conducted independ-
11 ently through competitive awards.

12 (b) *INDEPENDENT ADVISORY PANEL.*—The Assistant
13 Secretary shall appoint an independent advisory panel,
14 consisting of vocational education administrators, edu-
15 cators, researchers, and representatives of business, indus-
16 try, labor, and other relevant groups, to advise the Assistant
17 Secretary on the implementation of such assessment, includ-
18 ing the issues to be addressed and the methodology of the
19 studies involved, and the findings and recommendations re-
20 sulting from the assessment. The panel, in the discretion
21 of the panel, may submit to Congress an independent analy-
22 sis of the findings and recommendations resulting from the
23 assessment. The Federal Advisory Committee Act (5 U.S.C.
24 App.) shall not apply to the panel established under this
25 subsection.

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

3 (1) *the effect of this Act on State and tribal ad-*
4 *ministration of vocational education programs and*
5 *on local vocational education practices, including the*
6 *capacity of State, tribal, and local vocational edu-*
7 *cation systems to address the purposes of this Act;*

8 (2) *expenditures at the Federal, State, tribal,*
9 *and local levels to address program improvement in*
10 *vocational education, including the impact of Federal*
11 *allocation requirements (such as within-State dis-*
12 *tribution formulas) on the delivery of services;*

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

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

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

20 (A) *the effect of educational reform on voca-*
21 *tional education;*

22 (B) *the extent and success of integration of*
23 *academic and vocational curricula;*

24 (C) *the success of the school-to-work transi-*
25 *tion; and*

1 (D) the degree to which vocational training
2 is relevant to subsequent employment;

3 (6) employer involvement in, and satisfaction
4 with, vocational education programs;

5 (7) the effect of benchmarks, performance meas-
6 ures, and other measures of accountability on the de-
7 livery of vocational education services; and

8 (8) the degree to which minority students are in-
9 volved in vocational student organizations.

10 (d) CONSULTATION.—

11 (1) IN GENERAL.—The Secretary of Education
12 shall consult with the Committee on Economic and
13 Educational Opportunities of the House of Represent-
14 atives and the Committee on Labor and Human Re-
15 sources of the Senate in the design and implementa-
16 tion of the assessment required under subsection (a).

17 (2) REPORTS.—The Secretary of Education shall
18 submit to Congress—

19 (A) an interim report regarding the assess-
20 ment on or before January 1, 2000; and

21 (B) a final report, summarizing all studies
22 and analyses that relate to the assessment and
23 that are completed after the assessment, on or be-
24 fore July 1, 2000.

1 (3) *PROHIBITION.*—Notwithstanding any other
 2 provision of law or regulation, the reports required by
 3 this subsection shall not be subject to any review out-
 4 side of the Office of Educational Research and Im-
 5 provement before their transmittal to Congress, but
 6 the President, the Secretary, and the independent ad-
 7 visory panel established under subsection (b) may
 8 make such additional recommendations to Congress
 9 with respect to the assessment as the President, Sec-
 10 retary, or panel determine to be appropriate.

11 (e) *EFFECTIVE DATE.*—This section shall take effect on
 12 July 1, 1998.

13 **SEC. 303. LABOR MARKET INFORMATION.**

14 (a) *FEDERAL RESPONSIBILITIES.*—The Governing
 15 Board, in accordance with the provisions of this section,
 16 shall oversee the development, maintenance, and continuous
 17 improvement of a nationwide integrated labor market infor-
 18 mation system that shall include—

19 (1) *statistical data from cooperative statistical*
 20 *survey and projection programs and data from ad-*
 21 *ministrative reporting systems, that, taken together,*
 22 *shall enumerate, estimate, and project the supply and*
 23 *demand for labor at the substate, State, and national*
 24 *levels in a timely manner, including data on—*

1 (A) the demography, socioeconomic charac-
2 teristics, and current employment status of the
3 substate, State, and national populations (as of
4 the date of the collection of the data), including
5 self-employed, part-time, and seasonal workers;

6 (B) job vacancies, education and training
7 requirements, skills, wages, benefits, working con-
8 ditions, and industrial distribution, of occupa-
9 tions, as well as current and projected employ-
10 ment opportunities and trends by industry and
11 occupation;

12 (C) the educational attainment, training,
13 skills, skill levels, and occupations of the popu-
14 lations;

15 (D) information maintained in a longitu-
16 dinal manner on the quarterly earnings, estab-
17 lishment and industry affiliation, and geo-
18 graphic location of employment for all individ-
19 uals for whom the information is collected by the
20 States; and

21 (E) the incidence, industrial and geographi-
22 cal location, and number of workers displaced by
23 permanent layoffs and plant closings;

24 (2) State and substate area employment and
25 consumer information (which shall be current, com-

1 *prehensive, automated, accessible, easy to understand,*
2 *and in a form useful for facilitating immediate em-*
3 *ployment, entry into education and training pro-*
4 *grams, and career exploration) on—*

5 *(A) job openings, locations, hiring require-*
6 *ments, and application procedures, including*
7 *profiles of industries in the local labor market*
8 *that describe the nature of work performed, em-*
9 *ployment requirements, and patterns in wages*
10 *and benefits;*

11 *(B) jobseekers, including the education,*
12 *training, and employment experience of the job-*
13 *seekers; and*

14 *(C) the cost and effectiveness of providers of*
15 *workforce employment activities, workforce edu-*
16 *cation activities, and flexible workforce activities,*
17 *including the percentage of program completion,*
18 *acquisition of skills to meet industry-recognized*
19 *skill standards, continued education, job place-*
20 *ment, and earnings, by participants, and other*
21 *information that may be useful in facilitating*
22 *informed choices among providers by partici-*
23 *pants;*

24 *(3) technical standards for labor market infor-*
25 *mation that will—*

1 (A) ensure compatibility of the information
2 and the ability to aggregate the information
3 from substate areas to State and national levels;

4 (B) support standardization and aggrega-
5 tion of the data from administrative reporting
6 systems;

7 (C) include—

8 (i) classification and coding systems
9 for industries, occupations, skills, programs,
10 and courses;

11 (ii) nationally standardized definitions
12 of labor market terms, including terms re-
13 lated to State benchmarks established pursu-
14 ant to section 131(c);

15 (iii) quality control mechanisms for
16 the collection and analysis of labor market
17 information; and

18 (iv) common schedules for collection
19 and dissemination of labor market informa-
20 tion; and

21 (D) eliminate gaps and duplication in sta-
22 tistical undertakings, with a high priority given
23 to the systemization of wage surveys;

24 (4) an analysis of data and information de-
25 scribed in paragraphs (1) and (2) for uses such as—

1 (A) *national, State, and substate area eco-*
2 *nom ic policymaking;*

3 (B) *planning and evaluation of workforce*
4 *development activities;*

5 (C) *the implementation of Federal policies,*
6 *including the allocation of Federal funds to*
7 *States and substate areas; and*

8 (D) *research on labor market dynamics;*

9 (5) *dissemination mechanisms for data and*
10 *analysis, including mechanisms that may be stand-*
11 *ardized among the States; and*

12 (6) *programs of technical assistance for States*
13 *and substate areas in the development, maintenance,*
14 *utilization, and continuous improvement of the data,*
15 *information, standards, analysis, and dissemination*
16 *mechanisms, described in paragraphs (1) through (5).*

17 (b) *JOINT FEDERAL-STATE RESPONSIBILITIES.—*

18 (1) *IN GENERAL.—The nationwide integrated*
19 *labor market information system shall be planned,*
20 *administered, overseen, and evaluated through a coop-*
21 *erative governance structure involving the Federal*
22 *Government and the States receiving financial assist-*
23 *ance under this Act.*

24 (2) *ANNUAL PLAN.—The Governing Board shall,*
25 *with the assistance of the Bureau of Labor Statistics*

1 *and other Federal agencies, where appropriate, pre-*
2 *pare an annual plan that shall be the mechanism for*
3 *achieving the cooperative Federal-State governance*
4 *structure for the nationwide integrated labor market*
5 *information system. The plan shall—*

6 *(A) establish goals for the development and*
7 *improvement of a nationwide integrated labor*
8 *market information system based on information*
9 *needs for achieving economic growth and produc-*
10 *tivity, accountability, fund allocation equity,*
11 *and an understanding of labor market character-*
12 *istics and dynamics;*

13 *(B) describe the elements of the system, in-*
14 *cluding—*

15 *(i) standards, definitions, formats, col-*
16 *lection methodologies, and other necessary*
17 *system elements, for use in collecting the*
18 *data and information described in para-*
19 *graphs (1) and (2) of subsection (a); and*

20 *(ii) assurances that—*

21 *(I) data will be sufficiently timely*
22 *and detailed for uses including the uses*
23 *described in subsection (a)(4);*

24 *(II) administrative records will be*
25 *standardized to facilitate the aggrega-*

1 tion of data from substate areas to
2 State and national levels and to sup-
3 port the creation of new statistical se-
4 ries from program records; and

5 (III) paperwork and reporting re-
6 quirements on employers and individ-
7 uals will be reduced;

8 (C) recommend needed improvements in ad-
9 ministrative reporting systems to be used for the
10 nationwide integrated labor market information
11 system;

12 (D) describe the current spending on inte-
13 grated labor market information activities from
14 all sources, assess the adequacy of the funds
15 spent, and identify the specific budget needs of
16 the Federal Government and States with respect
17 to implementing and improving the nationwide
18 integrated labor market information system;

19 (E) develop a budget for the nationwide in-
20 tegrated labor market information system that—

21 (i) accounts for all funds described in
22 subparagraph (D) and any new funds made
23 available pursuant to this Act; and

24 (ii) describes the relative allotments to
25 be made for—

1 (I) operating the cooperative sta-
2 tistical programs pursuant to sub-
3 section (a)(1);

4 (II) developing and providing em-
5 ployment and consumer information
6 pursuant to subsection (a)(2);

7 (III) ensuring that technical
8 standards are met pursuant to sub-
9 section (a)(3); and

10 (IV) providing the analysis, dis-
11 semination mechanisms, and technical
12 assistance under paragraphs (4), (5),
13 and (6) of subsection (a), and match-
14 ing data;

15 (F) describe the involvement of States in de-
16 veloping the plan by holding formal consulta-
17 tions conducted in cooperation with representa-
18 tives of the Governors of each State or the State
19 workforce development board described in section
20 105, where appropriate, pursuant to a process
21 established by the Governing Board; and

22 (G) provide for technical assistance to the
23 States for the development of statewide com-
24 prehensive labor market information systems de-
25 scribed in subsection (c), including assistance

1 *with the development of easy-to-use software and*
2 *hardware, or uniform information displays.*

3 *For purposes of applying Office of Management and*
4 *Budget Circular A-11 to determine persons eligible to*
5 *participate in deliberations relating to budget issues*
6 *for the development of the plan, the representatives of*
7 *the Governors of each State and the State workforce*
8 *development board described in subparagraph (F)*
9 *shall be considered to be employees of the Department*
10 *of Labor.*

11 *(c) STATE RESPONSIBILITIES.—*

12 *(1) DESIGNATION OF STATE AGENCY.—In order*
13 *to receive Federal financial assistance under this Act,*
14 *the Governor of a State shall—*

15 *(A) establish an interagency process for the*
16 *oversight of a statewide comprehensive labor*
17 *market information system and for the partici-*
18 *pation of the State in the cooperative Federal-*
19 *State governance structure for the nationwide in-*
20 *tegrated labor market information system; and*

21 *(B) designate a single State agency or en-*
22 *tity within the State to be responsible for the*
23 *management of the statewide comprehensive*
24 *labor market information system.*

1 (2) *DUTIES.*—*In order to receive Federal finan-*
2 *cial assistance under this Act, the State agency or en-*
3 *tity within the State designated under paragraph*
4 *(1)(B) shall—*

5 (A) *consult with employers and local*
6 *workforce development boards described in sec-*
7 *tion 118(b), where appropriate, about the labor*
8 *market relevance of the data to be collected and*
9 *displayed through the statewide comprehensive*
10 *labor market information system;*

11 (B) *develop, maintain, and continuously*
12 *improve the statewide comprehensive labor mar-*
13 *ket information system, which shall—*

14 (i) *include all of the elements described*
15 *in paragraphs (1), (2), (3), (4), (5), and (6)*
16 *of subsection (a); and*

17 (ii) *provide the consumer information*
18 *described in clauses (v) and (vi) of section*
19 *106(a)(2)(B) in a manner that shall be re-*
20 *sponsive to the needs of business, industry,*
21 *workers, and jobseekers;*

22 (C) *ensure the performance of contract and*
23 *grant responsibilities for data collection, analy-*
24 *sis, and dissemination, through the statewide*
25 *comprehensive labor market information system;*

1 (D) conduct such other data collection,
2 analysis, and dissemination activities to ensure
3 that State and substate area labor market infor-
4 mation is comprehensive;

5 (E) actively seek the participation of other
6 State and local agencies, with particular atten-
7 tion to State education, economic development,
8 human services, and welfare agencies, in data
9 collection, analysis, and dissemination activities
10 in order to ensure complementarity and compat-
11 ibility among data;

12 (F) participate in the development of the
13 national annual plan described in subsection
14 (b)(2); and

15 (G) ensure that the matches required for the
16 job placement accountability system by section
17 131(d)(2)(A) are made for the State and for
18 other States.

19 (3) *RULE OF CONSTRUCTION.*—Nothing in this
20 Act shall be construed as limiting the ability of a
21 State agency to conduct additional data collection,
22 analysis, and dissemination activities with State
23 funds or with Federal funds from sources other than
24 this Act.

1 (d) *EFFECTIVE DATE.*—*This section shall take effect*
2 *on July 1, 1998.*

3 **SEC. 304. NATIONAL CENTER FOR RESEARCH IN EDU-**
4 **CATION AND WORKFORCE DEVELOPMENT.**

5 (a) *GRANTS AUTHORIZED.*—*From amounts made*
6 *available under section 134(b)(5), the Governing Board is*
7 *authorized—*

8 (1) *for the period beginning on the date of enact-*
9 *ment of this Act and ending on December 31, 1997,*
10 *to support a national center that was established*
11 *under section 404 of the Carl D. Perkins Vocational*
12 *and Applied Technology Education Act and that was*
13 *in existence on the day before the date of enactment*
14 *of this Act, in accordance with such section 404 (as*
15 *such section was in effect on the day before the date*
16 *of enactment of this Act); and*

17 (2) *for the period after December 31, 1997, to*
18 *award a grant, on a competitive basis, to an institu-*
19 *tion of higher education, public or private nonprofit*
20 *organization or agency, or a consortium of such insti-*
21 *tutions, organizations, or agencies, to enable such in-*
22 *stitution, organization, agency, or consortium to es-*
23 *tablish a national center to carry out the activities*
24 *described in subsection (b).*

1 (b) *AUTHORIZED ACTIVITIES.*—Grant funds made
2 available under this section shall be used by the national
3 center assisted under subsection (a)(2)—

4 (1) to increase the effectiveness and improve the
5 implementation of workforce development programs,
6 including conducting research and development and
7 providing technical assistance with respect to—

8 (A) combining academic and vocational
9 education;

10 (B) connecting classroom instruction with
11 work-based learning;

12 (C) creating a continuum of educational
13 programs that provide multiple exit points for
14 employment, which may include changes or de-
15 velopment of instructional materials or curricu-
16 lum;

17 (D) establishing high quality support serv-
18 ices for all students to ensure access to workforce
19 development programs, educational success, and
20 job placement assistance;

21 (E) developing new models for remediation
22 of basic academic skills, which models shall in-
23 corporate appropriate instructional methods,
24 rather than using rote and didactic methods;

1 (F) identifying ways to establish links
2 among educational and job training programs at
3 the State and local levels;

4 (G) developing new models for career guid-
5 ance, career information, and counseling serv-
6 ices;

7 (H) identifying economic and labor market
8 changes that will affect workforce needs;

9 (I) conducting preparation of teachers and
10 professionals who work with programs funded
11 under this Act; and

12 (J) obtaining information on practices in
13 other countries that may be adapted for use in
14 the United States;

15 (2) to provide assistance to States and local re-
16 cipients of assistance under this Act in developing
17 and using systems of performance measures and
18 standards for improvement of programs and services;
19 and

20 (3) to maintain a clearinghouse that will pro-
21 vide data and information to Federal, State, and
22 local organizations and agencies about the condition
23 of statewide systems and programs funded under this
24 Act, which data and information shall be dissemi-

1 *nated in a form that is useful to practitioners and*
 2 *policymakers.*

3 (c) *OTHER ACTIVITIES.*—*The Governing Board may*
 4 *request that the national center assisted under subsection*
 5 *(a)(2) conduct activities not described in subsection (b), or*
 6 *study topics not described in subsection (b), as the Govern-*
 7 *ing Board determines to be necessary to carry out this Act.*

8 (d) *IDENTIFICATION OF CURRENT NEEDS.*—*The na-*
 9 *tional center assisted under subsection (a)(2) shall identify*
 10 *current needs (as of the date of the identification) for re-*
 11 *search and technical assistance through a variety of sources*
 12 *including a panel of Federal, State, and local level practi-*
 13 *tioners.*

14 (e) *SUMMARY REPORT.*—*The national center assisted*
 15 *under subsection (a)(2) shall annually prepare and submit*
 16 *to the Governing Board and Congress a report summarizing*
 17 *the research findings obtained, and the results of develop-*
 18 *ment and technical assistance activities carried out, under*
 19 *this section.*

20 (f) *DEFINITION.*—*As used in this section, the term “in-*
 21 *stitution of higher education” has the meaning given the*
 22 *term in section 1201(a) of the Higher Education Act of*
 23 *1965 (20 U.S.C. 1141(a)).*

24 (g) *EFFECTIVE DATE.*—*This section shall take effect*
 25 *on July 1, 1998.*

1 **SEC. 305. TRANSFERS TO FEDERAL PARTNERSHIP.**

2 (a) *DEFINITIONS.*—For purposes of this section, unless
3 otherwise provided or indicated by the context—

4 (1) the term “Federal agency” has the meaning
5 given to the term “agency” by section 551(1) of title
6 5, United States Code;

7 (2) the term “function” means any duty, obliga-
8 tion, power, authority, responsibility, right, privilege,
9 activity, or program; and

10 (3) the term “office” includes any office, admin-
11 istration, agency, institute, unit, organizational en-
12 tity, or component thereof.

13 (b) *TRANSFER OF FUNCTIONS.*—

14 (1) *IN GENERAL.*—There are transferred to the
15 Federal Partnership, in accordance with subsection
16 (c), all functions that the Secretary of Labor or the
17 Secretary of Education exercised before the effective
18 date of this section (including all related functions of
19 any officer or employee of the Department of Labor
20 or the Department of Education) that relate to a cov-
21 ered activity and that are minimally necessary to
22 carry out the functions of the Federal Partnership.
23 The authority of a transferred employee to carry out
24 a function that relates to a covered activity shall ter-
25minate on July 1, 1998.

1 (2) *OFFICE OF INSPECTOR GENERAL.*—There are
 2 transferred to the Federal Partnership, in accordance
 3 with subsection (c), all functions that the Secretary of
 4 Labor or the Secretary of Education, acting through
 5 the Office of Inspector General of the Department of
 6 Labor or of the Department of Education, exercised
 7 before the effective date of this section (including all
 8 related functions of any officer or employee of the De-
 9 partment of Labor or the Department of Education)
 10 that relate to the auditing or investigation of a cov-
 11 ered activity and that are minimally necessary to
 12 carry out the functions of the Federal Partnership.
 13 The authority of a transferred employee to carry out
 14 a function that relates to the auditing or investiga-
 15 tion of a covered activity shall terminate on July 1,
 16 1998.

17 (c) *DETERMINATIONS OF FUNCTIONS BY THE GOVERN-*
 18 *ING BOARD.*—

19 (1) *TRANSITION WORKPLAN.*—

20 (A) *IN GENERAL.*—Not later than the date
 21 of appointment of the Governing Board, the Sec-
 22 retary of Labor and the Secretary of Education
 23 shall prepare and submit to the Governing
 24 Board a proposed workplan that specifies the
 25 steps that the Secretaries will take, during the

1 *period ending on July 1, 1998, to carry out the*
2 *transfers described in subsection (b).*

3 (B) *CONTENTS.*—*The proposed workplan*
4 *shall include, at a minimum—*

5 (i) *an analysis of the functions that of-*
6 *ficers and employees of the Department of*
7 *Labor and the Department of Education*
8 *carry out (as of the date of the submission*
9 *of the workplan) that relate to a covered ac-*
10 *tivity or to the auditing or investigation of*
11 *a covered activity;*

12 (ii) *information on the levels of person-*
13 *nel and funding used to carry out the func-*
14 *tions (as of such date);*

15 (iii) *information on the proposed orga-*
16 *nizational structure for the Federal Part-*
17 *nership;*

18 (iv) *a determination of the functions*
19 *described in clause (i) that are minimally*
20 *necessary to carry out the functions of the*
21 *Federal Partnership; and*

22 (v) *information on the levels of person-*
23 *nel and funding that are minimally nec-*
24 *essary to carry out the functions of the Fed-*
25 *eral Partnership.*

1 (2) *REVIEW.*—Not later than 30 days after the
 2 date of submission of the workplan, the Governing
 3 Board shall—

4 (A) review the workplan;

5 (B) approve the workplan or prepare a re-
 6 vised workplan that contains the analysis and
 7 information described in paragraph (1)(B), in-
 8 cluding a determination of the functions de-
 9 scribed in paragraph (1)(B)(iv), which shall be
 10 transferred under subsection (b); and

11 (C) submit the approved or revised
 12 workplan to the appropriate committees of Con-
 13 gress.

14 (d) *PERSONNEL PROVISIONS.*—

15 (1) *APPOINTMENTS.*—The Director may appoint
 16 and fix the compensation of such officers and employ-
 17 ees, including investigators, attorneys, and adminis-
 18 trative law judges, as may be necessary to carry out
 19 the functions of the Federal Partnership. Except as
 20 otherwise provided by law, such officers and employ-
 21 ees shall be appointed in accordance with the civil
 22 service laws and their compensation fixed in accord-
 23 ance with title 5, United States Code.

24 (2) *EXPERTS AND CONSULTANTS.*—The Director
 25 may obtain the services of experts and consultants in

1 *accordance with section 3109 of title 5, United States*
2 *Code, and compensate such experts and consultants*
3 *for each day (including travel time) at rates not in*
4 *excess of the rate of pay for level IV of the Executive*
5 *Schedule under section 5315 of such title. The Direc-*
6 *tor may pay experts and consultants who are serving*
7 *away from their homes or regular place of business*
8 *travel expenses and per diem in lieu of subsistence at*
9 *rates authorized by sections 5702 and 5703 of such*
10 *title for persons in Government service employed*
11 *intermittently.*

12 *(e) DELEGATION AND ASSIGNMENT.—Except where*
13 *otherwise expressly prohibited by law or otherwise provided*
14 *by this section, the Governing Board may delegate any*
15 *function transferred or granted to such Federal Partnership*
16 *after the effective date of this section to such officers and*
17 *employees of the Federal Partnership as the Governing*
18 *Board may designate, and may authorize successive*
19 *redelegations of such functions as may be necessary or ap-*
20 *propriate. No delegation of functions by the Governing*
21 *Board under this subsection or under any other provision*
22 *of this section shall relieve such Governing Board of respon-*
23 *sibility for the administration of such functions.*

24 *(f) REORGANIZATION.—The Governing Board may al-*
25 *locate or reallocate any function transferred or granted to*

1 *such Federal Partnership after the effective date of this sec-*
 2 *tion among the officers of the Federal Partnership, and es-*
 3 *tablish, consolidate, alter, or discontinue such organiza-*
 4 *tional entities in the Federal Partnership as may be nec-*
 5 *essary or appropriate.*

6 (g) *RULES.—The Governing Board is authorized to*
 7 *prescribe, in accordance with the provisions of chapters 5*
 8 *and 6 of title 5, United States Code, such rules and regula-*
 9 *tions as the Governing Board determines to be necessary*
 10 *or appropriate to administer and manage the functions of*
 11 *the Federal Partnership.*

12 (h) *TRANSFER AND ALLOCATIONS OF APPROPRIATIONS*
 13 *AND PERSONNEL.—*

14 (1) *IN GENERAL.—Except as otherwise provided*
 15 *in this section, the personnel employed in connection*
 16 *with, and the assets, liabilities, contracts, property,*
 17 *records, and unexpended balances of appropriations,*
 18 *authorizations, allocations, and other funds employed,*
 19 *used, held, arising from, available to, or to be made*
 20 *available in connection with the functions transferred*
 21 *by this section, subject to section 1531 of title 31,*
 22 *United States Code, shall be transferred to the Federal*
 23 *Partnership. Unexpended funds transferred pursuant*
 24 *to this subsection shall be used only to carry out the*
 25 *functions of the Federal Partnership.*

1 (2) *EXISTING FACILITIES AND OTHER FEDERAL*
2 *RESOURCES.*—Pursuant to paragraph (1), the Sec-
3 retary of Labor and the Secretary of Education shall
4 supply such office facilities, office supplies, support
5 services, and related expenses as may be minimally
6 necessary to carry out the functions of the Governing
7 Board. None of the funds made available under this
8 Act may be used for the construction of office facilities
9 for the Federal Partnership.

10 (i) *INCIDENTAL TRANSFERS.*—The Director of the Of-
11 fice of Management and Budget, at such time or times as
12 the Director shall provide, may make such determinations
13 as may be necessary with regard to the functions transferred
14 by this section, and to make such additional incidental dis-
15 positions of personnel, assets, liabilities, grants, contracts,
16 property, records, and unexpended balances of appropria-
17 tions, authorizations, allocations, and other funds held,
18 used, arising from, available to, or to be made available
19 in connection with such functions, as may be necessary to
20 carry out the provisions of this section. The Director of the
21 Office of Management and Budget shall provide for the ter-
22 mination of the affairs of all entities terminated by this
23 section and for such further measures and dispositions as
24 may be necessary to effectuate the objectives of this section.

25 (j) *EFFECT ON PERSONNEL.*—

1 (1) *TERMINATION OF CERTAIN POSITIONS.*—*Posi-*
2 *tions whose incumbents are appointed by the Presi-*
3 *dent, by and with the advice and consent of the Sen-*
4 *ate, the functions of which are transferred by this sec-*
5 *tion, shall terminate on the effective date of this sec-*
6 *tion.*

7 (2) *ACTIONS.*—

8 (A) *IN GENERAL.*—*The Secretary of Labor*
9 *and the Secretary of Education shall take such*
10 *actions as may be necessary, including reduction*
11 *in force actions, consistent with sections 3502*
12 *and 3595 of title 5, United States Code, to en-*
13 *sure that the positions of personnel that relate to*
14 *a covered activity and are not transferred under*
15 *subsection (b)(1) are separated from service.*

16 (B) *SCOPE.*—*The Secretary of Labor and*
17 *the Secretary of Education shall take the actions*
18 *described in subparagraph (A) with respect to*
19 *not less than 1/3 of the positions of personnel that*
20 *relate to a covered activity.*

21 (C) *DEFINITION.*—*As used in this para-*
22 *graph, the term “positions of personnel that re-*
23 *late to a covered activity” shall not include any*
24 *position in an Office of Inspector General that*

1 *relates to the auditing or investigation of a cov-*
 2 *ered activity.*

3 *(k) SAVINGS PROVISIONS.—*

4 *(1) SUITS NOT AFFECTED.—The provisions of*
 5 *this section shall not affect suits commenced before the*
 6 *effective date of this section, and in all such suits,*
 7 *proceedings shall be had, appeals taken, and judg-*
 8 *ments rendered in the same manner and with the*
 9 *same effect as if this section had not been enacted.*

10 *(2) NONABATEMENT OF ACTIONS.—No suit, ac-*
 11 *tion, or other proceeding commenced by or against the*
 12 *Department of Labor or the Department of Edu-*
 13 *cation, or by or against any individual in the official*
 14 *capacity of such individual as an officer of the De-*
 15 *partment of Labor or the Department of Education,*
 16 *shall abate by reason of the enactment of this section.*

17 *(l) TRANSITION.—The Governing Board may utilize—*

18 *(1) the services of officers, employees, and other*
 19 *personnel of the Department of Labor or the Depart-*
 20 *ment of Education with respect to functions trans-*
 21 *ferred to the Federal Partnership by this section; and*

22 *(2) funds appropriated to such functions;*
 23 *for such period of time as may reasonably be needed to fa-*
 24 *cilitate the orderly implementation of this section.*

1 (m) *REFERENCES.*—A reference in any other Federal
 2 law, Executive order, rule, regulation, or delegation of au-
 3 thority, or any document of or relating to—

4 (1) *the Secretary of Labor or the Secretary of*
 5 *Education with regard to functions transferred under*
 6 *subsection (b), shall be deemed to refer to the Govern-*
 7 *ing Board; and*

8 (2) *the Department of Labor or the Department*
 9 *of Education with regard to functions transferred*
 10 *under subsection (b), shall be deemed to refer to the*
 11 *Federal Partnership.*

12 (n) *ADDITIONAL CONFORMING AMENDMENTS.*—

13 (1) *RECOMMENDED LEGISLATION.*—After con-
 14 sultation with the appropriate committees of Congress
 15 and the Director of the Office of Management and
 16 Budget, the Governing Board shall prepare and sub-
 17 mit to Congress recommended legislation containing
 18 technical and conforming amendments to reflect the
 19 changes made by this section.

20 (2) *SUBMISSION TO CONGRESS.*—Not later than
 21 March 31, 1997, the Governing Board shall submit
 22 the recommended legislation referred to in paragraph
 23 (1).

24 (o) *EFFECTIVE DATE.*—

1 (1) *IN GENERAL.*—Except as provided in para-
 2 graphs (2) and (3), this section shall take effect on
 3 June 30, 1998.

4 (2) *REGULATIONS AND CONFORMING AMEND-*
 5 *MENTS.*—Subsections (g) and (n) shall take effect on
 6 September 30, 1996.

7 (3) *WORKPLAN.*—Subsection (c) shall take effect
 8 on the date of enactment of this Act.

9 **SEC. 306. TRANSFERS TO OTHER FEDERAL AGENCIES AND**
 10 **OFFICES.**

11 (a) *TRANSFER.*—There are transferred to the appro-
 12 priate receiving agency, in accordance with subsection (b),
 13 all functions that the Secretary of Labor, acting through
 14 the Employment and Training Administration, or the Sec-
 15 retary of Education, acting through the Office of Vocational
 16 and Adult Education, exercised before the effective date of
 17 this section (including all related functions of any officer
 18 or employee of the Employment and Training Administra-
 19 tion or the Office of Vocational and Adult Education) that
 20 do not relate to a covered activity.

21 (b) *DETERMINATIONS OF FUNCTIONS AND APPRO-*
 22 *PRIATE RECEIVING AGENCIES.*—

23 (1) *TRANSITION WORKPLAN.*—

24 (A) *IN GENERAL.*—Not later than 90 days
 25 after the date of appointment of the Governing

1 *Board, the Secretary of Labor and the Secretary*
2 *of Education shall prepare and submit to the*
3 *Governing Board a proposed workplan that*
4 *specifies the steps that the Secretaries will take,*
5 *during the period ending on July 1, 1998, to*
6 *carry out the transfer described in subsection (a).*

7 *(B) CONTENTS.—The proposed workplan*
8 *shall include, at a minimum—*

9 *(i) a determination of the functions*
10 *that officers and employees of the Employ-*
11 *ment and Training Administration and the*
12 *Office of Vocational and Adult Education*
13 *carry out (as of the date of the submission*
14 *of the workplan) that do not relate to a cov-*
15 *ered activity; and*

16 *(ii) a determination of the appropriate*
17 *receiving agencies for the functions, based*
18 *on factors including increased efficiency*
19 *and elimination of duplication of functions.*

20 *(2) REVIEW.—Not later than 30 days after the*
21 *date of submission of the workplan, the Governing*
22 *Board shall—*

23 *(A) review the workplan;*

24 *(B) approve the workplan or prepare a re-*
25 *vised workplan that contains—*

1 (i) a determination of the functions de-
 2 scribed in paragraph (1)(B)(i), which shall
 3 be transferred under subsection (a); and

4 (ii) a determination of the appropriate
 5 receiving agencies described in paragraph
 6 (1)(B)(ii), based on the factors described in
 7 such paragraph, to which the functions shall
 8 be transferred under subsection (a); and

9 (C) submit the approved or revised
 10 workplan to the appropriate committees of Con-
 11 gress.

12 (3) *REPORT.*—Not later than July 1, 1998, the
 13 Secretary of Education and the Secretary of Labor
 14 shall submit to the appropriate committees of Con-
 15 gress information on the transfers required by this
 16 section.

17 (c) *APPLICATION OF AUTHORITIES.*—

18 (1) *IN GENERAL.*—

19 (A) *APPLICATION.*—Subsection (a), and
 20 subsections (d) through (n), of section 305 (other
 21 than subsections (g), (h)(2), (j)(2), and (n)) shall
 22 apply to transfers under this section, in the same
 23 manner and to the same extent as the subsections
 24 apply to transfers under section 305.

1 (B) *REGULATIONS AND CONFORMING*
2 *AMENDMENTS.*—Subsections (g) and (n) shall
3 apply to transfers under this section, in the same
4 manner and to the same extent as the subsections
5 apply to transfers under section 305.

6 (2) *REFERENCES.*—For purposes of the applica-
7 tion of the subsections described in paragraph (1)
8 (other than subsections (h)(2) and (j)(2) of section
9 305) to transfers under this section—

10 (A) references to the Federal Partnership
11 shall be deemed to be references to the appro-
12 priate receiving agency, as determined in the ap-
13 proved or revised workplan referred to in sub-
14 section (b)(2);

15 (B) references to the Director or Governing
16 Board shall be deemed to be references to the
17 head of the appropriate receiving agency; and

18 (C) references to transfers in subsections (e)
19 and (f) of section 305 shall be deemed to include
20 transfers under this section.

21 (3) *ADMINISTRATION.*—Unexpended funds trans-
22 ferred pursuant to this section shall be used only for
23 the purposes for which the funds were originally au-
24 thorized and appropriated.

1 (4) *CONTINUING EFFECT OF LEGAL DOCU-*
2 *MENTS.—All orders, determinations, rules, regula-*
3 *tions, permits, agreements, grants, contracts, certifi-*
4 *cates, licenses, registrations, privileges, and other ad-*
5 *ministrative actions—*

6 *(A) that have been issued, made, granted, or*
7 *allowed to become effective by the President, any*
8 *Federal agency or official of a Federal agency, or*
9 *by a court of competent jurisdiction, in the per-*
10 *formance of functions that are transferred under*
11 *this section; and*

12 *(B) that are in effect on the effective date of*
13 *this section or were final before the effective date*
14 *of this section and are to become effective on or*
15 *after the effective date of this section;*

16 *shall continue in effect according to their terms until*
17 *modified, terminated, superseded, set aside, or revoked*
18 *in accordance with law by the President, the appro-*
19 *priate receiving agency or other authorized official, a*
20 *court of competent jurisdiction, or by operation of*
21 *law.*

22 (5) *PROCEEDINGS NOT AFFECTED.—*

23 *(A) IN GENERAL.—The provisions of this*
24 *section shall not affect any proceedings, includ-*
25 *ing notices of proposed rulemaking, or any ap-*

1 *plication for any license, permit, certificate, or*
2 *financial assistance pending before the Depart-*
3 *ment of Labor or the Department of Education*
4 *on the date this section takes effect, with respect*
5 *to functions transferred by this section.*

6 (B) *CONTINUATION.*—*Such proceedings and*
7 *applications shall be continued. Orders shall be*
8 *issued in such proceedings, appeals shall be*
9 *taken from the orders, and payments shall be*
10 *made pursuant to such orders, as if this section*
11 *had not been enacted, and orders issued in any*
12 *such proceedings shall continue in effect until*
13 *modified, terminated, superseded, or revoked by a*
14 *duly authorized official, by a court of competent*
15 *jurisdiction, or by operation of law.*

16 (C) *CONSTRUCTION.*—*Nothing in this para-*
17 *graph shall be deemed to prohibit the discontinu-*
18 *ance or modification of any such proceeding*
19 *under the same terms and conditions and to the*
20 *same extent that such proceeding could have been*
21 *discontinued or modified if this section had not*
22 *been enacted.*

23 (6) *ADMINISTRATIVE ACTIONS RELATING TO PRO-*
24 *MULGATION OF REGULATIONS.*—*Any administrative*
25 *action relating to the preparation or promulgation of*

1 *a regulation by the Department of Labor or the De-*
 2 *partment of Education relating to a function trans-*
 3 *ferred under this section may be continued by the ap-*
 4 *propriate receiving agency with the same effect as if*
 5 *this section had not been enacted.*

6 (d) *CONSTRUCTION.*—*Nothing in this section shall be*
 7 *construed to require the transfer of any function described*
 8 *in subsection (b)(1)(B)(i) to the Federal Partnership.*

9 (e) *EFFECTIVE DATE.*—

10 (1) *IN GENERAL.*—*Except as provided in para-*
 11 *graph (2), this section shall take effect on June 30,*
 12 *1998.*

13 (2) *REGULATIONS AND CONFORMING AMEND-*
 14 *MENTS.*—*Subsection (c)(1)(B) shall take effect on Sep-*
 15 *tember 30, 1996.*

16 (3) *WORKPLAN.*—*Subsection (b) shall take effect*
 17 *on the date of enactment of this Act.*

18 **SEC. 307. ELIMINATION OF CERTAIN OFFICES.**

19 (a) *TERMINATION.*—*The Office of Vocational and*
 20 *Adult Education and the Employment and Training Ad-*
 21 *ministration shall terminate on July 1, 1998.*

22 (b) *OFFICE OF VOCATIONAL AND ADULT EDU-*
 23 *CATION.*—

24 (1) *TITLE 5, UNITED STATES CODE.*—*Section*
 25 *5315 of title 5, United States Code, is amended by*

1 *striking “Assistant Secretaries of Education (10)”*
2 *and inserting “Assistant Secretaries of Education*
3 *(9)”.*

4 (2) *DEPARTMENT OF EDUCATION ORGANIZATION*
5 *ACT.—*

6 (A) *Section 202 of the Department of Edu-*
7 *cation Organization Act (20 U.S.C. 3412) is*
8 *amended—*

9 (i) *in subsection (b)(1)—*

10 (I) *by striking subparagraph (C);*

11 *and*

12 (II) *by redesignating subpara-*
13 *graphs (D) through (F) as subpara-*
14 *graphs (C) through (E), respectively;*

15 (ii) *by striking subsection (h); and*

16 (iii) *by redesignating subsection (i) as*
17 *subsection (h).*

18 (B) *Section 206 of such Act (20 U.S.C.*
19 *3416) is repealed.*

20 (C) *Section 402(c)(1) of the Improving*
21 *America’s Schools Act of 1994 (20 U.S.C.*
22 *9001(c)(1)) is amended by striking “established*
23 *under” and all that follows and inserting a*
24 *semicolon.*

1 (3) *GOALS 2000: EDUCATE AMERICA ACT*.—*Sec-*
2 *tion 931(h)(3)(A) of the Goals 2000: Educate America*
3 *Act (20 U.S.C. 6031(h)(3)(A)) is amended—*

4 (A) *by striking clause (iii); and*

5 (B) *by redesignating clauses (iv) and (v) as*
6 *clauses (iii) and (iv), respectively.*

7 (c) *EMPLOYMENT AND TRAINING ADMINISTRATION*.—

8 (1) *TITLE 5, UNITED STATES CODE*.—*Section*
9 *5315 of title 5, United States Code, is amended by*
10 *striking “Assistant Secretaries of Labor (10)” and in-*
11 *serting “Assistant Secretaries of Labor (9)”.*

12 (2) *VETERANS’ BENEFITS AND PROGRAMS IM-*
13 *PROVEMENT ACT OF 1988*.—*Section 402(d)(3) of the*
14 *Veterans’ Benefits and Programs Improvement Act of*
15 *1988 (29 U.S.C. 1721 note) is amended by striking*
16 *“and under any other program administered by the*
17 *Employment and Training Administration of the De-*
18 *partment of Labor”.*

19 (3) *TITLE 38, UNITED STATES CODE*.—*Section*
20 *4110(d) of title 38, United States Code, is amended—*

21 (A) *by striking paragraph (7); and*

22 (B) *by redesignating paragraphs (8)*
23 *through (12) as paragraphs (7) through (11), re-*
24 *spectively.*

1 (4) *NATIONAL AND COMMUNITY SERVICE ACT OF*
 2 *1990.—The last sentence of section 162(b) of the Na-*
 3 *tional and Community Service Act of 1990 (42*
 4 *U.S.C. 12622(b)) is amended by striking “or the Of-*
 5 *fice of Job Training”.*

6 (d) *UNITED STATES EMPLOYMENT SERVICE.—*

7 (1) *TITLE 5, UNITED STATES CODE.—Section*
 8 *3327 of title 5, United States Code, is amended—*

9 (A) *in subsection (a), by striking “the em-*
 10 *ployment offices of the United States Employ-*
 11 *ment Service” and inserting “Governors”; and*

12 (B) *in subsection (b), by striking “of the*
 13 *United States Employment Service”.*

14 (2) *TITLE 10, UNITED STATES CODE.—*

15 (A) *Section 1143a(d) of title 10, United*
 16 *States Code, is amended by striking paragraph*
 17 *(3).*

18 (B) *Section 2410k(b) of title 10, United*
 19 *States Code, is amended by striking “, and*
 20 *where appropriate the Interstate Job Bank (es-*
 21 *tablished by the United States Employment*
 22 *Service),”.*

23 (3) *INTERNAL REVENUE CODE OF 1986.—Section*
 24 *51 of the Internal Revenue Code of 1986 is amended*
 25 *by striking subsection (g).*

1 (4) *NATIONAL DEFENSE AUTHORIZATION ACT*
 2 *FOR FISCAL YEAR 1993.—Section 4468 of the National*
 3 *Defense Authorization Act for Fiscal Year 1993 (29*
 4 *U.S.C. 1662d–1 note) is repealed.*

5 (5) *TITLE 38, UNITED STATES CODE.—Section*
 6 *4110(d) of title 38, United States Code (as amended*
 7 *by subsection (c)(3)), is further amended—*

8 (A) *by striking paragraph (10); and*

9 (B) *by redesignating paragraph (11) as*
 10 *paragraph (10).*

11 (6) *TITLE 39, UNITED STATES CODE.—*

12 (A) *Section 3202(a)(1) of title 39, United*
 13 *States Code is amended—*

14 (i) *in subparagraph (D), by striking*
 15 *the semicolon and inserting “; and”;*

16 (ii) *by striking subparagraph (E); and*

17 (iii) *by redesignating subparagraph*
 18 *(F) as subparagraph (E).*

19 (B) *Section 3203(b) of title 39, United*
 20 *States Code, is amended by striking “(1)(E), (2),*
 21 *and (3)” and inserting “(2) and (3)”.*

22 (C) *Section 3206(b) of title 39, United*
 23 *States Code, is amended by striking “(1)(F)”*
 24 *and inserting “(1)(E)”.*

1 (7) NATIONAL AND COMMUNITY SERVICE ACT OF
 2 1990.—Section 162(b) of the National and Community
 3 Service Act of 1990 (42 U.S.C. 12622(b)) (as amend-
 4 ed by subsection (c)(4)) is further amended by strik-
 5 ing the last sentence.

6 (e) REORGANIZATION PLANS.—Except with respect to
 7 functions transferred under section 306, the authority
 8 granted to the Employment and Training Administration,
 9 the Office of Vocational and Adult Education, or any unit
 10 of the Employment and Training Administration or the Of-
 11 fice of Vocational and Adult Education by any reorganiza-
 12 tion plan shall terminate on July 1, 1998.

13 **TITLE IV—AMENDMENTS TO THE** 14 **REHABILITATION ACT OF 1973**

15 **SEC. 401. REFERENCES.**

16 Except as otherwise expressly provided in this title,
 17 whenever in this title an amendment or repeal is expressed
 18 in terms of an amendment to, or repeal of, a section or
 19 other provision, the reference shall be considered to be made
 20 to a section or other provision of the Rehabilitation Act of
 21 1973 (29 U.S.C. 701 et seq.).

22 **SEC. 402. FINDINGS AND PURPOSES.**

23 Section 2 (29 U.S.C. 701) is amended—

24 (1) in subsection (a)(4), by striking “the provi-
 25 sion of individualized training, independent living

1 *services, educational and support services,” and in-*
 2 *serting “implementation of a statewide workforce de-*
 3 *velopment system that provides meaningful and effec-*
 4 *tive participation for individuals with disabilities in*
 5 *workforce development activities and activities carried*
 6 *out through the vocational rehabilitation program es-*
 7 *tablished under title I, and through the provision of*
 8 *independent living services, support services,”; and*

9 *(2) in subsection (b)(1)(A), by inserting “state-*
 10 *wide workforce development systems that include, as*
 11 *integral components,” after “(A)”.*

12 **SEC. 403. CONSOLIDATED REHABILITATION PLAN.**

13 *(a) IN GENERAL.—Section 6 (29 U.S.C. 705) is re-*
 14 *pealed.*

15 *(b) CONFORMING AMENDMENT.—The table of contents*
 16 *for the Act is amended by striking the item relating to sec-*
 17 *tion 6.*

18 **SEC. 404. DEFINITIONS.**

19 *Section 7 (29 U.S.C. 706) is amended by adding at*
 20 *the end the following new paragraphs:*

21 *“(36) The term ‘statewide workforce development sys-*
 22 *tem’ means a statewide system, as defined in section 3 of*
 23 *the Workforce Development Act of 1995.*

1 “(37) The term ‘workforce development activities’ has
 2 the meaning given the term in section 3 of the Workforce
 3 Development Act of 1995.

4 “(38) The term ‘workforce employment activities’
 5 means the activities described in paragraphs (2) through
 6 (8) of section 106(a) of the Workforce Development Act of
 7 1995, including activities described in section 106(a)(6) of
 8 such Act provided through a voucher described in section
 9 106(a)(9) of such Act.”.

10 **SEC. 405. ADMINISTRATION.**

11 Section 12(a)(1) (29 U.S.C. 711(a)(1)) is amended by
 12 inserting “, including providing assistance to achieve the
 13 meaningful and effective participation by individuals with
 14 disabilities in the activities carried out through a statewide
 15 workforce development system” before the semicolon.

16 **SEC. 406. REPORTS.**

17 Section 13 (29 U.S.C. 712) is amended in the fourth
 18 sentence by striking “The data elements” and all that fol-
 19 lows through “age,” and inserting the following: “The infor-
 20 mation shall include all information that is required to be
 21 submitted in the report described in section 131(a) of the
 22 Workforce Development Act of 1995 and that pertains to
 23 the employment of individuals with disabilities, including
 24 information on age,”.

1 **SEC. 407. EVALUATION.**

2 Section 14(a) (29 U.S.C. 713(a)) is amended in the
3 third sentence by striking “to the extent feasible,” and all
4 that follows through the end of the sentence and inserting
5 the following: “to the maximum extent appropriate, be con-
6 sistent with the State benchmarks established under para-
7 graphs (1) and (2) of section 131(c) of the Workforce Devel-
8 opment Act of 1995. For purposes of this section, the Sec-
9 retary may modify or supplement such benchmarks after
10 consultation with the Governing Board established under
11 section 301(b) of the Workforce Development Act of 1995,
12 to the extent necessary to address unique considerations ap-
13 plicable to the participation of individuals with disabilities
14 in the vocational rehabilitation program established under
15 title I and activities carried out under other provisions of
16 this Act.”.

17 **SEC. 408. DECLARATION OF POLICY.**

18 Section 100(a) (29 U.S.C. 720(a)) is amended—

19 (1) in paragraph (1)—

20 (A) in subparagraph (E), by striking “;
21 and” and inserting a semicolon;

22 (B) in subparagraph (F)—

23 (i) by inserting “workforce develop-
24 ment activities and” before “vocational re-
25 habilitation services”; and

1 (ii) by striking the period and insert-
2 ing “; and”; and

3 (C) by adding at the end the following sub-
4 paragraph:

5 “(G) linkages between the vocational rehabilita-
6 tion program established under this title and other
7 components of the statewide workforce development
8 system are critical to ensure effective and meaningful
9 participation by individuals with disabilities in
10 workforce development activities.”; and

11 (2) in paragraph (2)—

12 (A) by striking “a comprehensive” and in-
13 serting “statewide comprehensive”; and

14 (B) by striking “program of vocational re-
15 habilitation that is designed” and inserting
16 “programs of vocational rehabilitation, each of
17 which is—

18 “(A) an integral component of a statewide
19 workforce development system; and

20 “(B) designed”.

21 **SEC. 409. STATE PLANS.**

22 (a) *IN GENERAL.*—Section 101(a) (29 U.S.C. 721(a))
23 is amended—

24 (1) in the first sentence, by striking “, or shall
25 submit” and all that follows through “et seq.)” and

1 *inserting “, and shall submit the State plan on the*
 2 *same dates as the State submits the State plan de-*
 3 *scribed in section 104 of the Workforce Development*
 4 *Act of 1995 to the Governing Board established under*
 5 *section 301(b) of such Act”;*

6 *(2) by inserting after the first sentence the fol-*
 7 *lowing: “The State shall also submit the State plan*
 8 *for vocational rehabilitation services for review and*
 9 *comment to any State workforce development board*
 10 *established for the State under section 105 of the*
 11 *Workforce Development Act of 1995, which shall sub-*
 12 *mit the comments on the State plan to the designated*
 13 *State unit.”;*

14 *(3) by striking paragraphs (10), (12), (13), (15),*
 15 *(17), (19), (23), (27), (28), (30), (34), and (35);*

16 *(4) in paragraph (20), by striking “(20)” and*
 17 *inserting “(B)”;*

18 *(5) by redesignating paragraphs (3), (4), (5),*
 19 *(6), (7), (8), (9), (14), (16), (18), (21), (22), (24),*
 20 *(25), (26), (29), (31), (32), (33), and (36) as para-*
 21 *graphs (4), (5), (6), (7), (8), (9), (10), (12), (13),*
 22 *(14), (15), (16), (17), (18), (19), (20), (21), (22), (23),*
 23 *and (24), respectively;*

24 *(6) in paragraph (1)(B)—*

1 (A) by redesignating clauses (i), (ii), and
 2 (iii) as clauses (ii), (iii), and (iv), respectively;
 3 and

4 (B) by inserting before clause (ii) (as reded-
 5 ignated in subparagraph (A)) the following: “(i)
 6 a State entity primarily responsible for imple-
 7 menting workforce employment activities through
 8 the statewide workforce development system of
 9 the State,”;
 10 (7) in paragraph (2)—

11 (A) in the matter preceding subparagraph
 12 (A), by striking “(1)(B)(i)” and inserting
 13 “(1)(B)(ii)”;

14 (B) in subparagraph (B)(ii), by striking
 15 “(1)(B)(ii)” and inserting “(1)(B)(iii)”;

16 (8) by inserting after paragraph (2) the follow-
 17 ing paragraph:

18 “(3) provide a plan for expanding and improving vo-
 19 cational rehabilitation services for individuals with disabil-
 20 ities on a statewide basis, including—

21 “(A) a statement of values and goals;

22 “(B) evidence of ongoing efforts to use outcome
 23 measures to make decisions about the effectiveness and
 24 future direction of the vocational rehabilitation pro-
 25 gram established under this title in the State; and

1 “(C) information on specific strategies for
2 strengthening the program as an integral component
3 of the statewide workforce development system estab-
4 lished in the State, including specific innovative,
5 state-of-the-art approaches for achieving sustained
6 success in improving and expanding vocational reha-
7 bilitation services provided through the program, for
8 all individuals with disabilities who seek employment,
9 through plans, policies, and procedures that link the
10 program with other components of the system, includ-
11 ing plans, policies, and procedures relating to—

12 “(i) entering into cooperative agreements,
13 between the designated State unit and appro-
14 priate entities responsible for carrying out the
15 other components of the statewide workforce de-
16 velopment system, which agreements may pro-
17 vide for—

18 “(I) provision of intercomponent staff
19 training and technical assistance regarding
20 the availability and benefits of, and eligi-
21 bility standards for, vocational rehabilita-
22 tion services, and regarding the provision of
23 equal, effective, and meaningful participa-
24 tion by individuals with disabilities in
25 workforce employment activities in the

1 *State through program accessibility, use of*
2 *nondiscriminatory policies and procedures,*
3 *and provision of reasonable accommoda-*
4 *tions, auxiliary aids and services, and reha-*
5 *bilitation technology, for individuals with*
6 *disabilities;*

7 *“(II) use of information and financial*
8 *management systems that link all compo-*
9 *nents of the statewide workforce development*
10 *system, that link the components to other*
11 *electronic networks, and that relate to such*
12 *subjects as labor market information, and*
13 *information on job vacancies, skill quali-*
14 *fications, career planning, and workforce*
15 *development activities;*

16 *“(III) use of customer service features*
17 *such as common intake and referral proce-*
18 *dures, customer data bases, resource infor-*
19 *mation, and human service hotlines;*

20 *“(IV) establishment of cooperative ef-*
21 *forts with employers to facilitate job place-*
22 *ment and to develop and sustain working*
23 *relationships with employers, trade associa-*
24 *tions, and labor organizations;*

1 “(V) identification of staff roles and
 2 responsibilities and available resources for
 3 each entity that carries out a component of
 4 the statewide workforce development system
 5 with regard to paying for necessary services
 6 (consistent with State law); and

7 “(VI) specification of procedures for re-
 8 solving disputes among such entities; and

9 “(ii) providing for the replication of such
 10 cooperative agreements at the local level between
 11 individual offices of the designated State unit
 12 and local entities carrying out activities through
 13 the statewide workforce development system;”;

14 (9) in paragraph (6) (as redesignated in para-
 15 graph (5))—

16 (A) by striking subparagraph (A) and in-
 17 serting the following:

18 “(A) contain the plans, policies, and methods to
 19 be followed in carrying out the State plan and in the
 20 administration and supervision of the plan, includ-
 21 ing—

22 “(i)(I) the results of a comprehensive, state-
 23 wide assessment of the rehabilitation needs of in-
 24 dividuals with disabilities (including individuals
 25 with severe disabilities, individuals with disabil-

ities who are minorities, and individuals with disabilities who have been unserved, or underserved, by the vocational rehabilitation system) who are residing within the State; and

“(II) the response of the State to the assessment;

“(ii) a description of the method to be used to expand and improve services to individuals with the most severe disabilities, including individuals served under part C of title VI;

“(iii) with regard to community rehabilitation programs—

“(I) a description of the method to be used (such as a cooperative agreement) to utilize the programs to the maximum extent feasible; and

“(II) a description of the needs of the programs, including the community rehabilitation programs funded under the Act entitled “An Act to Create a Committee on Purchases of Blind-made Products, and for other purposes”, approved June 25, 1938 (commonly known as the Wagner-O’Day Act; 41 U.S.C. 46 et seq.) and such programs funded by State use contracting programs; and

1 “(iv) an explanation of the methods by
2 which the State will provide vocational rehabili-
3 tation services to all individuals with disabilities
4 within the State who are eligible for such serv-
5 ices, and, in the event that vocational rehabilita-
6 tion services cannot be provided to all such eligi-
7 ble individuals with disabilities who apply for
8 such services, information—

9 “(I) showing and providing the jus-
10 tification for the order to be followed in se-
11 lecting individuals to whom vocational re-
12 habilitation services will be provided (which
13 order of selection for the provision of voca-
14 tional rehabilitation services shall be deter-
15 mined on the basis of serving first the indi-
16 viduals with the most severe disabilities in
17 accordance with criteria established by the
18 State, and shall be consistent with priorities
19 in such order of selection so determined,
20 and outcome and service goals for serving
21 individuals with disabilities, established in
22 regulations prescribed by the Commis-
23 sioner);

24 “(II) showing the outcomes and service
25 goals, and the time within which the out-

1 *comes and service goals may be achieved,*
 2 *for the rehabilitation of individuals receiv-*
 3 *ing such services; and*

4 *“(III) describing how individuals with*
 5 *disabilities who will not receive such serv-*
 6 *ices if such order is in effect will be referred*
 7 *to other components of the statewide*
 8 *workforce development system for access to*
 9 *services offered by the components;”;* and

10 *(B) by striking subparagraph (C) and in-*
 11 *serting the following subparagraphs:*

12 *“(C) with regard to the statewide assessment of*
 13 *rehabilitation needs described in subparagraph*
 14 *(A)(i)—*

15 *“(i) provide that the State agency will make*
 16 *reports at such time, in such manner, and con-*
 17 *taining such information, as the Commissioner*
 18 *may require to carry out the functions of the*
 19 *Commissioner under this title, and comply with*
 20 *such provisions as are necessary to assure the*
 21 *correctness and verification of such reports; and*

22 *“(ii) provide that reports made under*
 23 *clause (i) will include information regarding in-*
 24 *dividuals with disabilities and, if an order of se-*
 25 *lection described in subparagraph (A)(iv)(I) is*

1 *in effect in the State, will separately include in-*
2 *formation regarding individuals with the most*
3 *severe disabilities, on—*

4 “(I) *the number of such individuals*
5 *who are evaluated and the number rehabili-*
6 *tated;*

7 “(II) *the costs of administration, coun-*
8 *seling, provision of direct services, develop-*
9 *ment of community rehabilitation pro-*
10 *grams, and other functions carried out*
11 *under this Act; and*

12 “(III) *the utilization by such individ-*
13 *uals of other programs pursuant to para-*
14 *graph (11); and*

15 “(D) *describe—*

16 “(i) *how a broad range of rehabilitation*
17 *technology services will be provided at each stage*
18 *of the rehabilitation process;*

19 “(ii) *how a broad range of such rehabilita-*
20 *tion technology services will be provided on a*
21 *statewide basis; and*

22 “(iii) *the training that will be provided to*
23 *vocational rehabilitation counselors, client assist-*
24 *ance personnel, personnel of the providers of one-*
25 *stop delivery of core services described in section*

1 106(a)(2) of the Workforce Development Act of
2 1995, and other related services personnel;”;

3 (10) in subparagraph (A) of paragraph (8) (as
4 redesignated in paragraph (5))—

5 (A) in clause (i)(II), by striking “, based on
6 projections” and all that follows through “rel-
7 evant factors”; and

8 (B) by striking clauses (iii) and (iv) and
9 inserting the following clauses:

10 “(iii) a description of the ways in which the sys-
11 tem for evaluating the performance of rehabilitation
12 counselors, coordinators, and other personnel used in
13 the State facilitates the accomplishment of the pur-
14 pose and policy of this title, including the policy of
15 serving, among others, individuals with the most se-
16 vere disabilities;

17 “(iv) provide satisfactory assurances that the
18 system described in clause (iii) in no way impedes
19 such accomplishment; and”;

20 (11) in paragraph (9) (as redesignated in para-
21 graph (5)) by striking “required—” and all that fol-
22 lows through “(B) prior” and inserting “required
23 prior”;

24 (12) in paragraph (10) (as redesignated in para-
25 graph (5))—

1 (A) in subparagraph (B), by striking “writ-
 2 ten rehabilitation program” and inserting “em-
 3 ployment plan”; and

4 (B) in subparagraph (C), by striking “plan
 5 in accordance with such program” and inserting
 6 “State plan in accordance with the employment
 7 plan”;

8 (13) in paragraph (11)—

9 (A) in subparagraph (A), by striking
 10 “State’s public” and all that follows and insert-
 11 ing “State programs that are not part of the
 12 statewide workforce development system of the
 13 State;”; and

14 (B) in subparagraph (C)—

15 (i) by striking “if appropriate—” and
 16 all that follows through “entering into” and
 17 inserting “if appropriate, entering into”;

18 (ii) by redesignating subclauses (I),
 19 (II), and (III) as clauses (i), (ii), and (iii),
 20 respectively; and

21 (iii) by indenting the clauses and
 22 aligning the margins of the clauses with the
 23 margins of clause (ii) of subparagraph (A)
 24 of paragraph (8) (as redesignated in para-
 25 graph (5));

1 (14) in paragraph (14) (as redesignated in para-
2 graph (5))—

3 (A) by striking “(14)” and inserting
4 “(14)(A)”; and

5 (B) by inserting before the semicolon the fol-
6 lowing “, and, in the case of the designated State
7 unit, will take actions to take such views into ac-
8 count that include providing timely notice, hold-
9 ing public hearings, preparing a summary of
10 hearing comments, and documenting and dis-
11 seminating information relating to the manner
12 in which the comments will affect services; and”;

13 (15) in paragraph (16) (as redesignated in para-
14 graph (5)), by striking “referrals to other Federal and
15 State programs” and inserting “referrals within the
16 statewide workforce development system of the State
17 to programs”; and

18 (16) in paragraph (17) (as redesignated in para-
19 graph (5))—

20 (A) in subparagraph (B), by striking “writ-
21 ten rehabilitation program” and inserting “em-
22 ployment plan”; and

23 (B) in subparagraph (C)—

24 (i) in clause (ii), by striking “; and”
25 and inserting a semicolon;

1 (ii) in clause (iii), by striking the
2 semicolon and inserting “; and”; and

3 (iii) by adding at the end the following
4 clause:

5 “(iv) the manner in which students who are
6 individuals with disabilities and who are not in
7 special education programs can access and re-
8 ceive vocational rehabilitation services, where
9 appropriate;”.

10 (b) CONFORMING AMENDMENTS.—

11 (1) Section 7 (29 U.S.C. 706) is amended—

12 (A) in paragraph (3)(B)(ii), by striking
13 “101(a)(1)(B)(i)” and inserting
14 “101(a)(1)(B)(ii)”; and

15 (B) in paragraph (22)(A)(i)(II), by striking
16 “101(a)(5)(A)” each place it appears and insert-
17 ing “101(a)(6)(A)(iv)”.

18 (2) Section 12(d) (29 U.S.C. 711(d)) is amended
19 by striking “101(a)(5)(A)” and inserting
20 “101(a)(6)(A)(iv)”.

21 (3) Section 101(a) (29 U.S.C. 721(a)) is amend-
22 ed—

23 (A) in paragraph (1)(A), by striking “para-
24 graph (4) of this subsection” and inserting
25 “paragraph (5)”;

1 (B) in paragraph (2)—

2 (i) in the matter preceding subpara-
3 graph (A), by striking “paragraph
4 (1)(B)(i)” and inserting “paragraph
5 (1)(B)(ii)”; and

6 (ii) in subparagraph (B)(i), by strik-
7 ing “paragraph (1)(B)(ii)” and inserting
8 “paragraph (1)(B)(iii)”; and

9 (C) in paragraph (17) (as redesignated in
10 subsection (a)(5)), by striking “paragraph
11 (11)(C)(ii)” and inserting “paragraph (11)(C)”; and

12 (D) in paragraph (22) (as redesignated in
13 subsection (a)(5)), by striking “paragraph (36)”
14 and inserting “paragraph (24)”; and

15 (E) in subparagraph (C) of paragraph (24)
16 (as redesignated in subsection (a)(5)), by strik-
17 ing “101(a)(1)(A)(i)” and inserting “paragraph
18 (1)(A)(i)”. and

19 (4) Section 102 (29 U.S.C. 722) is amended—

20 (A) in subsection (a)(3), by striking
21 “101(a)(24)” and inserting “101(a)(17)”; and

22 (B) in subsection (d)(2)(C)(ii)—

23 (i) in subclause (II), by striking
24 “101(a)(36)” and inserting “101(a)(24)”;
25 and

1 (ii) in subclause (III), by striking
 2 “101(a)(36)(C)(ii)” and inserting
 3 “101(a)(24)(C)(ii)”.

4 (5) Section 105(a)(1) (29 U.S.C. 725(a)(1)) is
 5 amended by striking “101(a)(36)” and inserting
 6 “101(a)(24)”.

7 (6) Section 107(a) (29 U.S.C. 727(a)) is amend-
 8 ed—

9 (A) in paragraph (2)(F), by striking
 10 “101(a)(32)” and inserting “101(a)(22)”;

11 (B) in paragraph (3)(A), by striking
 12 “101(a)(5)(A)” and inserting
 13 “101(a)(6)(A)(iv)”;

14 (C) in paragraph (4), by striking
 15 “101(a)(35)” and inserting “101(a)(8)(A)(iii)”.

16 (7) Section 111(a) (29 U.S.C. 731(a)) is amend-
 17 ed—

18 (A) in paragraph (1), by striking “and de-
 19 velopment and implementation” and all that fol-
 20 lows through “referred to in section
 21 101(a)(34)(B)”;

22 (B) in paragraph (2)(A), by striking “and
 23 such payments shall not be made in an amount
 24 which would result in a violation of the provi-

1 *sions of the State plan required by section*
 2 *101(a)(17)”.*

3 (8) *Section 124(a)(1)(A) (29 U.S.C.*
 4 *744(a)(1)(A)) is amended by striking “(not including*
 5 *sums used in accordance with section*
 6 *101(a)(34)(B))”.*

7 (9) *Section 315(b)(2) (29 U.S.C. 777e(b)(2)) is*
 8 *amended by striking “101(a)(22)” and inserting*
 9 *“101(a)(16)”.*

10 (10) *Section 635(b)(2) (29 U.S.C. 795n(b)(2)) is*
 11 *amended by striking “101(a)(5)” and inserting*
 12 *“101(a)(6)(A)(i)(I)”.*

13 (11) *Section 802(h)(2)(B)(ii) (29 U.S.C.*
 14 *797a(h)(2)(B)(ii)) is amended by striking*
 15 *“101(a)(5)(A)” and inserting “101(a)(6)(A)(iv)”.*

16 (12) *Section 102(e)(23)(A) of the Technology-Re-*
 17 *lated Assistance for Individuals With Disabilities Act*
 18 *of 1988 (29 U.S.C. 2212(e)(23)(A)) is amended by*
 19 *striking “section 101(a)(36) of the Rehabilitation Act*
 20 *of 1973 (29 U.S.C. 721(a)(36))” and inserting “sec-*
 21 *tion 101(a)(24) of the Rehabilitation Act of 1973 (29*
 22 *U.S.C. 721(a)(24))”.*

23 **SEC. 410. INDIVIDUALIZED EMPLOYMENT PLANS.**

24 (a) *IN GENERAL.*—*Section 102 (29 U.S.C. 722) is*
 25 *amended—*

1 (1) by striking the section heading and inserting
2 the following:

3 ***“SEC. 102. INDIVIDUALIZED EMPLOYMENT PLANS.”;***

4 (2) in subsection (a)(6), by striking “written re-
5 habilitation program” and inserting “employment
6 plan”;

7 (3) in subsection (b)—

8 (A) in paragraph (1)(A)—

9 (i) in clause (i), by striking “written
10 rehabilitation program” and inserting “em-
11 ployment plan”; and

12 (ii) in clause (ii), by striking “pro-
13 gram” and inserting “plan”;

14 (B) in paragraph (1)(B)—

15 (i) in the matter preceding clause (i),
16 by striking “written rehabilitation pro-
17 gram” and inserting “employment plan”;

18 (ii) in clause (iv)—

19 (I) by striking subclause (I) and
20 inserting the following:

21 “(I) include a statement of the specific voca-
22 tional rehabilitation services to be provided (includ-
23 ing, if appropriate, rehabilitation technology services
24 and training in how to use such services) that in-
25 cludes specification of the public or private entity

1 *that will provide each such vocational rehabilitation*
2 *service and the projected dates for the initiation and*
3 *the anticipated duration of each such service; and”;*

4 *(II) by striking subclause (II);*

5 *and*

6 *(III) by redesignating subclause*

7 *(III) as subclause (II); and*

8 *(iii) in clause (xi)(I), by striking “pro-*
9 *gram” and inserting “plan”;*

10 *(C) in paragraph (1)(C), by striking “writ-*
11 *ten rehabilitation program and amendments to*
12 *the program” and inserting “employment plan*
13 *and amendments to the plan”;* and

14 *(D) in paragraph (2)—*

15 *(i) by striking “program” each place*
16 *the term appears and inserting “plan”; and*

17 *(ii) by striking “written rehabilita-*
18 *tion” each place the term appears and in-*
19 *serting “employment”;*

20 *(4) in subsection (c)—*

21 *(A) in paragraph (1), by striking “written*
22 *rehabilitation program” and inserting “employ-*
23 *ment plan”; and*

1 (B) by striking “written program” each
 2 place the term appears and inserting “plan”;
 3 and
 4 (5) in subsection (d)—

5 (A) in paragraph (5), by striking “written
 6 rehabilitation program” and inserting “employ-
 7 ment plan”; and

8 (B) in paragraph (6)(A), by striking the
 9 second sentence.

10 (b) CONFORMING AMENDMENTS.—

11 (1) The table of contents for the Act is amended
 12 by striking the item relating to section 102 and in-
 13 serting the following:

“Sec. 102. Individualized employment plans.”.

14 (2) Paragraphs (22)(B) and (27)(B), and sub-
 15 paragraphs (B) and (C) of paragraph (34) of section
 16 7 (29 U.S.C. 706), section 12(e)(1) (29 U.S.C.
 17 711(e)(1)), section 501(e) (29 U.S.C. 791(e)), sub-
 18 paragraphs (C), (D), and (E) of section 635(b)(6) (29
 19 U.S.C. 795n(b)(6) (C), (D), and (E)), section
 20 802(g)(8)(B) (29 U.S.C. 797a(g)(8)(B)), and section
 21 803(c)(2)(D) (29 U.S.C. 797b(c)(2)(D)) are amended
 22 by striking “written rehabilitation program” each
 23 place the term appears and inserting “employment
 24 plan”.

1 (3) Section 7(22)(B)(i) (29 U.S.C.
2 706(22)(B)(i)) is amended by striking “rehabilitation
3 program” and inserting “employment plan”.

4 (4) Section 107(a)(3)(D) (29 U.S.C.
5 727(a)(3)(D)) is amended by striking “written reha-
6 bilitation programs” and inserting “employment
7 plans”.

8 (5) Section 101(b)(7)(A)(ii)(II) of the Tech-
9 nology-Related Assistance for Individuals With Dis-
10 abilities Act of 1988 (29 U.S.C. 2211(b)(7)(A)(ii)(II))
11 is amended by striking “written rehabilitation pro-
12 gram” and inserting “employment plan”.

13 **SEC. 411. SCOPE OF VOCATIONAL REHABILITATION SERV-**
14 **ICES.**

15 Section 103 (29 U.S.C. 723) is amended—

16 (1) in subsection (a)(4)—

17 (A) in subparagraph (B), by striking “sur-
18 gery or”;

19 (B) in subparagraph (D), by striking the
20 comma at the end and inserting “, and”;

21 (C) by striking subparagraph (E); and

22 (D) by redesignating subparagraph (F) as
23 subparagraph (E); and

24 (2) in subsection (b)(1), by striking “the most se-
25 vere”.

1 **SEC. 412. STATE REHABILITATION ADVISORY COUNCIL.**

2 (a) *IN GENERAL.*—Section 105 (29 U.S.C. 725) is
3 amended—

4 (1) in subsection (b)(1)(A)(vi), by inserting be-
5 fore the semicolon the following: “who, to the extent
6 feasible, are members of any State workforce develop-
7 ment board established for the State under section 105
8 of the Workforce Development Act of 1995”; and

9 (2) in subsection (c)—

10 (A) by redesignating paragraphs (3)
11 through (7) as paragraphs (4) through (8), re-
12 spectively;

13 (B) by inserting after paragraph (2) the fol-
14 lowing new paragraph:

15 “(3) advise the designated State agency and the
16 designated State unit regarding strategies for ensur-
17 ing that the vocational rehabilitation program estab-
18 lished under this title becomes an integral part of the
19 statewide workforce development system of the State;”;
20 and

21 (C) in paragraph (6) (as redesignated in
22 subparagraph (A))—

23 (i) by striking “6024), and” and in-
24 serting “6024),”; and

25 (ii) by striking the semicolon at the
26 end and inserting the following: “; and any

1 *State workforce development board estab-*
 2 *lished for the State under section 105 of the*
 3 *Workforce Development Act of 1995;”.*

4 (b) *CONFORMING AMENDMENT.*—Subparagraph
 5 (B)(iv), and clauses (ii)(I) and (iii)(I) of subparagraph
 6 (C), of paragraph (24) (as redesignated in section
 7 409(a)(5)) of section 101(a) (29 U.S.C. 721(a)) are amend-
 8 ed by striking “105(c)(3)” and inserting “105(c)(4)”.

9 **SEC. 413. EVALUATION STANDARDS AND PERFORMANCE IN-**
 10 **DICATORS.**

11 Section 106(a)(1) (29 U.S.C. 726(a)(1)) is amended—

12 (1) by striking “1994” and inserting “1996”;
 13 and

14 (2) by striking the period and inserting the fol-
 15 lowing: “that shall, to the maximum extent appro-
 16 priate, be consistent with the State benchmarks estab-
 17 lished under paragraphs (1) and (2) of section 131(c)
 18 of the Workforce Development Act of 1995. For pur-
 19 poses of this section, the Commissioner may modify or
 20 supplement such benchmarks, after consultation with
 21 the Governing Board established under section 301(b)
 22 of the Workforce Development Act of 1995, to the ex-
 23 tent necessary to address unique considerations appli-
 24 cable to the participation of individuals with disabil-
 25 ities in the vocational rehabilitation program.”.

1 **SEC. 414. REPEALS.**

2 (a) *IN GENERAL.*—Title I (29 U.S.C. 720 et seq.) is
3 amended—

4 (1) by repealing part C; and

5 (2) by redesignating parts D and E as parts C
6 and D, respectively.

7 (b) *CONFORMING AMENDMENTS.*—The table of contents
8 for the Act is amended—

9 (1) by striking the items relating to part C of
10 title I; and

11 (2) by striking the items relating to parts D and
12 E of title I and inserting the following:

“PART C—AMERICAN INDIAN VOCATIONAL REHABILITATION SERVICES

“Sec. 130. Vocational rehabilitation services grants.

“PART D—VOCATIONAL REHABILITATION SERVICES CLIENT INFORMATION

“Sec. 140. Review of data collection and reporting system.

“Sec. 141. Exchange of data.”.

13 **SEC. 415. EFFECTIVE DATE.**

14 (a) *IN GENERAL.*—Except as provided in subsection
15 (b), the amendments made by this title shall take effect on
16 the date of enactment of this Act.

17 (b) *STATEWIDE SYSTEM REQUIREMENTS.*—The
18 changes made in the Rehabilitation Act of 1973 (29 U.S.C.
19 701 et seq.) by the amendments made by this title that relate
20 to State benchmarks, or other components of a statewide
21 system, shall take effect—

1 (1) *in a State that submits and obtains approval*
 2 *of an interim plan under section 211 for program*
 3 *year 1997, on July 1, 1997; and*

4 (2) *in any other State, on July 1, 1998.*

5 ***TITLE V—OTHER PROGRAMS***

6 ***Subtitle A—Amendments to***

7 ***Immigration and Nationality Act***

8 ***SEC. 501. PROHIBITION ON USE OF FUNDS FOR CERTAIN*** 9 ***EMPLOYMENT ACTIVITIES.***

10 *Section 412(c)(1) of the Immigration and Nationality*
 11 *Act is amended by adding at the end the following new sub-*
 12 *paragraph:*

13 “(D) *Funds available under this paragraph may not*
 14 *be provided to States for workforce employment activities*
 15 *authorized and funded under the Workforce Development*
 16 *Act of 1995.”.*

17 ***Subtitle B—Welfare Programs***

18 ***SEC. 511. WELFARE REFORM.***

19 (a) *FINDINGS.—Congress finds that—*

20 (1) *the current welfare system in the United*
 21 *States is failing both the families who rely on the sys-*
 22 *tem and the taxpayers who support the system;*

23 (2) *the current system encourages dependency*
 24 *and fails to promote self-sufficiency adequately;*

1 (3) *one-size-fits-all approaches to welfare reform*
 2 *will not work;*

3 (4) *in order to be most effective, reforms of the*
 4 *welfare system should take into account the individ-*
 5 *ual differences among States and among families;*

6 (5) *in recent years there has been an alarming*
 7 *increase in the number of births to unmarried teen-*
 8 *agers;*

9 (6) *between 1986 and 1991, births to teenagers*
 10 *increased by 23 percent, from 50.2 to 62.1 births per*
 11 *1,000 teenage females;*

12 (7) *there is a crisis in the collection of child sup-*
 13 *port that is leaving thousands of families in poverty*
 14 *and is increasing welfare costs to taxpayers; and*

15 (8) *in 1991, the United States Commission on*
 16 *Interstate Child Support reported that \$5,000,000 of*
 17 *the \$15,000,000 awarded in child support in 1991*
 18 *went uncollected.*

19 (b) *SENSE OF THE SENATE.—It is the sense of the Sen-*
 20 *ate that any welfare reform legislation enacted by the Sen-*
 21 *ate should be based on the following principles:*

22 (1) *Individuals on welfare should, from their*
 23 *first day on welfare, accept responsibility for them-*
 24 *selves and their families. The receipt of welfare bene-*
 25 *fits by an individual should be conditioned on a part-*

1 *nership between the individual and the State in*
2 *which the partners clearly delineate the steps that the*
3 *family of the individual will take to enable the indi-*
4 *vidual to move off welfare and into the workforce as*
5 *well as the services, including child care, that will be*
6 *provided by the State to enable the family to become*
7 *self-sufficient. If an individual on welfare fails to*
8 *meet the responsibilities of the individual there should*
9 *be consequences, such as a reduction in welfare bene-*
10 *fits.*

11 *(2) Each State should be given more flexibility*
12 *to design welfare programs that effectively respond to*
13 *the needs of welfare recipients in the State.*

14 *(3) Welfare reform legislation should effectively*
15 *respond to the alarming increase in births to teenage*
16 *parents.*

17 *(4) Both parents have the responsibility for pro-*
18 *viding financial support for their children, even if the*
19 *parents are divorced or were never married. Welfare*
20 *reform should be accompanied by aggressive efforts to*
21 *improve the collection of child support.*

22 *(5) Welfare reform legislation should recognize*
23 *the interaction between the welfare system and the*
24 *statewide system to alleviate unintended consequences*
25 *for persons other than welfare recipients who are in*

1 *need of workforce development activities, as described*
 2 *in this Act.*

3 *(6) Neither political party contributes all of the*
 4 *best policies for welfare reform, so welfare reform leg-*
 5 *islation should have widespread bipartisan support.*

6 ***TITLE VI—REPEALS OF EMPLOY-***
 7 ***MENT AND TRAINING AND VO-***
 8 ***CATIONAL AND ADULT EDU-***
 9 ***CATION PROGRAMS***

10 ***SEC. 601. REPEALS.***

11 *(a) IMMEDIATE REPEALS.—The following provisions*
 12 *are repealed:*

13 *(1) Section 204 of the Immigration Reform and*
 14 *Control Act of 1986 (8 U.S.C. 1255a note).*

15 *(2) Title II of Public Law 95–250 (92 Stat.*
 16 *172).*

17 *(3) The Displaced Homemakers Self-Sufficiency*
 18 *Assistance Act (29 U.S.C. 2301 et seq.).*

19 *(4) Section 211 of the Appalachian Regional De-*
 20 *velopment Act of 1965 (40 U.S.C. App. 211).*

21 *(5) Subtitle C of title VII of the Stewart B.*
 22 *McKinney Homeless Assistance Act (42 U.S.C. 11441*
 23 *et seq.).*

24 *(6) Section 5322 of title 49, United States Code.*

1 (7) *Subchapter I of chapter 421 of title 49, United States Code.*

2
3 (b) *SUBSEQUENT REPEALS.—The following provisions*
4 *are repealed:*

5 (1) *Section 6(d)(4) of the Food Stamp Act of*
6 *1977 (7 U.S.C. 2015(d)(4)).*

7 (2) *Sections 235 and 236 of the Trade Act of*
8 *1974 (19 U.S.C. 2295 and 2296), and paragraphs (1)*
9 *and (2) of section 250(d) of such Act (19 U.S.C.*
10 *2331(d)).*

11 (3) *The Adult Education Act (20 U.S.C. 1201 et*
12 *seq.).*

13 (4) *The Carl D. Perkins Vocational and Applied*
14 *Technology Education Act (20 U.S.C. 2301 et seq.).*

15 (5) *The School-to-Work Opportunities Act of*
16 *1994 (20 U.S.C. 6101 et seq.).*

17 (6) *The Wagner-Peyser Act (29 U.S.C. 49 et*
18 *seq.).*

19 (7) *The Job Training Partnership Act (29*
20 *U.S.C. 1501 et seq.).*

21 (8) *Part F of title IV of the Social Security Act*
22 *(42 U.S.C. 681 et seq.).*

23 (9) *Title V of the Older Americans Act of 1965*
24 *(42 U.S.C. 3056 et seq.).*

1 (10) *Title VII of the Stewart B. McKinney*
 2 *Homeless Assistance Act (42 U.S.C. 11421 et seq.),*
 3 *other than subtitle C of such title.*

4 (c) *EFFECTIVE DATES.*—

5 (1) *IMMEDIATE REPEALS.*—*The repeals made by*
 6 *subsection (a) shall take effect on the date of enact-*
 7 *ment of this Act.*

8 (2) *SUBSEQUENT REPEALS.*—*The repeals made*
 9 *by subsection (b) shall take effect on July 1, 1998.*

10 **SEC. 602. CONFORMING AMENDMENTS.**

11 (a) *IMMEDIATE REPEALS.*—

12 (1) *REFERENCES TO SECTION 204 OF THE IMMI-*
 13 *GRATION REFORM AND CONTROL ACT OF 1986.*—*The*
 14 *table of contents for the Immigration Reform and*
 15 *Control Act of 1986 is amended by striking the item*
 16 *relating to section 204 of such Act.*

17 (2) *REFERENCES TO TITLE II OF PUBLIC LAW*
 18 *95–250.*—*Section 103 of Public Law 95–250 (16*
 19 *U.S.C. 79l) is amended—*

20 (A) *by striking the second sentence of sub-*
 21 *section (a); and*

22 (B) *by striking the second sentence of sub-*
 23 *section (b).*

1 (3) *REFERENCES TO SUBTITLE C OF TITLE VII*
 2 *OF THE STEWART B. MCKINNEY HOMELESS ASSIST-*
 3 *ANCE ACT.—*

4 (A) *Section 762(a) of the Stewart B.*
 5 *McKinney Homeless Assistance Act (42 U.S.C.*
 6 *11472(a)) is amended—*

7 (i) *by striking “each of the following*
 8 *programs” and inserting “the emergency*
 9 *community services homeless grant program*
 10 *established in section 751”; and*

11 (ii) *by striking “tribes:” and all that*
 12 *follows and inserting “tribes.”.*

13 (B) *The table of contents of such Act is*
 14 *amended by striking the items relating to sub-*
 15 *title C of title VII of such Act.*

16 (4) *REFERENCES TO TITLE 49, UNITED STATES*
 17 *CODE.—*

18 (A) *Sections 5313(b)(1) and 5314(a)(1) of*
 19 *title 49, United States Code, are amended by*
 20 *striking “5317, and 5322” and inserting “and*
 21 *5317”.*

22 (B) *The table of contents for chapter 53 of*
 23 *title 49, United States Code, is amended by*
 24 *striking the item relating to section 5322.*

25 (b) *SUBSEQUENT REPEALS.—*

1 (1) *RECOMMENDED LEGISLATION.*—After con-
 2 sultation with the appropriate committees of Congress
 3 and the Director of the Office of Management and
 4 Budget, the Governing Board shall prepare and sub-
 5 mit to Congress recommended legislation containing
 6 technical and conforming amendments to reflect the
 7 changes made by section 601(b).

8 (2) *SUBMISSION TO CONGRESS.*—Not later than
 9 March 31, 1997, the Governing Board shall submit
 10 the recommended legislation referred to under para-
 11 graph (1).

12 Amend the title so as to read: “A bill to consolidate
 13 Federal employment training, vocational education, and
 14 adult education programs and create integrated statewide
 15 workforce development systems, and for other purposes.”.

S 143 RS—2

S 143 RS—3

S 143 RS—4

S 143 RS—5

S 143 RS—6

S 143 RS—7

S 143 RS—8

S 143 RS—9

S 143 RS—10

S 143 RS—11

S 143 RS——12

S 143 RS——13

S 143 RS——14

S 143 RS——15

S 143 RS——16