It was decided in the negative ..... { Yeas ..... 168 / Nays 238

¶50.6 [Roll No. 137]

AYES—168

Abercrombie
Allen
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Brown (CA)
Brown (FL)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Ensign
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gonzalez
Gordon
Green
Hall (OH)
Harman
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Jackson (IL)
Jackson-Lee (TX)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kingston
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
LaTourette
Levin
Lewis (GA)
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Mink
Moakley
Mollohan
Moran (VA)
Nadler
Neal
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne
Pelosi
Pickett
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sanchez
Sanders
Sandlin
Sawyer
Scott
Serrano
Skaggs
Slaughter
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tauscher
Thompson
Thurman
Tierney
Torres
Traficant
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOES—238

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Boucher
Boyd
Brady
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
Lofgren
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Minge
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Oxley
Packard
Pappas
Parker
Pascrell
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Sabo
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Turner
Upton
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wolf
Young (AK)

NOT VOTING—27

Ackerman
Andrews
Ballenger
Boehlert
Brown (OH)
Buyer
DeGette
Flake
Gephardt
Gillmor
Gutierrez
Hefner
Jefferson
LoBiondo
Manton
Miller (CA)
Molinari
Murtha
Quinn
Schiff
Schumer
Skelton
Towns
Watkins
Watts (OK)
Wicker
Young (FL)

So the amendment was not agreed to.

After some further time,

The Committee rose informally to receive a message from the Senate.

The SPEAKER pro tempore, Mr. LATHAM, assumed the Chair.

¶50.7 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its Clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1469. An Act making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 1469) ''An Act making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. STEVENS, Mr. COCHRAN, Mr. SPECTER, Mr. DOMENICI, Mr. BOND, Mr. GORTON, Mr. MCCONNELL, Mr. BURNS, Mr. SHELBY, Mr. GREGG, Mr. BENNETT, Mr. CAMPBELL, Mr. CRAIG, Mr. FAIRCLOTH, Mrs. HUTCHISON, Mr. BYRD, Mr. INOUYE, Mr. HOLLINGS, Mr. LEAHY, Mr. BUMPERS, Mr. LAUTENBERG, Mr. HARKIN, Ms. MIKULSKI, Mr. REID, Mr. KOHL, Mrs. MURRAY, Mr. DORGAN, and Mrs. BOXER to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 476. An Act to provide for the establishment of not less than 2,500 Boys and Girls Clubs of America facilities by the year 2000.

The message also announced that pursuant to sections 276h–276k, of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the Senator from Utah [Mr. HATCH], the Senator from Alabama [Mr. SHELBY], and the Senator from Arizona [Mr. MCCAIN] as members of the Senate delegation to the Mexico-United States Interparliamentary Group meeting to be held in Santa Fe, New Mexico, May 16–18, 1997.

The Committee resumed its sitting; and after some further time spent therein,

The SPEAKER pro tempore, Mr. COLLINS, assumed the Chair.

When Mr. NEY, Chairman, pursuant to House Resolution 150, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Employment, Training, and Literacy Enhancement Act of 1997''.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into two divisions as follows:

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

(2) Division B—Vocational Rehabilitation Programs.

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

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.

DIVISION A—EMPLOYMENT, TRAINING, AND LITERACY PROGRAMS

TITLE I—AMENDMENTS TO GENERAL PROVISIONS AND PROGRAM REQUIREMENTS

Subtitle A—General Provisions

Sec. 101. Statement of purpose.
Sec. 102. Authorization of appropriations.
Sec. 103. Definitions.

Subtitle B—State and Local Administrative Provisions

Sec. 111. State administrative provisions.
Sec. 112. Local administrative provisions.

Subtitle C—Program and Fiscal Provisions

CHAPTER 1—GENERAL PROVISIONS

Sec. 121. General program requirements.
Sec. 122. Benefits.
Sec. 123. Labor standards.

Sec. 124. Grievance procedure.
Sec. 125. Identification of additional imposed requirements.
Sec. 126. Authority of State legislature.
Sec. 127. Interstate agreements.
CHAPTER 2—PERFORMANCE ACCOUNTABILITY PROVISIONS
Sec. 131. Performance accountability provisions.
CHAPTER 3—OTHER PROVISIONS
Sec. 141. Prompt allocation of funds.
Sec. 142. Fiscal controls; sanctions.
Sec. 143. Reports; recordkeeping; and investigations.
Sec. 144. Administrative adjudication.
Sec. 145. Nondiscrimination.
Sec. 146. Judicial review.
Sec. 147. Administrative provisions.
Sec. 148. Presidential awards for outstanding private sector involvement in job training programs.
Sec. 149. Construction.
Sec. 150. Limitation on certain costs.
Subtitle D—Miscellaneous Provisions
Sec. 161. Criminal provisions.
Sec. 162. Reference.
Sec. 163. Repealers.
TITLE II—AMENDMENTS TO EMPLOYMENT AND TRAINING PROGRAMS FOR DISADVANTAGED YOUTH
Sec. 201. Adult training program.
Sec. 202. Summer youth employment and training program.
Sec. 203. Disadvantaged youth employment and training opportunities grants.
TITLE III—AMENDMENTS TO EMPLOYMENT AND TRAINING PROGRAMS FOR ADULTS
Sec. 301. Adult employment and training opportunities grants.
TITLE IV—AMENDMENTS TO FEDERALLY ADMINISTERED PROGRAMS
Subtitle A—Employment and Training Programs for Native Americans and Migrant and Seasonal Farmworkers
Sec. 401. Native American program.
Sec. 402. Migrant and seasonal farmworker program.
Subtitle B—Job Corps
Sec. 411. Statement of purpose.
Sec. 412. Individuals eligible for the Job Corps.
Sec. 413. Screening and selection of applicants; general provisions.
Sec. 414. Job Corps centers.
Sec. 415. Standards of conduct.
Sec. 416. Counseling and job placement.
Sec. 417. Experimental and developmental projects and coordination with other programs.
Subtitle C—National Activities
Sec. 421. Research, demonstration, evaluation, and capacity building.
Sec. 422. Nontraditional employment demonstration program.
Subtitle D—Repealers
Sec. 451. Repealers.
TITLE V—AMENDMENTS TO ADULT EDUCATION PROGRAMS
Sec. 501. Repeal of Jobs for Employable Dependent Individuals Incentive Bonus Program.
Sec. 502. Amendment to Adult Education Act.
Sec. 503. Repeal of National Literacy Act of 1991.
Sec. 504. Conforming amendments.
TITLE VI—MISCELLANEOUS PROVISIONS
Sec. 601. Repealers.
Sec. 602. Conforming amendments.
TITLE VII—AMENDMENTS TO STATE HUMAN RESOURCE INVESTMENT COUNCIL
Sec. 701. Amendments to Council.
Sec. 702. Transfer of Council.
Sec. 703. Conforming amendments.
TITLE VIII—AMENDMENTS TO WAGNER-PEYSER ACT
Sec. 801. Definitions.
Sec. 802. Functions.
Sec. 803. Designation of State agencies.
Sec. 804. Appropriations.
Sec. 805. Disposition of allotted funds.
Sec. 806. State plans.
Sec. 807. Federal advisory council.
Sec. 808. Regulations.
Sec. 809. Effective date.
TITLE IX—TECHNICAL AND CONFORMING AMENDMENTS
Subtitle A—Amendments to the Job Training Partnership Act
Sec. 901. Short title; table of contents.
Sec. 902. Definitions.
Sec. 903. Amendments to title I.
Sec. 904. Amendments to title IV.
Sec. 905. Amendments to title VI.
Sec. 906. Clarification.
Subtitle B—Amendments to Other Acts
Sec. 911. Amendments to other Acts.
TITLE X—EFFECTIVE DATE AND TRANSITION PROVISIONS
Sec. 1001. Effective date.
Sec. 1002. Transition provisions.
DIVISION B—VOCATIONAL REHABILITATION PROGRAMS
TITLE XXI—AMENDMENTS TO GENERAL PROVISIONS
Sec. 2101. Rehabilitation Services Administration.
Sec. 2102. Definitions.
Sec. 2103. Reports.
Sec. 2104. Buy-American requirements.
TITLE XXII—AMENDMENTS TO VOCATIONAL REHABILITATION SERVICES
Subtitle A—General Provisions
Sec. 2201. Declaration of policy; authorization of appropriations.
Sec. 2202. State plans.
Sec. 2203. Individualized plan for employment.
Sec. 2204. Scope of vocational rehabilitation services.
Sec. 2205. State Rehabilitation Advisory Council.
Sec. 2206. Evaluation standards and performance indicators.
Sec. 2207. Monitoring and review.
Subtitle B—Basic Vocational Rehabilitation Services
Sec. 2211. State allotments.
Sec. 2212. Payments to States.
Sec. 2213. Client assistance program.
TITLE XXIII—AMENDMENTS TO RESEARCH AND TRAINING
Sec. 2221. Authorization of appropriations.
Sec. 2222. National Institute on Disability and Rehabilitation Research.
TITLE XXIV—AMENDMENTS TO TRAINING AND DEMONSTRATION PROJECTS
Subtitle A—Training Programs and Community Rehabilitation Programs
Sec. 2231. Declaration of purpose.
Sec. 2232. Training.
Sec. 2233. Repealers.
Sec. 2234. Authorization of appropriations.
Subtitle B—Special Projects and Supplementary Services
Sec. 2241. Special demonstration programs.
Sec. 2242. Migratory workers.
Sec. 2243. Repealers.
Sec. 2244. Special recreational programs.
TITLE XXV—AMENDMENTS TO NATIONAL COUNCIL ON DISABILITY
Sec. 2251. Authorization of appropriations.
TITLE XXVI—AMENDMENTS TO RIGHTS AND ADVOCACY
Sec. 2261. Employment of individuals with disabilities.
Sec. 2262. Architectural and Transportation Barriers Compliance Board.
Sec. 2263. Protection and advocacy of individual rights.
Sec. 2264. Requirement that Federal agencies provide certification of compliance with electronic and information technology accessibility guidelines.
TITLE XXVII—AMENDMENTS TO EMPLOYMENT OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES
Sec. 2271. Authorization of appropriations.
Sec. 2272. Repealers.
TITLE XXVIII—AMENDMENTS TO INDEPENDENT LIVING SERVICES AND CENTERS FOR INDEPENDENT LIVING
Sec. 2281. Authorization of appropriations.
Sec. 2282. Program authorization for centers for independent living.
TITLE XXIX—AMENDMENTS TO SPECIAL DEMONSTRATIONS AND TRAINING PROJECTS
Sec. 2291. Authorization of appropriations.
Sec. 2292. Demonstration activities.
Sec. 2293. Training activities.
TITLE XXX—AMENDMENTS TO THE HELEN KELLER NATIONAL CENTER ACT
Sec. 2295. Authorization of appropriations.
TITLE XXXI—EFFECTIVE DATE
Sec. 2297. Effective date.

DIVISION A—EMPLOYMENT, TRAINING, AND LITERACY PROGRAMS

TITLE I—AMENDMENTS TO GENERAL PROVISIONS AND PROGRAM REQUIREMENTS

Subtitle A—General Provisions

SEC. 101. STATEMENT OF PURPOSE.

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

"SEC. 2. STATEMENT OF PURPOSE.

''The purpose of this Act is to transform the current array of Federal employment, training, and adult education and literacy programs from a collection of fragmented and duplicative categorical programs into high quality, coherent, and accountable State and local systems that are designed—

''(1) to provide high quality training for today and for the 21st century;

''(2) to empower individuals to choose occupations and training programs, based on accurate and up-to-date information, that will develop more fully their academic, occupational, and literacy skills, leading to productive employment and economic self-sufficiency, and reduction in welfare dependency;

''(3) to provide resources and authority to States and local communities and increase ease of access to high quality employment, training, and literacy programs;

''(4) to provide adults with the adult education services they require to participate fully in society;

''(5) to meet the needs of employers in the United States to be competitive; and

''(6) to ensure an adequate return on the investment of funds in employment, training, and literacy programs through strong program accountability.''.

SEC. 102. AUTHORIZATION OF APPROPRIATIONS.

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

"SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated the following amounts for the following purposes (in addition to amounts otherwise available for such purposes):

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

''(2) TITLE III.—(A) Such sums as may be necessary for each of the fiscal years 1999 through 2003 to carry out section 312(a)(1).

''(B) Such sums as may be necessary for each of the fiscal years 1999 through 2003 to carry out section 312(a)(2).

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

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

''(b) RESERVATIONS.—Of the amount appropriated under subsection (a)(3) for a fiscal year—

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

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

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

''(c) REALLOTMENT.—

''(1) IN GENERAL.—The Secretary of Labor shall, in accordance with this subsection, reallot to eligible States amounts appropriated for programs authorized under titles II and title III of this Act that are available for reallotment.

''(2) AMOUNT.—The amount available for reallotment is equal to the amount by which the unobligated balance of the State allotment under title II or title III, respectively, at the end of the program year prior to the program year for which the determination under this paragraph is made exceeds 20 percent of such allotment for the prior program year.

''(3) REALLOTMENT.—In making reallotments to eligible States of amounts available pursuant to paragraph (2) for a program year, the Secretary shall allot to each eligible State an amount based on the relative amount allotted to such State under title II or title III, respectively, for the prior program year as compared to the total amount allotted to all eligible States under title II or title III, respectively, for such prior program year.

''(4) ELIGIBILITY.—For purposes of this subsection, an eligible State means a State which has obligated at least 80 percent of its allotments under title II or title III, respectively, for the program year prior to the program year for which the determination under this subsection is made.

''(5) PROCEDURES.—The Governor of each State shall prescribe uniform procedures for the obligation of funds by workforce development areas within the State in order to avoid the requirement that funds be made available for reallotment under this subsection. The Governor shall further prescribe equitable procedures for making funds available from the State and workforce development areas in the event that a State is required to make funds available for reallotment under this paragraph.''.

SEC. 103. DEFINITIONS.

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

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

''(1) ADULT EDUCATION AND LITERACY ACTIVITIES.—The term 'adult education and literacy activities' means the activities authorized under section 314 of the Adult Education and Family Literacy Act.'';

(2) by striking paragraph (2);

(3) by inserting after paragraph (1) the following:

''(2) APPROPRIATE SECRETARY.—The term 'appropriate Secretary' means—

''(A) the Secretary of Labor, with respect to programs authorized under titles II, III, and IV of this Act; and

''(B) the Secretary of Education, with respect to programs authorized under the Adult Education and Family Literacy Act.'';

(4) in paragraph (3), by striking ''under parts A and C of title II'' and inserting ''under title II and title III'';

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

''(4) CHIEF ELECTED OFFICIAL.—The term 'chief elected official' means the chief elected executive officer of a unit of general local government in a workforce development area.'';

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

''(5) COMMUNITY-BASED ORGANIZATION.—The term 'community-based organization' means a private nonprofit organization that is representative of a community or a significant segment of a community and that has demonstrated the ability, or that can demonstrate a capacity, to effectively administer a program under this Act.'';

(7) by striking paragraph (6);

(8) by inserting after paragraph (5) the following:

''(6) DISLOCATED WORKER.—The term 'dislocated worker' means an individual who—

''(A)(i) has been terminated or laid off, or who has received a notice of termination or layoff, from employment;

''(ii) is eligible for or has exhausted entitlement to unemployment compensation; and

''(iii) is unlikely to return to a previous industry or occupation;

''(B) has been terminated or laid off, or has received a notice of termination or layoff, from employment as a result of any permanent closure of, or and substantial layoff at, a plant, facility, or enterprise;

''(C) was self-employed (including a farmer and a rancher) but is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters;

''(D) is a displaced homemaker; or

''(E) has become unemployed as a result of a Federal action that limits the use of, or restricts access to, a marine natural resource.'';

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

''(10) INDIVIDUAL WITH A DISABILITY.—(A) 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) The term 'individuals with disabilities' means more than one individual with a disability.'';

(10) by striking paragraph (11);

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

(12) in paragraph (18), by striking all after ''institution of higher education'' and inserting ''(as such term is defined in section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088)) that continues to meet the eligibility and certification requirements under title IV of such Act (20 U.S.C. 1070 et seq.).'';

(13) by striking paragraph (19);

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

''(21) SECRETARIES.—The term 'Secretaries' means the Secretary of Labor and the Secretary of Education.'';

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

''(22) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.'';

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

''(24) SUPPORTIVE SERVICES.—The term 'supportive services' means services such as transportation, child care, dependent care, and needs-based payments, that are necessary to enable an individual to participate in programs authorized under title II and title III of this Act, consistent with the provisions of such titles.'';

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

''(27) VETERAN.—The term 'veteran' has the meaning given such term in section 101(2) of title 38, United States Code.'';

(18) by striking paragraph (35);

(19) by striking paragraph (36);

(20) in paragraph (37), by striking ''post-termination services authorized under sections 204(c)(4) and 264(d)(5) and follow up services authorized under section 253(d)'' and inserting ''follow up services authorized under this Act''; and

(21) by adding at the end the following:

''(41) EMPLOYMENT, TRAINING AND LITERACY PROGRAMS.—The term 'employment, training and literacy programs' means programs authorized under titles II and III of this Act and the Adult Education and Family Literacy Act.

''(42) ENGLISH LITERACY PROGRAM.—The term 'English literacy program' means a program of instruction designed to help individuals of limited English proficiency achieve full competence in the English language.

''(43) FAMILY LITERACY SERVICES.—The term 'family literacy services' means services provided to participants on a voluntary basis that are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in a family (such as eliminating or reducing welfare dependency) and that integrate all of the following activities:

''(A) Interactive literacy activities between parents and their children.

''(B) Equipping parents to partner with their children in learning.

''(C) Parent literacy training that leads to economic self-sufficiency.

''(D) Appropriate instruction for children of parents receiving parent literacy services.

''(44) FULL SERVICE ELIGIBLE PROVIDERS.—The term 'full service eligible provider' means a provider designated under section 123(c).

''(45) HUMAN RESOURCE PROGRAMS.—The term 'human resource programs' means programs identified under section 103.

''(46) INDIVIDUAL OF LIMITED ENGLISH PROFICIENCY.—The term 'individual of limited English proficiency' means an individual—

''(A) who has limited ability in speaking, reading, or writing the English language; and

''(B)(i) whose native language is a language other than English; or

''(ii) who lives in a family or community environment where a language other that English is the dominant language.

''(47) LITERACY.—The term 'literacy' used with respect to an individual, means the ability of the individual to speak, read, and write English, and compute and solve problems, at levels of proficiency necessary—

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

''(B) to achieve the goals of the individual; and

''(C) to develop the knowledge potential of the individual.

''(48) LOCAL BENCHMARKS.—The term 'local benchmarks' means the expected level of performance of a local workforce development area established pursuant to section 153(b).

''(49) LOCAL BOARD.—The term 'local board' means a local workforce development board established under section 122.

''(50) LOCAL WORKFORCE DEVELOPMENT AREA.—The term 'local workforce development area' means an area designated under section 121(a).

''(51) ON-THE-JOB TRAINING.—The term 'on-the-job training' means training by an employer that is provided to a paid participant while engaged in productive work in a job that—

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

''(B) provides reimbursement to employers of up to 50 percent of the wage rate of the participant, for the extraordinary costs of providing the training and additional supervision related to the training; and

''(C) is limited in duration as appropriate to the occupation for which the participant is being trained, taking into account the content of the training, the prior work experience of the participant, and the service strategy of the participant, as appropriate.

''(52) OUTLYING AREA.—The term 'outlying area' means the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

''(53) RAPID RESPONSE ASSISTANCE.—The term 'rapid response assistance' means assistance provided by a State, or by an entity designated by a State, with funds provided by the State under section 313(a)(2) in the case of a permanent closure or mass layoff at a plant, facility, or enterprise, or a natural or other disaster, that results in mass job dislocation, in order to assist dislocated workers in obtaining reemployment as soon as possible, with services including—

''(A) the establishment of onsite contact with employers and employee representatives—

''(i) immediately after the State is notified of a current or projected permanent closure or mass layoff; or

''(ii) in the case of a disaster, immediately after the State is made aware of mass job dislocation as a result of such disaster;

''(B) the provision of information and access to available employment and training activities;

''(C) assistance in establishing voluntary labor management committees with the ability to devise and implement a strategy for assessing the employment and training needs of dislocated workers and obtaining services to meet those needs;

''(D) the provision of emergency assistance adapted to the particular closure, layoff, or disaster; and

''(E) the provision of assistance to the local community in developing a coordinated response and in obtaining access to State economic development assistance.

''(54) REPRESENTATIVES OF EMPLOYEES.—For purposes of section 122, the term 'representatives of employees' means—

''(A) individuals who have been elected by organizations, associations, or a network of similar institutions to represent the economic interests of employees at a significant segment of workplaces located in, or adjacent to, the local workforce development area; or

''(B) individuals from organizations, associations, or a network of similar institutions, with expertise to represent, or experience representing, the interests of employees with respect to the job training priorities in the local workforce development area.

''(55) SKILL GRANT.—The term 'skill grant' means a voucher or credit issued to a participant under section 314(c)(6)(A) for the purchase of training services from eligible providers of such services.

''(56) STATE ADJUSTED BENCHMARKS.—The term 'state adjusted benchmarks' means a state's expected levels of performance established pursuant to 153(a).

''(57) STATE BENCHMARK.—The term 'State benchmark' means the benchmarks established by the state pursuant to section 152(a).

''(58) STATEWIDE SYSTEM.—The term 'statewide system' means a statewide employment and training and literacy system that includes programs authorized under titles II and III of this Act and the Adult Education and Family Literacy Act.''.

Subtitle B—State and Local Administrative Provisions

SEC. 111. STATE ADMINISTRATIVE PROVISIONS.

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

''PART A—STATE ADMINISTRATIVE PROVISIONS

''SEC. 101. STATE PLAN.

''(a) IN GENERAL.—For a State to be eligible to receive an allotment under title II or III, the Adult Education and Family Literacy Act, or section 6 of the Wagner-Peyser Act (29 U.S.C. 49e), the Governor of the State shall submit to Secretaries, for consideration by the appropriate Secretary, a single comprehensive State plan that provides a 3-year strategy and policy guidance with respect to the Statewide system, and programs authorized under the Wagner-Peyser Act (29 U.S.C. 49 et seq.), operated in the State. Such plan shall meet the requirements of this section and section 102.

''(b) CONTENTS.—The State plan shall include the following:

''(1) A description of the collaborative process described in section 102, including a description of the manner in which the individuals and entities involved in such process collaborated in the development of the plan and will continue to collaborate in carrying out the functions described in section 102(c).

''(2) Information describing—

''(A) the needs of the State with regard to current and projected demands for workers, by occupation;

''(B) the skills and economic development needs of the State; and

''(C) the type and availability of employment and training services in the State.

''(3)(A) A description of the State long-term goals for the Statewide system.

''(B) An identification of the benchmarks that the State will use to measure its progress toward meeting the goals described in subparagraph (A) based on the core indicators of performance described in section 154.

''(C) A description of how the goals and benchmarks will ensure continuous improvement of the Statewide system and make such system relevant and responsive to labor market, skill, and literacy needs at the State and local levels.

''(4) An identification of local workforce development areas in the State, including a description of the process used for the designation of such areas.

''(5) An identification of criteria to be used by local chief elected officials for the appointment of members of local workforce development boards, consistent with the provisions of section 122.

''(6)(A) A description of measures that will be taken by the State to assure coordination and consistency and avoid duplication among employment, training, and literacy programs receiving assistance under this Act, and, at a minimum, programs carried out under the Wagner-Peyser Act (29 U.S.C. 49 et seq.), the Rehabilitation Act of 1973 (20 U.S.C. 701 et seq.), title I of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, the Community Services Block Grant Act, title V of the Older Americans Act of 1965, the National and Community Service Act of 1990, and programs carried out by the Veterans' Employment and Training Service with funds received under section 4103 of title 38, United States Code, including a description of common data collection and reporting processes.

''(B) Information identifying how any funds that a State receives through the allotments made under this Act will be leveraged with other private and public resources (including funds made available to the State under the Wagner-Peyser Act (29 U.S.C. 49 et seq.)) and other human resource programs to maximize the effectiveness of such resources, and expand the participation of business, industry, employees, and individuals in the Statewide system.

''(7) A description of the process used by the State to provide an opportunity for public comment, and input into development of the plan, prior to submission of the plan.

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

''(A) a description of how the individuals and entities involved in the collaborative process, including representatives of the State legislature, determined the factors for such formulas;

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

''(C) assurances that such formulas will result in funds being distributed equitably throughout the State, that no one factor in such formulas receive disproportionate weighting, and that such formulas protect local workforce development areas from significant shifts in funding from year to year.

''(9)(A) With respect to employment and training programs for disadvantaged youth authorized under title II, information describing the State's strategy for providing comprehensive services to disadvantaged youth, particularly those youth who are recognized as having significant barriers to employment, and a description of how the State intends to use its State reserve funds (described in section 204(a)) to serve areas in the State with high concentrations of disadvantaged youth.

''(B) An assurance that each local workforce development area will be allowed to determine the proportion of funds allocated to such area under section 204(b)(2) that will be used to provide summer employment opportunities and year-round disadvantaged youth activities, respectively.

''(10) With respect to employment and training programs for adults and dislocated workers authorized under title III, information—

''(A) describing the employment and training activities that will be carried out with the funds received by the State through the allotments made under section 312, including a description of how the State will provide rapid response assistance to dislocated workers from funds reserved under section 313(a)(2);

''(B) describing the strategy of the State (including the timeframe for such strategy) for development of a fully operational statewide full service employment and training delivery system as described in section 123, including the steps that the State will take over the 3 years covered by the plan, working with local workforce development boards, to provide information to individuals through the full service employment and training delivery system on the quality of employment, training, and literacy services;

''(C) describing the procedures the State will use, working with local workforce development boards, to identify eligible providers of training services described in section 314(c), as required under section 124; and

''(D) describing how the State will serve the employment and training needs of dislocated workers (including displaced homemakers), economically disadvantaged individuals (including welfare recipients), individuals training for nontraditional employ-

ment, and other individuals with multiple barriers to employment (including older workers and individuals with disabilities).

''(11) With respect to adult education and literacy activities authorized under part A of the Adult Education and Family Literacy Act—

''(A) a description of the assessment that will be made to determine the adult education and family literacy needs of the State;

''(B) a description of the adult education and literacy activities that will be carried out with any funds received under such part, including activities carried out under section 314(a) of such Act;

''(C) a description of how the adult education and literacy activities that will be carried out with any funds received under such part will be integrated with other adult education, career development, and employment and training activities in the State or outlying area of the eligible agency;

''(D) a description of how the eligible agency annually will evaluate the effectiveness of the adult education and literacy activities that are carried out with any funds received under such part;

''(E) an assurance that any funds received under such part will not be expended for any purpose other than the activities described in sections 313 and 314 of such Act;

''(F) an assurance that the eligible agency will expend any funds received under such part only in a manner consistent with the fiscal requirements in section 315 of such Act;

''(G) an assurance that the eligible agency will award not less than 1 grant under such part to providers who offer flexible schedules and necessary support services (such as child care and transportation) to enable individuals, including individuals with disabilities or other special needs to participate in adult education and literacy activities; and

''(H) a description of the steps the State will take to ensure direct and equitable access, as stipulated in section 313(c)(2) of the Adult Education and Family Literacy Act.

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

''(c) PLAN SUBMISSION.—A State plan submitted to the Secretaries under this section shall be approved by the appropriate Secretary unless such Secretary makes a written determination, within 90 days after receiving the plan, that the plan is inconsistent with the specific provisions of this Act.

''(d) SPECIAL RULES.—

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

''(2) ELIGIBLE AGENCY.—The eligible agency for adult education and literacy in a State shall have final authority to determine the content of the portion of the State plan described in paragraph (11) of subsection (b).

''(e) MODIFICATIONS TO PLAN.—A State may submit modifications to a State plan in accordance with the requirements of this section and section 102 as necessary during the 3-year period covered by the plan.

''SEC. 102. COLLABORATIVE PROCESS.

''(a) IN GENERAL.—A State shall use a collaborative process in the development of the State plan described in section 101 and in carrying out the functions described under subsection (c). Such collaborative process shall be carried out by, at a minimum, the following individuals and entities (who overall, represent diverse regions of the State, including urban, rural, and suburban areas):

''(1) the Governor;

''(2) representatives of the State legislature;

''(3) representatives, appointed by the Governor, of—

''(A) business and industry;

''(B) local chief elected officials (representing both cities and counties, where appropriate);

''(C) local educational agencies (including adult education and literacy providers);

''(D) postsecondary institutions (including community and technical colleges);

''(E) organizations representing individuals served by programs authorized under this Act (including community-based organizations);

''(F) organizations serving individuals participating in programs authorized under this Act and the Adult Education and Family Literacy Act;

''(G) parents; and

''(H) employees (which may include labor);

''(4) the lead State agency official or officials for—

''(A) employment security;

''(B) job training;

''(C) the State educational agency;

''(D) the eligible agency for vocational education;

''(E) the eligible agency for adult education and literacy;

''(F) the State agency responsible for postsecondary education;

''(G) the State agency responsible for welfare; and

''(H) the State agency responsible for vocational rehabilitation, and where applicable, the State agency providing vocational rehabilitation program activities for the blind;

''(5) such other State agency officials, including officials responsible for economic development, as the Governor may designate; and

''(6) the representative of the Veterans' Employment and Training Service assigned to the State under section 4103 of title 38, United States Code.

''(b) CLARIFICATION.—For purposes of complying with subsection (a), a State may use any State collaborative process (including a council, board, State Human Resource Investment Council established under section 103, or a similar entity) that meets or is conformed to meet the requirements of such subsection.

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

''(1) the designation of local workforce areas as required under section 121;

''(2) the development of allocation formulas for the distribution of funds to local workforce development areas for programs authorized under title II and title III;

''(3) the development of the State goals and benchmarks as required under part C of this title, including the continued updating of such goals and benchmarks;

''(4) the provision of management guidance and review for all programs in the State, including review of the operation of programs conducted in each local workforce development area, and the availability, responsiveness, and adequacy of State services, and make recommendations to the Governor, the State legislature, appropriate chief elected officials, local workforce development boards, and service providers throughout the State regarding the findings of such review;

''(5) the continued development of linkages between employment, training, literacy, and other human resource and workforce preparation programs in the State;

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

''(7) review plans of all State agencies providing employment, training, literacy, and related services, and provide comments and recommendations to the Governor, the State legislature, the State agencies, and the appropriate federal agencies on the relevancy and effectiveness of employment, training, literacy, and related delivery systems in the State.''.

SEC. 112. LOCAL ADMINISTRATIVE PROVISIONS.

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

''SEC. 121. LOCAL WORKFORCE DEVELOPMENT AREAS.

''(a) DESIGNATION OF AREAS.—

''(1) IN GENERAL.—Except as provided in subsection (b), and consistent with paragraph (2), a State that desires to receive a grant under title II or title III shall, through the collaborative process established under section 102 and after consultation with local chief elected officials, and after consideration of comments received through the public comment process as described in section 101(b)(7) of the State plan, designate local workforce development areas within the State that are consistent with labor market areas, or a substantial portion of a labor market area, and that take into consideration the following:

''(A) Units of general local government.

''(B) Geographic areas served by local educational agencies and intermediate educational agencies.

''(C) Geographic areas served by postsecondary institutions and area vocational education schools.

''(D) Service delivery areas established under section 101 of this Act (as such section was in effect on the day before the date of the enactment of the Employment, Training, and Literacy Enhancement Act of 1997).

''(E) The distance that individuals will need to travel to receive services.

''(2) AUTOMATIC DESIGNATION.—The Governor shall approve any request for designation as a workforce development area from any unit of general local government with a population of 500,000 or more.

''(b) SMALL STATES.—Any State determined to be eligible to receive a minimum allotment under section 203(b)(2)(D) or paragraph (1)(B)(iv) or paragraph (2)(B)(iv) of section 312(b) may designate itself, through the collaborative process established pursuant to section 102, and after consultation with local chief elected officials, and consideration of comments received through the public comment process described in section 101(b)(7) of the State plan, as a single State workforce development area for purposes of this Act.

''SEC. 122. LOCAL WORKFORCE DEVELOPMENT BOARDS.

''(a) ESTABLISHMENT.—There shall be established in each local workforce development area of a State, and certified by the Governor of the State, a local workforce development board (hereinafter referred to as the 'local board'), reflecting business and community interests in employment, training, and other workforce preparation activities.

''(b) MEMBERSHIP.—

''(1) STATE CRITERIA.—The Governor of the State, through the collaborative process described in section 102, shall establish criteria for use by local chief elected officials in the local workforce development areas for appointment of members of the local boards in such local areas in accordance with the requirements of paragraph (2).

''(2) COMPOSITION.—(A) Such criteria shall require at a minimum, that the membership of each local board consist of—

''(i) a majority of members who are representatives of business and industry in the

local workforce development area, who are owners of businesses, chief executives or chief operating officers of private business, and other business executives with optimum policymaking authority in local businesses, appointed from among individuals nominated by local business organizations and trade associations;

''(ii) representatives of local educational entities, including representatives of local educational agencies, local school boards, postsecondary educational institutions (including representatives of community colleges), and representatives of providers of adult education and literacy services, where such schools, institutions, educators, or providers, as appropriate, exist, selected from among individuals nominated by regional or local educational agencies, institutions, or organizations representing such individuals or entities; and

''(iii) representatives of community-based organizations (including, as appropriate, a community-based organization that provides direct job training and placement services to individuals with disabilities), employees (which may include labor), and other representatives of the public who may include program participants, parents, individuals with disabilities, older workers, veterans, or organizations serving such individuals, as nominated to the board by regional or local agencies, institutions, or organizations representing such individuals or entities.

''(B) In addition, the membership of each local board may consist of representatives of local welfare agencies, economic development agencies, and the local employment service system.

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

''(c) APPOINTMENT AND CERTIFICATION OF BOARD.—

''(1) APPOINTMENT OF BOARD MEMBERS AND ASSIGNMENT OF RESPONSIBILITIES.—

''(A) IN GENERAL.—The chief elected official in a local workforce development area is authorized to appoint the members of the local board for such area, in accordance with the State criteria established under subsection (b).

''(B) MULTIPLE UNITS OF LOCAL GOVERNMENT IN AREA.—

''(i) IN GENERAL.—In a case in which a local workforce development area includes more than 1 unit of general local government, the chief elected officials of such units may execute an agreement that specifies the respective roles of the individual chief elected officials—

''(I) in the appointment of the members of the local board from the individuals nominated or recommended to be such members in accordance with the criteria established under subsection (b); and

''(II) in carrying out any other responsibilities assigned to such officials.

''(ii) LACK OF AGREEMENT.—If, after a reasonable effort, the chief elected officials are unable to reach agreement as provided under clause (i), the Governor may appoint the members of the local board from individuals so nominated or recommended.

''(2) CERTIFICATION.—

''(A) IN GENERAL.—The Governor is authorized to biennially certify 1 local board for each local workforce development area in the State.

''(B) CRITERIA.—Such certification shall be based on factors including the criteria established under subsection (b) and, for a second or subsequent certification, the extent to which the local board has ensured that employment and training activities and disadvantaged youth activities carried out in the local workforce development area have met expected levels of performance with respect to the local benchmarks negotiated pursuant to subsection (d)(6)(A).

''(C) FAILURE TO ACHIEVE CERTIFICATION.—Failure of a local board to achieve certification shall result in reappointment and certification of another local board for the local workforce development area pursuant to the process described in paragraph (1) and this paragraph.

''(3) DECERTIFICATION.—

''(A) FISCAL NONCOMPLIANCE.—Notwithstanding paragraph (2), the Governor may decertify a local board if it is determined as a result of financial and compliance audits that there is a substantial violation of a specific requirement under this Act and corrective action has not been taken, in accordance with section 164. If the Governor decertifies a local board for a local workforce development area under this subparagraph, the Governor may require that a new local board be appointed and certified for the local workforce development area pursuant to a reorganization plan developed by the Governor under section 164(b)(1) and in accordance with the criteria established under subsection (b).

''(B) NONPERFORMANCE.—Notwithstanding paragraph (2), the Governor may decertify a local board if a local workforce development area fails to meet the local benchmarks established pursuant to section 153(b) for such local area for two consecutive program years (in accordance with section 156(b)(2)). If the Governor decertifies a local board for a local workforce development area under this subparagraph, the Governor may require that a new local board be appointed and certified for the local area pursuant to a reorganization plan developed by the Governor under section 156(b)(2) and in accordance with the criteria established under subsection (b).

''(4) SINGLE STATE AREA.—Notwithstanding subsection (b) and paragraphs (1) and (2), if a State described in section 121(b) indicates in the State plan that the State will be treated as a local workforce development area for purposes of the application of this Act, the Governor may designate the individuals and entities involved in the collaborative process described in section 105 to carry out the functions described in subsection (d).

''(d) FUNCTIONS OF LOCAL BOARD.—The functions of the local board shall include the following:

''(1) LOCAL PLAN.—

''(A) IN GENERAL.—Each local board, in partnership with the chief local elected official, shall develop and submit to the Governor, for approval, a comprehensive 3-year strategic local plan. The local plan shall be consistent with the State goals and State plan described in section 101.

''(B) CONTENTS.—The local plan shall include—

''(i) an identification of the workforce development needs of local industries, job seekers, and workers;

''(ii) a description of the disadvantaged youth activities and the employment and training activities for adults and dislocated workers to be carried out in the local workforce development area as required under titles II and III, that, with activities authorized under the Wagner-Peyser Act (29 U.S.C. 49 et seq.), will contribute to the coherent delivery of employment, training and workforce preparation activities in the local area;

''(iii) a description of the local benchmarks negotiated with the Governor pursuant to paragraph (6)(A), to be used by the local board for measuring the performance of the local administrative entity (where appropriate), eligible providers of services authorized under titles II and III, and the performance of the full service employment and training delivery system in the local workforce development area;

''(iv) a description of the local full service employment and training delivery system to be established or designated in the local workforce development area, including—

''(I) a description of the process negotiated with the Governor pursuant to paragraph (6)(B) that the local board will use to designate or certify full service eligible providers in the local workforce development area, which ensures that the most effective and efficient providers will be chosen;

''(II) a description of how the local board will ensure the continuous improvement of such full service eligible providers and that such providers will continue to meet the labor market needs of local employers and participants; and

''(III) an identification of the roles of individual employment, training, and other human resources programs, as determined appropriate, including programs authorized by the Wagner-Peyser Act (20 U.S.C. 49 et seq.), in carrying out the functions of the full service employment and training delivery system, including a description of the funding sources to be used in the operation of the full service employment and training system;

''(v) an identification of the administrative entity designated by the local board in accordance with paragraph (5);

''(vi) a description of the steps the local board will take to work with local educational agencies, postsecondary educational institutions (including community colleges, where applicable), vocational educators, providers of adult education and literacy services, and other representatives of the educational community to address local employment, education, and training needs, including a description of linkages established with such individuals and entities to enhance the provision of services, including supportive services, and avoid duplication;

''(vii) a description of the process that will be used by the local board to fully involve representatives of the local community, including community-based organizations with experience in serving disadvantaged youth, the local education community (including vocational educators and teachers), parents, youth, local law enforcement agencies, and representatives of business and employees (which may include labor) in the development and implementation of disadvantaged youth programs in the local workforce development area, including a description of the process used (involving the individuals and organizations described in this clause) to ensure that the most effective and efficient providers are chosen to carry out the activities authorized under title II; and

''(viii) such other information as the Governor may require.

''(2) SELECTION OF PROVIDERS.—

''(A) SELECTION OF FULL SERVICE PROVIDERS.—Consistent with section 123 and the agreement negotiated with the Governor under paragraph (6)(B)(i), the local board is authorized to designate or certify full service eligible providers, and to terminate for cause, the eligibility of such providers.

''(B) SELECTION OF DISADVANTAGED YOUTH PROVIDERS.—Consistent with section 207, the local board is authorized to award grants on a competitive basis to eligible providers of disadvantaged youth activities in the local workforce development area.

''(3) IDENTIFICATION OF ELIGIBLE PROVIDERS OF TRAINING SERVICES.—Consistent with section 124, the local board is authorized to work in partnership with the Governor concerning the identification of eligible providers of training services described in section 314(c) in the local workforce development area.

''(4) BUDGET AND PROGRAM OVERSIGHT.—

''(A) BUDGETING.—

''(i) IN GENERAL.—The local workforce development board shall develop a budget for the purpose of carrying out local programs established under titles II and III and section 123.

''(ii) APPROVAL OF BUDGET.—Such budget shall be subject to the approval of the chief elected official or officials in the local workforce development area.

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

''(5) ADMINISTRATION.—

''(A) DESIGNATION OF ADMINISTRATIVE ENTITY.—

''(i) IN GENERAL.—The local workforce development board may designate itself as the administrative entity for receipt and disbursement of funds made available for carrying out programs authorized under title II and title III of this Act, or the local board may designate an administrative entity (which may be the State through a mutual agreement between the local board and the State), for the purpose of receipt and disbursement of such funds.

''(ii) ADDITIONAL FISCAL RESPONSIBILITIES.—Each administrative entity shall be responsible for the distribution of funds and shall have responsibility to take action against its subcontractors, subgrantees, and other recipients to eliminate abuses in the programs being carried out in the local workforce development area and to prevent any misuse of funds by subcontractors, subgrantees, and other recipients.

''(B) STAFF; GRANTS AND OTHER CONTRIBUTIONS.—The local board may employ its own staff, independent of local programs and service providers, and may solicit or accept grants and contributions from sources other than from this Act.

''(C) PROHIBITION ON DIRECT PROVISION OF SERVICES.—

''(i) IN GENERAL.—Except as provided in clause (ii), a local board or employees of such board may not directly provide services under programs established under this Act.

''(ii) WAIVER.—The Governor of the State in which the local board is located may grant to the local board a written waiver of the prohibition under clause (i) where necessary to improve performance or to provide a full array of services in the local area as may be particularly necessary in rural areas.

''(D) CONFLICT OF INTEREST.—A member of a local board may not—

''(i) vote on a matter under consideration by the local board—

''(I) regarding the provision of services by such member (or by an organization that such member represents); or

''(II) that would provide direct financial benefit to such member or the immediate family of such member; or

''(ii) engage in any other activity determined by the Governor to constitute a conflict of interest.

''(6) NEGOTIATIONS.—

''(A) LOCAL BENCHMARKS.—The local board, the local chief elected official, and the Governor shall negotiate and reach agreement on local benchmarks designed to meet the State goals described in the State plan under section 101 for the local workforce development area. In determining such benchmarks, the Governor, the local chief elected official, and the local board shall take into account the State adjusted benchmarks described in section 153(a) with respect to programs authorized under titles II and III, and specific economic, demographic, and other characteristics of the populations to be served in the local workforce development area.

''(B) LOCAL DELIVERY OF SERVICES.—

''(i) IN GENERAL.—The local board, the local chief elected official, and the Governor shall negotiate and reach agreement on a process to be used by the local board that meets the requirements of subclauses (I) and (II) of paragraph (1)(B)(iv) for—

''(I) the designation or certification of full service eligible providers (as described in section 123(c)) in the local workforce development area, including, consistent with State statute, a determination of the role of providers of activities authorized under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) in the full service delivery of services in the local workforce development area; and

''(II) the continued role of the local board and the local elected official in conducting oversight with respect to full service eligible providers that are providers of activities authorized under the Wagner-Peyser Act (29 U.S.C. 49 et seq.).

''(ii) ESTABLISHED FULL SERVICE EMPLOYMENT AND TRAINING DELIVERY SYSTEM.—Notwithstanding this subsection and section 123(c), if a full service employment and training delivery system has been established in a local workforce development area prior to the date of enactment of this Act, or if approval has been obtained for a plan for a full service employment and training delivery system under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) prior to the date of enactment of this Act, the local board and the Governor involved may agree to certify such full service employment and training delivery system for purposes of this subparagraph.

''(7) LIMITATION.—Nothing in this Act shall be construed to provide local workforce development boards with the authority to mandate curriculum for schools.

''(e) SUNSHINE PROVISION.—

''(1) IN GENERAL.—The local board shall make available to the public, on a regular basis, information regarding the activities of the local board, including information regarding membership, the designation and certification of full service employment and training eligible providers, the award of grants to eligible providers of disadvantaged youth activities, and upon request, minutes of formal meetings of the local board.

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

''(A) appropriate community-based organizations and local educational and other public agencies in the local workforce development area;

''(B) local business organizations and representatives of employees in the local workforce development area; and

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

''SEC. 123. FULL SERVICE EMPLOYMENT AND TRAINING DELIVERY SYSTEM.

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

''(1) shall provide the core services described in subsection (d), including the information described in part E of title IV and labor exchange services authorized under the Wagner-Peyser Act (29 U.S.C. 49 et seq.);

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

''(3) shall provide access to intensive and training services described in section 314, including serving as the point of distribution of skill grants for training services to participants in accordance with section 314(c)(6)(A).

''(b) ACCESS TO DELIVERY OF SERVICES.—

''(1) IN GENERAL.—The State's full service employment and training delivery system shall provide individuals and employers with access to the services described in subsection (a) through a network of eligible providers that assures participants that such services will be available, regardless of where the participants initially enter the system. At a minimum, such services shall be available—

''(A) through a network of full service employment and training delivery centers, established in all local workforce development areas in the State, that provide all of the services described in subsection (a); or

''(B) at not less than one full service employment and training delivery center in each local workforce development area in the State that provides all of the services described in subsection (a), supplemented with multiple affiliated sites that provide one or more of such services and are linked through electronic and technological access points.

''(2) SPECIALIZED CENTERS.—Of the full service employment and training delivery centers or affiliated sites described in paragraph (1), such centers or sites may have a specialization in addressing special needs, such as the needs of dislocated workers.

''(c) ELIGIBILITY FOR DESIGNATION.—Any entity or consortium of entities located in a local workforce development area may be designated or certified by the local workforce development board (in accordance with section 122(d)(2)(A)) through a competitive process, or through an agreement reached between the local board and a consortium of entities, to operate a full service employment and training delivery center or to participate as an affiliated site in the full service employment and training delivery system. Such entities shall be known as 'full service eligible providers' and may include—

''(1) institutions of higher education;

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

''(3) private, nonprofit organizations (including community-based organizations);

''(4) private for-profit entities;

''(5) agencies of local government; and

''(6) other interested organizations and entities of demonstrated effectiveness, including local chambers of commerce and other business organizations, consistent with State criteria as described in the State plan under section 101.

''(d) CORE SERVICES.—Funds made available to local workforce development areas under section 313(b), in addition to funds made available under the Wagner-Peyser Act, part E of title IV, and other related programs, shall be used to provide core services, which shall be available to all individuals through the full service employment and training delivery system and shall, at a minimum, include—

''(1) outreach, intake (which may include worker profiling), and orientation to the information and other services available through the full service employment and training delivery system;

''(2) initial assessment of skill levels, aptitudes, abilities, and supportive service needs;

''(3) job search and placement assistance, and where appropriate, career counseling;

''(4) provision of accurate information relating to local, regional, and national labor markets, including—

''(A) job vacancy listings in such markets; and

''(B) information relating to local occupations in demand and the earnings and skill requirements for such occupations;

''(5) provision of accurate information relating to the quality and availability of employment, training, and literacy activities authorized under titles II and III of this Act and the Adult Education and Family Literacy Act, and of vocational rehabilitation program activities as appropriate, and referral to such activities;

''(6) provision of information relating to unemployment compensation, publicly funded employment and training programs (including registered apprenticeships), and forms of public financial assistance, such as student aid programs, that may be available in order to enable individuals to participate in employment, training, literacy, and other workforce preparation activities;

''(7) soliciting and accepting job orders submitted by employers in the local workforce development area, and screening and referring applicants in accordance with such orders;

''(8) dissemination of lists of eligible training providers and performance information regarding such providers in accordance with section 124; and

''(9) any additional performance information with respect to the full service employment and training delivery system in the local workforce development area.

''(e) PERMISSIBLE SERVICES.—Funds made available to local workforce development areas under section 313(b) may be used to contribute to, through the full service employment and training delivery system—

''(1) co-location of services related to employment, training, and literacy activities, such as unemployment insurance, vocational rehabilitation program activities, veterans' employment services, programs authorized under the Wagner-Peyser Act (29 U.S.C. 49 et seq.), employment-related services for welfare recipients, or other public assistance activities;

''(2) customized screening and referral of qualified participants to employment; and

''(3) customized employment-related services to employers on a fee-for-service basis.

''SEC. 124. IDENTIFICATION OF TRAINING PROVIDERS.

''(a) ELIGIBILITY REQUIREMENTS.—

''(1) IN GENERAL.—Except as provided in subsection (e), to be identified as an eligible provider of training services under title III and to receive funds made available for the provision of training services described in section 314(c) (referred to in this section as 'training services'), a provider of such services shall meet the requirements of this section.

''(2) POSTSECONDARY EDUCATIONAL INSTITUTION.—Subject to the provisions of this section, a postsecondary educational institution shall automatically be eligible to provide training services under title III for programs that are eligible to participate in title IV of the Higher Education Act of 1965.

''(3) OTHER ELIGIBLE PROVIDERS.—

''(A) PROCEDURE.—

''(i) IN GENERAL.—The Governor shall establish a procedure for use by local workforce development boards in determining the eligibility of public and private providers not described in paragraph (2) (including eligibility of postsecondary educational institutions for programs not described in paragraph (2)) to receive such funds.

''(ii) FACTORS.—In developing such procedure, the Governor—

''(I) shall solicit and take into consideration the recommendations of local workforce development boards and providers of training services within the State; and

''(II) shall take into consideration—

''(aa) the specific economic, geographic, and demographic factors in the local areas in which eligible providers are located; and

''(bb) the characteristics of the populations served by the eligible providers, including the demonstrated difficulties in serving such populations, where applicable.

''(B) LEVELS OF PERFORMANCE.—At a minimum, the procedure described in subparagraph (A) shall require such a provider to meet minimum acceptable levels of performance based on verifiable program-specific performance information described in subsection (b) and submitted to the State agency designated under subsection (c), as required under paragraphs (2) and (3) of subsection (c).

''(b) PERFORMANCE INFORMATION.—

''(1) REQUIRED INFORMATION.—Pursuant to subsection (c)(2), to be eligible to provide training services under title III, a provider shall submit information on—

''(A) program completion rates for individuals in the applicable program conducted by the provider;

''(B) the percentage of individuals in the applicable program who obtain employment, which may also include information specifying the percentage of individuals who obtain employment in an occupation related to the program conducted;

''(C) the earnings at placement of individuals who complete the program; and

''(D) for literacy providers or providers of integrated education and training services, the success rate of the applicable program in raising the literacy levels of individuals in skill areas that are considered important for successful participation in training and employment.

''(2) ADDITIONAL INFORMATION.—Subject to paragraph (3), in addition to the performance information described in paragraph (1), the Governor may require that a provider described in this paragraph submit such other performance information as the Governor determines to be appropriate, which may include information relating to—

''(A) the retention in employment and the subsequent earnings of the individuals who complete the applicable program;

''(B) where appropriate, the rates of licensure or certification of individuals who complete the program;

''(C) the percentage of individuals who complete the program who attain industry-recognized occupational skills in the subject, occupation, or industry for which training is provided, where applicable; and

''(D) the adequacy of space, staff, equipment, instructional materials, and student support services offered by the provider through a program conducted by the provider.

''(3) CONDITIONS.—

''(A) IN GENERAL.—If the Governor requests additional information pursuant to paragraph (2) that imposes extraordinary costs on providers, the Governor shall provide access to cost-effective methods for the collection of such information or provide additional resources to assist providers in the collection of such information from funds made available under section 313(a).

''(B) TRANSITION PERIOD FOR PERFORMANCE-BASED INFORMATION.—For program years 1999 and 2000, the performance-based information to be submitted by a provider under this subsection shall only be required to be provided relating to the performance of participants assisted under title III in lieu of all individuals participating in the program of the provider. Nothing in this subparagraph shall be construed to prohibit the submission of performance-based information for all individuals participating in the program of the provider as soon as is practicable prior to program year 2001 and each provider shall be encouraged to submit such information.

''(c) ADMINISTRATION.—

''(1) DESIGNATION.—The Governor shall designate a State agency to collect and disseminate the performance information described in subsection (b) and to carry out other duties described in this subsection.

''(2) SUBMISSION.—A provider described in subsection (a) shall submit the performance information described in subsection (b) annually to the designated State agency at such time and in such manner as the designated State agency may require. The designated State agency may accept program-specific performance information consistent with the requirements for eligibility under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) from such a provider for purposes of enabling the provider to fulfill the applicable requirements of this paragraph, if such information is substantially similar to the information required under subsection (b).

''(3) LIST OF ELIGIBLE PROVIDERS.—

''(A) IN GENERAL.—The designated State agency shall compile a list of eligible providers accompanied by the performance information described in subsection (b) consisting of—

''(i) providers determined to be automatically eligible subject to subsection (a)(2); and

''(ii) providers determined to be eligible by local workforce development boards, subject to subsection (a)(3).

''(B) AVAILABILITY.—The designated State agency shall disseminate such lists and information to the full service employment and training delivery system and to local boards. Such list and information shall be made widely available to participants in employment and training programs authorized under title III and others through the full service employment and training delivery system described in section 123.

''(d) ENFORCEMENT.—

''(1) ACCURACY OF INFORMATION.—If the designated State agency determines that a provider or individual supplying information on behalf of a provider intentionally supplies inaccurate information under this section, the agency shall terminate the eligibility of the eligible provider to receive funds described in subsection (a) for a period of time, but not less than 2 years, as prescribed in regulations issued by the Governor.

''(2) NONCOMPLIANCE.—If the designated State agency, or the local workforce development board working through the State agency, determines that an eligible provider under subsection (a) substantially violates any requirement under this Act, the agency, or the local board through the State agency, may terminate the eligibility of such provider to receive funds described in subsection (a) for such program or take such other action as the agency or local board determines to be appropriate.

''(3) NONPERFORMANCE.—

''(A) TERMINATION FOR NONPERFORMANCE.—If the designated State agency, or the local workforce development board working through the State agency, determines that an eligible provider under subsection (a) substantially fails to meet performance criteria established by the Governor, the agency, or the local board working through the State agency, may terminate the eligibility of such provider.

''(B) FACTORS.—In establishing the performance criteria described under subparagraph (A)(i), the Governor shall—

''(i) solicit and take into consideration the recommendations of local workforce development boards and providers of training services within the State; and

''(ii) take into consideration—

''(I) the specific economic, geographic, and demographic factors in the local areas in which eligible providers are located; and

''(II) the characteristics of the populations served by the eligible providers, including the demonstrated difficulties in serving such populations, where applicable.

''(4) ELIGIBILITY UNDER THE HIGHER EDUCATION ACT OF 1965.—If the designated State agency determines that the eligibility of an eligible provider described in subsection (a)(2) under title IV of the Higher Education Act of 1965 has been terminated, the agency—

''(A) shall terminate the automatic eligibility of the provider under subsection (a)(2); and

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

''(5) REPAYMENT.—A provider whose eligibility is terminated under paragraph (1) or (2) for a program shall be liable for repayment of all funds described in subsection (a) received for the program during any period of noncompliance described in such paragraph.

''(6) APPEAL.—The Governor shall establish a procedure for an eligible provider to appeal a determination by the local board or the designated state agency that results in the denial or termination of eligibility under this subsection. Such procedure shall provide an opportunity for a hearing and prescribe appropriate time limits to ensure prompt resolution of the appeal.

''(7) CONSTRUCTION.—This subsection shall be construed to supplement, but not supplant, other civil and criminal remedies and penalties.

''(e) ON-THE-JOB TRAINING EXCEPTION.—

''(1) IN GENERAL.—Providers of on-the-job training, and apprenticeship programs registered in accordance with the National Apprenticeship Act, shall not be subject to the requirements of subsection (a), (b), (c), or (d).

''(2) COLLECTION AND DISSEMINATION OF INFORMATION.—A full-service eligible provider in a local workforce development area shall collect such performance information from on-the-job training providers as the Governor may require, and disseminate such information through the delivery of core services described in section 123, as appropriate.''.

Subtitle C—Program and Fiscal Provisions

CHAPTER 1—GENERAL PROVISIONS

SEC. 121. GENERAL PROGRAM REQUIREMENTS.

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

(1) by striking ''and shall make efforts'' and all that follows and inserting a period; and

(2) by adding at the end the following: ''In addition, efforts shall be made to develop programs which contribute to occupational development, upward mobility, development of new careers, and overcoming sex-stereotyping in occupations traditional for the other sex.''.

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

''(c) RELOCATION.—

''(1) PROHIBITION ON USE OF FUNDS TO ENCOURAGE OR INDUCE RELOCATION.—No funds provided under title II, III, or IV shall be used or proposed for use to encourage or induce the relocation, of a business or part of a business, that results in a loss of employment for any employee of such business at the original location, if such original location is within the United States.

''(2) PROHIBITION ON USE OF FUNDS FOR CUSTOMIZED OR SKILL TRAINING AND RELATED ACTIVITIES AFTER RELOCATION.—No funds provided under title II, III, or IV for an employment and training activity shall be used for customized or skill training, on-the-job training, or company-specific assessments of job applicants or employees, for any business or part of a business, that has relocated, until 120 days after the date on which such business commences operations at the new location, if the relocation of such business or part of a business, results in a loss of employment for any employee of such business at the original location and such original location is within the United States.

''(3) REPAYMENT.—If the Secretary of Labor determines that a violation of paragraph (1) or (2) has occurred, the Secretary shall require the State that has violated such paragraph to repay to the United States an amount equal to the amount expended in violation of such paragraph.''.

(c) TRAINING FOR OCCUPATIONS IN DEMAND.—Subsection (d) of section 141 of such Act (29 U.S.C. 1551(d)) is hereby repealed.

(d) AGREEMENTS AMONG AREAS RELATING TO EDUCATION, TRAINING, AND EMPLOYMENT OF PARTICIPANTS.—Section 141(e) of such Act (29 U.S.C. 1551(e)) is amended—

(1) by striking paragraph (1); and

(2) in paragraph (2)—

(A) by striking ''(2)'';

(B) by striking ''service delivery area'' each place it appears and inserting ''local workforce development area''; and

(C) in the second sentence—

(i) by striking ''private industry council'' and inserting ''local workforce development board''; and

(ii) by striking ''section 104'' and inserting ''section 122(d)(1)''.

(e) PROHIBITION ON CERTAIN VOTES.—Subsection (f) of section 141 of such Act (29 U.S.C. 1551(f)) is hereby repealed.

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

(1) by striking paragraphs (1) through (3); and

(2) in paragraph (4)—

(A) by striking ''(4)'';

(B) by striking ''In accordance with regulations issued by the Secretary, on-the-job training contracts'' and inserting ''On-the-job training contracts''; and

(C) by striking ''with wages and employment benefits'' and all that follows and inserting a period.

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

''(h)(1) Upon the approval of the Governor, real property in which, as of July 1, 1998, equity has resulted from funds provided under title III of the Social Security Act, section 903(c) of such Act (commonly referred to as the 'Reed Act'), or the Wagner-Peyser Act (29 U.S.C. 49 et seq.) may be used for the purposes of a full service employment and training delivery center.

''(2) Unless otherwise provided in a plan approved pursuant to section 101, subsequent to the commencement of the use of the property described in paragraph (1) for the purposes of a full service employment and training delivery center, funds provided under the provisions of law described in paragraph (1) may only be used to acquire further equity in such property, or to pay operating and maintenance expenses relating to such property in proportion to the extent of the use of such property attributable to the activities authorized under such provisions of law.''.

(h) RESPONSIBILITIES OF ADMINISTRATIVE ENTITIES.—Section 141(i) of such Act (29 U.S.C. 1551(i)) is hereby repealed.

(i) PROHIBITION ON CERTAIN SUBSIDIZED EMPLOYMENT.—Section 141(k) of such Act (29 U.S.C. 1551(k)) is hereby repealed.

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

(1) by striking ''private industry councils'' each place it appears and inserting ''local workforce development boards'';

(2) by striking ''councils'' and inserting ''boards'';

(3) by striking ''service delivery area'' each place it appears and inserting ''local workforce development area''; and

(4) by striking ''this Act'' each place it appears and inserting ''title II or title III''.

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

(1) by striking ''part B of this title or part A or C of title II'' and inserting ''this Act''; and

(2) by inserting at the end before the period the following: ''except as specifically authorized under this Act''.

(l) PROHIBITION ON USE OF FUNDS FOR CERTAIN ECONOMIC ACTIVITIES.—Section 141(q) of such Act (29 U.S.C. 1551(p)) is amended in the first sentence by inserting at the end before the period the following: ''which are not directly related to training or related services for eligible individuals under this Act''.

(m) PRIORITY FOR EXCESS PROPERTY OF THE DEPARTMENT OF DEFENSE.—Section 141(s) of such Act (29 U.S.C. 1551(s)) is hereby repealed.

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

''(s) PROHIBITION ON ENTITLEMENT TO SERVICE.—Nothing in this Act shall be construed to provide an individual with an entitlement to a service under this Act.

''(t) FEE FOR SERVICE AUTHORITY.—Services, facilities, and equipment funded under titles II and III may be used, as appropriate, on a fee for service basis, by employers in a local workforce development area in order to provide employment and training services to incumbent workers—

''(1) when such services, facilities, or equipment are not in use for the provision of services for eligible program participants under title II or title III, respectively;

''(2) if such use would not have an adverse affect on the provision of services to eligible program participants under title II or title III, respectively; and

''(3) if the income derived from such fees is used to carry out the programs authorized under title II or title III, respectively.''.

SEC. 122. BENEFITS.

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

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

''(a) WAGES.—

''(1) IN GENERAL.—Individuals in on-the-job training or individuals employed in activities under this Act shall be compensated at the same rates, including periodic increases, as trainees or employees who are similarly situated in similar occupations by the same employer and who have similar training, experience and skills, and such rates shall be in accordance with applicable law, but in no event less than the higher of the rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable State or local minimum wage law.''; and

(2) by redesignating paragraph (4) as paragraph (2).

SEC. 123. LABOR STANDARDS.

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

''SEC. 143. LABOR STANDARDS.

''(a) LIMITATIONS ON ACTIVITIES THAT IMPACT WAGES OF EMPLOYEES.—No funds provided under this title shall be used to pay the wages of incumbent employees during their participation in economic development activities provided through the statewide system.

''(b) DISPLACEMENT.—

''(1) PROHIBITION.—A participant in an activity authorized under title II, III, or IV of this Act (referred to in this section as a 'specified activity') shall not displace (including a partial displacement, such as a reduction in the hours of nonovertime work, wages, or employment benefits) any currently employed employee (as of the date of the participation).

''(2) PROHIBITION ON IMPAIRMENT OF CONTRACTS.—A specified activity shall not im-

pair an existing contract for services or collective bargaining agreement, and no such activity that would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization and employer concerned.

''(c) OTHER PROHIBITIONS.—A participant in a specified activity shall not be employed in a job—

''(1) when any other individual is on layoff from the same or any substantially equivalent job;

''(2) when the employer has terminated the employment of any regular employee or otherwise reduced the workforce of the employer with the intention of filling the vacancy so created with the participant; or

''(3) which is created in a promotional line that will infringe in any way upon the promotional opportunities of currently employed individuals.

''(d) HEALTH AND SAFETY.—Health and safety standards established under Federal and State law otherwise applicable to working conditions of employees shall be equally applicable to working conditions of participants engaged in specified activities. To the extent that a State workers' compensation law applies, workers' compensation shall be provided to participants on the same basis as the compensation is provided to other individuals in the State in similar employment.

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

''(f) OPPORTUNITY TO SUBMIT COMMENTS.—Interested parties shall be provided an opportunity to submit comments with respect to training programs proposed to be funded under this Act.''.

SEC. 124. GRIEVANCE PROCEDURE.

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

"SEC. 144. GRIEVANCE PROCEDURE.

''(a) IN GENERAL.—Each State receiving an allotment under this Act shall establish and maintain a procedure for grievances or complaints alleging violations of the requirements of this Act from participants and other interested or affected parties. Such procedure shall include an opportunity for a hearing and be completed within 60 days of filing the complaint.

''(b) INVESTIGATION.—

''(1) IN GENERAL.—The Secretary shall investigate an allegation of a violation described in subsection (a) if—

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

''(B) a decision relating to such violation has been reached within such 60 days and the party to which such decision is adverse appeals such decision to the Secretary.

''(2) ADDITIONAL REQUIREMENT.—The Secretary shall make a final determination relating to an appeal made under paragraph (1) no later than 120 days after receiving such appeal.

''(c) REMEDIES.—Remedies shall be limited—

''(1) to suspension or termination of payments under this Act;

''(2) to prohibition of placement of a participant with an employer that has violated any requirements under this Act;

''(3) where applicable, to reinstatement of an employee, payment of lost wages and benefits, and reestablishment of other relevant terms, conditions and privileges of employment; and

''(4) where appropriate, to other equitable relief.''.

SEC. 125. IDENTIFICATION OF ADDITIONAL IMPOSED REQUIREMENTS.

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

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

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

SEC. 126. AUTHORITY OF STATE LEGISLATURE.

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

(1) by adding at the end ''Any funds received by a State under title II or III of this Act shall be subject to appropriation by the State legislature, consistent with the terms and conditions required under this Act.'';

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

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

SEC. 127. INTERSTATE AGREEMENTS.

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

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

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

CHAPTER 2—PERFORMANCE ACCOUNTABILITY PROVISIONS

SEC. 131. PERFORMANCE ACCOUNTABILITY PROVISIONS.

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

"SEC. 151. PERFORMANCE ACCOUNTABILITY SYSTEM.

''In order to promote high levels of performance and to ensure an appropriate return on the Nation's investment in employment, training, and literacy programs, each State receiving funds under this Act or the Adult Education and Family Literacy Act shall implement a statewide performance accountability system that meets the requirements of this subpart.

"SEC. 152. INDICATORS OF PERFORMANCE.

''(a) STATE BENCHMARKS.—

''(1) IN GENERAL.—Each State receiving funds under this Act shall identify indicators and related levels of performance (hereinafter referred to as 'State benchmarks'), for each of the programs established under titles II, III, and V of this Act, to be used to measure the State's progress in meeting the State long-term goals described in the State plan under section 101. Such State benchmarks shall, at a minimum—

''(A) include the core indicators of performance described in section 154;

''(B) be expressed in an objective, quantifiable, and measurable form; and

''(C) show the progress of the State to continuously improve in performance over the 3-year period covered by the State plan.

''(2) CUSTOMER SATISFACTION.—Such State benchmarks may also include post-program surveys and other measures of customer satisfaction of both employers and program participants.

''(b) TECHNICAL DEFINITIONS OF CORE INDICATORS.—In order to ensure nationwide comparability of performance data, the Secretary of Labor and the Secretary of Education, in collaboration with the States, localities, representatives of business and industry, employees, employment and training service providers, State directors of adult education, providers of adult education and literacy services, individuals with expertise in serving the employment and training needs of disadvantaged youth, participants, parents and other interested parties with expertise in the provision of employment, training, literacy, and related services, shall promulgate definitions of each of the core indicators of performance described in section 154, with the exception of the indicators described under subsections (a)(6), (b)(1), (b)(5), (c)(1), and (c)(5) of such section, to be used under this Act in measuring performance.

"SEC. 153. STATE ADJUSTED BENCHMARKS.

''(a) AGREEMENT.—

''(1) IN GENERAL.—In order to ensure an adequate return on the investment of Federal funds in employment, training, and literacy programs authorized under this Act and the Adult Education and Family Literacy Act, the appropriate Secretary and each State shall reach agreement on the levels of performance expected to be achieved by such State based upon the State's benchmarks established pursuant to section 152(a)(1) (hereinafter referred to as the 'State adjusted benchmarks'), for the core indicators of performance described in section 154 (except for the indicators described under subsections (a)(6), (b)(1), (b)(5), (c)(1), and (c)(5) of such section). Such agreement shall take into account—

''(A) whether the levels will enable each State to attain the State goals;

''(B) how the levels compare with the levels established by other States, taking into consideration the specific circumstances, including economic circumstances, of each State;

''(C) how the levels compare with the model levels of performance identified pursuant to subsection (c); and

''(D) the extent to which such levels demonstrate continuous improvement in performance by such State and ensure an adequate return on the investment of Federal funds.

''(2) AUTHORITY OF GOVERNOR.—The Governor of a State is authorized to enter into the agreement described in paragraph (1) for programs authorized under titles II and III.

''(3) AUTHORITY OF ELIGIBLE STATE AGENCY.—The eligible State agency for adult education and literacy programs is authorized to enter into the agreement described in paragraph (1) for programs authorized under the Adult Education and Family Literacy Act.

''(b) LOCAL BENCHMARKS FOR EMPLOYMENT AND TRAINING PROGRAMS.—Based on the expected levels of performance established pursuant to subsection (a), each State shall negotiate with the local workforce development board and the chief local elected official in each local workforce development area (consistent with section 122(d)(6)(A)) the levels of performance for each indicator that are expected for such local workforce development areas. Such levels of performance shall be known as 'local benchmarks'.

''(c) MODEL LEVELS OF PERFORMANCE.—In order to encourage high levels of performance and advance the Nation's competitiveness, the Secretary of Labor and the Secretary of Education, in collaboration with the States, localities, and with representatives of business and industry, employees, employment and training service providers, State directors of adult education, providers of adult education and literacy services, individuals with expertise in serving the employment and training needs of disadvantaged youth, participants, parents and other interested parties with expertise in the provision of employment, training, literacy, and related services, shall identify challenging model levels of performance (hereinafter referred to as 'model levels of performance') with respect to the core indicators of performance described in section 154, with the exception of the indicators described under subsections (a)(6), (b)(1), (b)(5), (c)(1), and (c)(5).

"SEC. 154. CORE INDICATORS OF PERFORMANCE.

"(a) CORE INDICATORS FOR ADULT EMPLOYMENT AND TRAINING PROGRAMS.—The common core indicators of performance for programs authorized under title III of this Act shall include measures of—

"(1) placement in unsubsidized employment;

"(2) retention in unsubsidized employment for not less than 6 months and for not less than 12 months, respectively;

"(3) increases in earnings or in earnings in combination with employer-assisted benefits;

"(4) reductions in welfare dependency;

"(5) attainment of industry-recognized occupational skills;

"(6) attainment of a high school diploma or a general equivalency diploma; and

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

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

"(1) achievement in the areas of reading, writing, English language acquisition, problem solving, numeracy, and other literacy skills;

"(2) receipt of a high school diploma or a general equivalency diploma;

"(3) entry into a postsecondary school, job retraining program, employment, or career advancement;

"(4) attainment of the literacy skills and knowledge individuals need to be productive and responsible citizens and to become more actively involved in the education of their children; and

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

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

"(1) attainment of challenging State academic proficiencies;

"(2) attainment of secondary school diplomas or general equivalency diplomas;

"(3) attainment of industry-recognized work readiness and occupational skills;

"(4) placement in, retention in, and completion of postsecondary education or advanced training, or placement and retention in military service, employment, or qualified apprenticeships; and

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

"(d) POPULATION INDICATORS.—

"(1) ADULT EMPLOYMENT AND TRAINING PROGRAMS.—The core indicators of performance for programs conducted under title III, as provided under subsection (a), shall include measures of the success of individuals with multiple barriers to employment, including economically disadvantaged individuals (including welfare recipients), displaced homemakers, older workers, and other individuals as determined by the State.

"(2) ADULT EDUCATION AND LITERACY PROGRAMS.—The core indicators of performance for programs conducted under the Adult Education and Family Literacy Act, as provided under subsections (a) and (b), shall include measures of the success of economically disadvantaged individuals, individuals with limited literacy (as determined by the eligible agency), and other individuals as determined by the eligible agency.

"(3) DISADVANTAGED YOUTH PROGRAMS.—The core indicators of performance for programs conducted under title II, as provided under subsection (c), shall include measures of the success of hard to serve youth, including individuals who are school dropouts or whose educational attainment is one or more grade levels below the grade level appropriate to the age of the individual, and other individuals as determined by the State.

"SEC. 155. REPORT ON PERFORMANCE.

"(a) REPORT.—

"(1) IN GENERAL.—Each State that receives funds under titles II and III of this Act and the Adult Education and Family Literacy Act shall annually prepare and submit to the Secretary of Labor and the Secretary of Education (for consideration by the appropriate Secretary) a report on the levels of performance achieved by the State with respect to the State adjusted benchmarks identified pursuant to section 153(a), and by each local workforce development area with respect to the local benchmarks identified pursuant to section 153(b) for programs authorized under title II and title III for each program year.

"(2) ADDITIONAL INFORMATION.—In preparing such report, the State may include—

"(A) information on such additional benchmarks as the State may establish to meet the State goals; and

"(B) comments assessing the process used for reaching agreement on the State adjusted benchmarks pursuant to section 153(a) and may also include comments from local workforce development areas assessing the process for negotiating local benchmarks pursuant to section 153(b).

"(b) INFORMATION DISSEMINATION.—The Secretary of Labor and the Secretary of Education—

"(1) shall make the information contained in such reports available to the general public through publication and other appropriate methods;

"(2) shall disseminate State-by-State comparisons of the information; and

"(3) shall provide the appropriate congressional committees with copies of such reports.

"SEC. 156. INCENTIVE GRANTS AND SANCTIONS.

"(a) INCENTIVE GRANTS.—

"(1) AWARD OF GRANTS.—From amounts made available under section 452 and section 502 for any fiscal year, the appropriate Secretary may award incentive grants to States that—

"(A) exceed, during the most recent 12-month period for which data are available, the adjusted State benchmarks described under section 153(a);

"(B) demonstrate continuing progress toward exceeding, during the 3-year period covered by the State plan submitted under section 101, the adjusted State benchmarks described under section 153(a); or

"(C) demonstrate significant progress in the coordination and integration of employment, training, literacy, and other human resource and workforce preparation programs within the State, and demonstrate high performance in such programs.

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

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

"(b) SANCTIONS.—

"(1) STATES.—

"(A) TECHNICAL ASSISTANCE.—If a State fails to meet expected levels of performance for a program for any program year as established pursuant to section 153(a), the Secretary of Labor for programs established under title II and title III, or the Secretary of Education for programs established under the Adult Education and Family Literacy Act, shall, upon request, provide technical assistance, including assistance in the development of a performance improvement plan.

"(B) REDUCTION IN AMOUNT OF GRANT.—If such failure continues for a second consecutive year, the appropriate Secretary may reduce by not more than 5 percent, the amount of the grant that would (in the absence of this paragraph) be payable to the State under such program for the immediately succeeding program year. Such penalty shall be based on the degree of failure to meet adjusted levels of performance.

"(2) LOCAL AREAS.—

"(A) TECHNICAL ASSISTANCE.—If a local workforce development area, or other applicable local administrative entity, fails to meet expected levels of performance for a program for any program year under section 153(b), the Governor, or upon request by the Governor, the Secretary, shall provide technical assistance, which may include the development of a performance improvement plan, or the development of a modified local plan.

"(B) CORRECTIVE ACTIONS.—

"(i) IN GENERAL.—If such failure continues for a second consecutive year, the Governor shall take corrective actions, which may include development of a reorganization plan through which the Governor may require the appointment of a new local board (consistent with the criteria established under section 122(b)), prohibit the use of designated service providers, require the redesignation of a local administrative entity (in such case chosen jointly by the Governor and the chief elected official in the local workforce development area), or such other actions as the Governor determines are appropriate, consistent with State law, and the requirements of this subparagraph.

"(ii) APPEAL BY WORKFORCE DEVELOPMENT AREA.—

"(I) APPEAL TO GOVERNOR.—A workforce development area that is subject to a reorganization plan under clause (i) may, not later than 30 days after receiving notice thereof, appeal to the Governor to rescind or revise such plan. In such case, the Governor shall make a final decision not later then 30 days after the receipt of the appeal.

"(II) SUBSEQUENT ACTION.—A local workforce development area may, not later than 30 days after receiving a decision from the Governor pursuant to subclause (I), appeal such decision to the Secretary. In such case the Secretary shall make a final decision not later than 30 days after the receipt of the appeal.

"(iii) EFFECTIVE DATE.— The actions take by the Governor under subclause (I) shall become effective at the time the Governor issues a decision pursuant to such subclause. Such action shall remain effective unless the Secretary rescinds or revises such plan pursuant to subclause (II).".

CHAPTER 3—OTHER PROVISIONS

SEC. 141. PROMPT ALLOCATION OF FUNDS.

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

(1) in the second sentence of subsection (a), by striking "1980 Census or later data" and inserting "the most recent satisfactory data from the Bureau of the Census"; and

(2) by striking subsection (f).

SEC. 142. FISCAL CONTROLS; SANCTIONS.

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

(1) in paragraph (2)—

(A) in the first sentence of the matter preceding subparagraph (A), before the period at the end insert the following: ", consistent with appropriate circulars of the Office of Management and Budget"; and

(B) in subparagraph (C), by striking "except as specifically provided by this Act" and inserting ", and procurement transactions between workforce development boards and such governments shall be conducted only on a cost-reimbursable basis";

(2) in paragraph (3)—

(A) by inserting before the second comma in the first sentence ''consistent with appropriate circulars of the Office of Management and Budget''; and

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

(3) in paragraph (4), by striking ''service delivery area and substate area'' and inserting ''workforce development area'';

(4) in paragraph (5), by striking ''service delivery area or substate area'' and inserting ''workforce development area'';

(5) in paragraph (6)(B), by striking ''substate areas and service delivery areas'' and inserting ''workforce development areas''; and

(6) by striking paragraph (8).

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

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking ''provision of'' and inserting ''requirement under''; and

(ii) by striking ''or the regulations under this Act'';

(B) in subparagraph (A), by inserting ''local'' before ''plan''; and

(C) in subparagraph (B)—

(i) in clause (i), by striking ''private industry council'' and inserting ''workforce development board'';

(ii) in clause (iii), by striking ''service delivery'' and inserting ''workforce development''; and

(iii) in clause (iv), by striking ''service delivery'' each place it appears and inserting ''workforce development''; and

(2) in paragraph (2)—

(A) in subparagraph (A)—

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

(I) by striking ''paragraph (1)(A)'' and inserting ''subparagraphs (A) and (B) of paragraph (1)''; and

(II) by striking ''under the same terms and conditions as the disapproval of the plan''; and

(ii) in clause (i), by inserting ''the'' before ''appeal''; and

(B) in subparagraph (B)—

(i) by striking ''The actions'' and all that follows through '', who'' and inserting ''The Secretary''; and

(ii) by striking ''60'' and inserting ''45''.

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

(d) REPAYMENT OF MISEXPENDITURES TO THE UNITED STATES.—Subsection (d) of section 164 of such Act (29 U.S.C. 1574(d)) is amended to read as follows:

''(d) REPAYMENT OF CERTAIN AMOUNTS TO THE UNITED STATES.—

''(1) IN GENERAL.—Every recipient of funds under titles II and III of this Act shall repay to the United States amounts found not to have been expended in accordance with this Act.

''(2) OFFSET OF REPAYMENT.—If the Secretary determines that a State has expended funds made available under this Act in a manner contrary to the requirements of this Act, the Secretary may offset repayment of such expenditures against any other amount to which the State is or may be entitled, except as provided under subsection (e)(1).

''(3) REPAYMENT FROM DEDUCTION BY STATE.—If the Secretary requires a State to repay funds as a result of a determination that a local recipient or a subgrantee of such recipient in a local workforce development area of the State has expended funds contrary to the requirements of this Act, the Governor of the State may use an amount deducted under paragraph (4) to repay the funds, except as provided under subsection (e)(1).

''(4) DEDUCTION BY STATE.—The Governor may deduct an amount equal to the misexpenditure described in paragraph (3) from subsequent program year allocations to the local workforce development area from funds reserved for the administrative costs of such local programs under title II or title III, as appropriate.

''(5) LIMITATIONS.—A deduction made by a State as described under paragraph (4) shall not be made until such time as the Governor has taken appropriate corrective action to ensure full compliance within such local workforce development area with regard to appropriate expenditures of funds under this Act.''.

(e) REPAYMENT OF CERTAIN AMOUNTS TO THE UNITED STATES.—Subsection (e) of section 164 of such Act (29 U.S.C. 1574(e)) is amended—

(1) in paragraph (1)—

(A) in the first sentence—

(i) by inserting ''by the Secretary'' after ''upon a determination'';

(ii) by striking ''or failure'' and inserting ''failure''; and

(iii) by inserting before the period at the end the following: '', or a pattern of failure with respect to paragraphs (2) and (3) of subsection (d)''; and

(B) in the second sentence—

(i) by inserting ''under this subsection or subsection (d)'' after ''shall be made''; and

(ii) by inserting before the period at the end the following: ''has been given to the recipient''; and

(2) in paragraph (3), by striking the second sentence.

(f) REMEDIES CONSTRUED AS EXCLUSIVE REMEDIES.—Subsection (h) of section 164 of such Act (29 U.S.C. 1574(h)) is hereby repealed.

SEC. 143. REPORTS; RECORDKEEPING; INVESTIGATIONS.

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

(1) in subsection (d)(1)(C)—

(A) by striking the comma after ''occupations''; and

(B) by striking the semicolon at the end and inserting ''and placement for participants in nontraditional employment;''; and

(2) by striking subsection (h).

SEC. 144. ADMINISTRATIVE ADJUDICATION.

Section 166(a) of the Job Training Partnership Act (29 U.S.C. 1576(a)) is amended by striking the last sentence.

SEC. 145. NONDISCRIMINATION.

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

''SEC. 167. NONDISCRIMINATION.

''(a) IN GENERAL.—

''(1) FEDERAL FINANCIAL ASSISTANCE.—For the purpose of applying the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), on the basis of disability under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), on the basis of sex under title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), or on the basis of race, color, or national origin under title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), programs and activities funded or otherwise financially assisted in whole or in part under this Act are considered to be programs and activities receiving Federal financial assistance.

''(2) NONDISCRIMINATION.—No individual shall be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with any such program or activity because of race, color, religion, sex, national origin, age, political affiliation or belief, or status as a qualified individual with a disability or as a participant of such program or activity.

''(b) SECRETARIAL AUTHORITY.—Whenever the Secretary finds that a State or other recipient has failed to comply with a provision of this section, or with an applicable regulation prescribed to carry out this section, the Secretary shall notify such State or recipient and seek compliance through the processes of conciliation, mediation or persuasion, as appropriate. If within a reasonable time the State or recipient fails or refuses to comply, the Secretary may—

''(1) refer the matter to the Attorney General with a recommendation for appropriate action; or

''(2) take such other action as may be provided by law.

''(c) AUTHORITY OF ATTORNEY GENERAL.—When a matter is referred to the Attorney General pursuant to subsection (b)(1), the Attorney General may bring a civil action in any appropriate district court of the United States for such relief as may be appropriate, including injunctive relief.

''(d) JOB CORPS.—For the purposes of this section, Job Corps members shall be considered as the ultimate beneficiaries of Federal financial assistance.

''(e) REGULATIONS.—The Secretary shall issue regulations necessary to implement this section not later than one year after the date of the enactment of the Employment, Training, and Literacy Enhancement Act of 1997. Such regulations shall adopt standards for determining discrimination and procedures for enforcement that are consistent with the Acts referred to in a subsection (a)(1), as well as procedures to ensure that complaints filed under this section and such Acts are processed in a manner that avoids duplication of effort.''.

SEC. 146. JUDICIAL REVIEW.

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

SEC. 147. ADMINISTRATIVE PROVISIONS.

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

(1) in the first sentence of subsection (a), by striking ''such rules and regulations'' and all that follows and inserting ''rules and regulations only to the extent necessary to administer and ensure compliance with the specific requirements of this Act.''; and

(2) by striking subsection (e) and inserting the following:

''(e) WAIVERS.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Labor may waive—

''(A) any of the statutory or regulatory requirements of this title and titles II and III of this Act (except for requirements relating to wage and labor standards, worker rights, participation and protection, grievance procedures and judicial review, nondiscrimination, allocation of funds to local areas, eligibility, review and approval of plans, the establishment and functions of workforce development areas and workforce development boards, and the basic purposes of the Act); and

''(B) any of the statutory or regulatory requirements of sections 8 through 10 of the Wagner-Peyser Act (29 U.S.C. 49g through 49i) (except for requirements relating to the provision of services to unemployment insurance claimants and veterans and to universal access to basic labor exchange services without cost to job seekers), pursuant to a request submitted by a State which meets the requirements of paragraph (2).

''(2) REQUESTS.—A State requesting a waiver under paragraph (1) shall submit a plan to the Secretary to improve the workforce development system which—

''(A) identifies the statutory or regulatory requirements that are requested to be waived and the goals which the State or local workforce development areas intend to achieve;

''(B) describes the actions that the State or local workforce development areas have undertaken to remove State or local statutory or regulatory barriers;

''(C) describes the goals of the waiver and the expected programmatic outcomes if the request is granted;

''(D) describes the individuals impacted by the waiver; and

''(E) describes the process used to monitor the progress in implementing a waiver, and for which notice and an opportunity to comment on such request has been provided to the organizations identified in section 122 (e)(2) of this Act, if and only to the extent that the Secretary determines that such requirements impede the ability of the State to implement such plan to improve the workforce development system and the State has executed a memorandum of understanding with the Secretary requiring such State to meet agreed-upon outcomes and implement other appropriate measures to ensure accountability.''.

SEC. 148. PRESIDENTIAL AWARDS FOR OUTSTANDING PRIVATE SECTOR INVOLVEMENT IN JOB TRAINING PROGRAMS.

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

SEC. 149. CONSTRUCTION.

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

SEC. 150. LIMITATION ON CERTAIN COSTS.

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

''SEC. 172. LIMITATION ON CERTAIN COSTS.

''(a) ADMINISTRATIVE COSTS.—

''(1) IN GENERAL.—The Secretary, after consultation with the Inspector General of the Department of Labor and the Comptroller General of the United States, shall develop regulations that define 'administrative costs' for purposes of programs under titles II and III. Such definition shall reflect generally accepted accounting principles.

''(2) ADDITIONAL REQUIREMENT.—Notwithstanding any other provision of law, regulations issued by the Secretary under paragraph (1) shall provide procedures under which the Governor may approve a plan for the pooling of administrative funds, which are available in accordance with the limitation in subsection (b)(1), if the Governor determines that such plan would not jeopardize the administration of the activities from which such funds are to be transferred.

''(b) LIMITATION.—

''(1) IN GENERAL.—Of the amounts allocated to local workforce development areas for a program year under titles II and III, not more that 10 percent of such amounts may be expended for administrative costs.

''(2) DEFINITION.—For purposes of paragraph (1), the term 'allocated' means allocated for a program year, as adjusted for reallocations and reallotments and for transfers of funds in accordance with this Act.

''SEC. 173. BUY-AMERICAN REQUIREMENTS.

''(a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

''(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

''(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

''(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

''(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a 'Made in America' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.''.

Subtitle D—Miscellaneous Provisions

SEC. 161. CRIMINAL PROVISIONS.

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

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

SEC. 162. REFERENCE.

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

''SEC. 183. REFERENCE.

''Effective on the date of the enactment of the Employment, Training, and Literacy Enhancement Act of 1997, all references in any other provision of law (other than section 665 of title 18, United States Code) to the Comprehensive Employment and Training Act, or to the Job Training Partnership Act, as the case may be, shall be deemed to refer to Employment, Training, and Literacy Enhancement Act.''.

SEC. 163. REPEALERS.

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

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

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

SEC. 201. ADULT TRAINING PROGRAM.

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

SEC. 202. SUMMER YOUTH EMPLOYMENT AND TRAINING PROGRAM.

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

SEC. 203. DISADVANTAGED YOUTH EMPLOYMENT AND TRAINING OPPORTUNITIES GRANTS.

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

(1) in the heading to read as follows:

''TITLE II—DISADVANTAGED YOUTH EMPLOYMENT AND TRAINING OPPORTUNITIES GRANTS'';

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

(3) by redesignating section 261 as section 201; and

(4) by inserting after section 201 (as redesignated) the following:

''SEC. 202. AUTHORIZATION.

''(a) IN GENERAL.—In the case of each State that in accordance with the requirements of sections 101 and 102 submits to the Secretary of Labor (hereinafter in this title referred to as the 'Secretary') a State plan, the Secretary shall provide a grant to the State for the purpose of providing employment, job training, educational, and related assistance for disadvantaged youth in the State.

''(b) AMOUNT.—The grant shall consist of the allotment determined for the State under section 203.''.

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

(1) by redesignating section 262 as section 203; and

(2) in section 203 (as redesignated)—

(A) in the heading to read as follows:

''SEC. 203. ALLOTMENT AND ALLOCATION AMONG STATES.'';

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

(C) by redesignating subsections (a) and (d) as subsections (b) and (c), respectively;

(D) by inserting before subsection (b) (as redesignated) the following:

''(a) IN GENERAL.—Of the amount appropriated pursuant to section 3(a)(1) to carry out this title for a fiscal year, the Secretary shall allot such amount in accordance with subsection (b).'';

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

(i) in the heading to read as follows:

''(b) ALLOTMENT AMONG STATES.—'';

(ii) in paragraph (1) to read as follows:

''(1) OUTLYING AREAS.—

''(A) IN GENERAL.—From the amount appropriated for any fiscal year to carry out this title, the Secretary shall reserve not more than one quarter of one percent to provide assistance to—

''(i) the outlying areas; and

''(ii) for each of the fiscal years 1998 through 2001, to carry out the competition described in subparagraph (B), except that the amount reserved to carry out such subparagraph for any such fiscal year shall not exceed the amount reserved for the freely associated states for fiscal year 1997, from amounts reserved under section 262(a)(1) of the Job Training Partnership Act (29 U.S.C. 1642(a)(1)) (as such section was in effect on the day before the date of the enactment of Employment, Training, and Literacy Enhancement Act of 1997).

''(B) LIMITATION FOR FREELY ASSOCIATED STATES.—

''(i) COMPETITIVE GRANTS.—The Secretary shall use funds described in subparagraph (A)(ii) to award grants to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the freely associated states to carry out the purposes of this title.

''(ii) AWARD BASIS.—The Secretary shall award grants pursuant to clause (i) on a competitive basis and pursuant to the recommendations of experts in the field of employment and training, working through the Pacific Region Educational Laboratory in Honolulu, Hawaii.

''(iii) ASSISTANCE REQUIREMENTS.—Any freely associated state that desires to receive amounts under this title shall include in its application for assistance—

''(I) information demonstrating that it will meet all conditions that apply to States under this title;

''(II) an assurance that, notwithstanding any other provision of this title, it will use such amounts only for the direct provision of services; and

''(III) such other information and assurances as the Secretary may require.

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

''(v) ADMINISTRATIVE COSTS.—The Secretary may provide not more than 5 percent

of the amount made available for grants under this subparagraph to pay the administrative costs of the Pacific Region Educational Laboratory in Honolulu, Hawaii, regarding activities assisted under this section.

''(C) ADDITIONAL REQUIREMENT.—The provisions of Public Law 95–134, permitting the consolidation of grants by the outlying areas, shall not apply to funds provided to those areas or to the freely associated states under this section.

''(D) DEFINITION.—For purposes of this paragraph, the term 'freely associated states' means the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.''; and

(iii) in paragraph (2)—

(I) by inserting after the heading the following:

''(A) IN GENERAL.—'';

(II) by striking ''82 percent of the remainder'' and all that follows and inserting the following: ''the remaining amount to the States pursuant to the formula contained in subparagraph (B).''; and

(III) by adding at the end the following:

''(B) FORMULA.—Subject to the provisions of subparagraphs (C) and (D) of the amounts allotted to States for this title for each fiscal year—

''(i) 33⅓ percent shall be allotted on the basis of the relative number of unemployed individuals residing in areas of substantial unemployment within each State as compared to the total number of such unemployed individuals in all such areas of substantial unemployment in all States;

''(ii) 33⅓ percent shall be allotted on the basis of the relative excess number of unemployed individuals who reside in each State as compared to the total excess number of unemployed individuals in all States; and

''(iii) 33⅓ percent shall be allotted on the basis of the relative number of economically disadvantaged youth within each State as compared to the total number of economically disadvantaged youth in all States.

''(C) MINIMUM ALLOTMENT.—

''(i) MINIMUM PERCENTAGE.—No State shall be allotted less than 90 percent of its allotment percentage for the fiscal year preceding the fiscal year for which the determination is made.

''(ii) MAXIMUM PERCENTAGE.—No State shall be allotted more than 130 percent of its allotment percentage for the fiscal year preceding the fiscal year for which the determination is made.

''(D) SMALL STATE MINIMUM ALLOTMENT.—No State shall receive less than one-quarter of one percent of the amount available under this title for a fiscal year. Amounts necessary for increasing such payments to States to comply with the preceding sentence shall be obtained by ratably reducing the amounts to be paid to other States.''; and

(F) in subsection (c)(1)(A) (as redesignated)—

(i) in the heading, by striking ''ECONOMICALLY DISADVANTAGED'' and inserting ''DISADVANTAGED''; and

(ii) in the matter preceding clause (i), by striking ''economically''.

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

''SEC. 204. ALLOCATION WITHIN STATES.

''(a) RESERVATION FOR STATE ACTIVITIES.—

''(1) IN GENERAL.—

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

''(B) MATCHING FUNDS FOR OUT-OF-SCHOOL YOUTH PROGRAMS.—Of the amount reserved under subparagraph (A), the Governor shall reserve not less than 10 percent of the total amount alloted to the State under section 203(b) for any fiscal year to award grants in accordance with this title to programs for disadvantaged youth that—

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

''(ii) agree to provide matching funds from sources other than those received under this subparagraph for such services in an amount equal to the Federal funds received under this subparagraph.

''(2) REQUIRED ACTIVITIES.—Activities described in paragraph (1)(A) shall include the provision of additional assistance to areas that have high concentrations of disadvantaged youth to carry out the activities described in section 206.

''(3) DISCRETIONARY ACTIVITIES.—Activities described in paragraph (1)(A) may include—

''(A) subject to paragraph (4), administration by the State of programs under this title;

''(B) capacity building and technical assistance to local workforce development areas and to providers of disadvantaged youth services as authorized under this title, including the development and training of staff, members of local workforce development boards, and employers and workplace mentors providing training through programs authorized under this title;

''(C) incentives for program coordination and integration, performance awards, and research and demonstrations;

''(D) implementation of innovative disadvantaged youth employment and training programs, pilot projects, and demonstration projects which further the purposes of this title; and

''(E) support for a common management information system across employment, training, literacy, and human resource programs as identified in section 103.

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

''(b) WITHIN STATE ALLOCATION.—

''(1) IN GENERAL.—The Governor of the State shall allocate the remainder of the amount allotted to the State under section 203(b) to workforce development areas designated under section 121, in accordance with paragraphs (2) and (3), for the purpose of providing services for disadvantaged youth in accordance with section 206.

''(2) ALLOCATION BY FORMULA.—

''(A) IN GENERAL.—Each State shall allocate not less than 70 percent of the remainder of funds described in paragraph (1) to workforce development areas within the State pursuant to the formula contained in subparagraph (B) for the provision of services for disadvantaged youth in accordance with section 206.

''(B) FORMULA.—Of the amounts described in subparagraph (A)—

''(i) 33⅓ percent shall be allocated on the basis of the relative number of unemployed individuals residing in areas of substantial unemployment in each workforce development area as compared to the total number of such unemployed individuals in all such areas of substantial unemployment in the State;

''(ii) 33⅓ percent shall be allocated on the basis of the relative excess number of unemployed individuals who reside in each workforce development area as compared to the total excess number of unemployed individuals in all workforce development areas in the State; and

''(iii) 33⅓ percent shall be allocated on the basis of the relative number of economically disadvantaged youth in each workforce development area as compared to the total number of disadvantaged youth in all workforce development areas in the State.

''(3) DISCRETIONARY ALLOCATION.—The State, through the collaborative process under section 102, is authorized to allocate not more than 30 percent of the remainder of funds described in paragraph (1) to workforce development areas for the provision of services for disadvantaged youth in accordance with section 206. Such funds shall be allocated to urban, rural, and suburban areas throughout the State and shall be allocated promptly in accordance with section 162(e).''.

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

(1) by redesignating section 263 as section 205; and

(2) in section 205 (as redesignated)—

(A) in subsection (a)—

(i) in the heading to read as follows:

''(a) IN GENERAL.—'';

(ii) in the matter preceding paragraph (1)—

(I) by striking ''subsections (e) and (g)'' and inserting ''subsection (c)'';

(II) by striking ''who is in school''; and

(III) by striking ''part'' and inserting ''title''; and

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

''(B) if provided in the local plan developed pursuant to section 122(d)(1), is age 14 through 24; and'';

(B) in subsection (b)—

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

''(b) PRIORITY FOR SERVICE.—'';

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

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

''(A) Individuals who are school dropouts.'';

(iv) in subparagraph (H) (as redesignated) to read as follows:

''(H) Other disadvantaged youth who face serious barriers to employment as identified by the local workforce development area.''; and

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

''(1) PRIORITY.—Of the disadvantaged youth described in subsection (a), priority for service shall be given to school dropouts and to other hard-to-serve youth.

''(2) DEFINITION.—For the purposes of this title, the term 'hard-to-serve youth' includes—'';

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

(D) by redesignating subsection (e) as subsection (c); and

(E) in subsection (c) (as redesignated)—

(i) by striking ''subsection (a)(2) or (c)(2)'' and inserting ''subsection (a)''; and

(ii) by striking ''of individuals who face'' and all that follows and inserting ''described in subparagraphs (A) through (G) of subsection (b)(2).''.

(e) USE OF FUNDS.—Title II of the Job Training Partnership Act (29 U.S.C. 1601 et seq.), as amended by this Act, is further amended—

(1) by redesignating section 264 as section 206; and

(2) in section 206 (as redesignated)—

(A) by striking subsection (a);

(B) by redesignating subsections (b), (c), and (d) as subsections (a), (b), and (c), respectively;

(C) in subsection (a) (as redesignated)—

(i) in the heading to read as follows:

''(a) PROGRAM DESIGN.—'';

(ii) in paragraph (1)—

(I) in the heading to read as follows:

''(1) ESSENTIAL ELEMENTS.—'';

(II) in the matter preceding subparagraph (A)—

(aa) by striking ''part'' and inserting ''title''; and

(bb) by striking ''include'';

(III) in subparagraph (A)—

(aa) by inserting ''provide'' after ''(A)'';

(bb) by striking ''skill levels and service needs'' and inserting ''academic levels, skill levels, and service needs''; and

(cc) by striking ''and supportive service needs'' and inserting ''supportive service needs, and developmental needs of such participants'';

(IV) in subparagraph (B)—

(aa) by striking ''development of'' and inserting ''develop''; and

(bb) by inserting ''for each participant'' after ''service strategies''; and

(V) by amending subparagraphs (C) and (D) to read as follows:

''(C) integrate academic, occupational, and work-based learning opportunities;

''(D) provide comprehensive guidance and counseling;

''(E) provide postsecondary educational or training opportunities, where appropriate;

''(F) involve employers and parents in the design and implementation of programs;

''(G) provide adult mentoring; and

''(H) provide summer employment opportunities that are directly linked to academic and occupational learning.'';

(iii) in paragraph (2)—

(I) in subparagraph (A)—

(aa) in the matter preceding clause (i), by striking ''service delivery'' and inserting ''workforce development''; and

(bb) in clause (i), by striking ''service delivery'' and inserting ''workforce development''; and

(II) in subparagraph (B)—

(aa) in clause (i), by striking ''(i) SERVICE PROVIDERS.—''; and

(bb) by striking clause (ii);

(D) in subsection (b) (as redesignated)—

(i) in the matter preceding paragraph (1), by striking ''part'' and inserting ''title'';

(ii) in paragraph (1)—

(I) in subparagraph (A), by striking ''section 204(b)(1)'' and inserting ''section 314(c)(4)'';

(II) in subparagraph (C), by striking ''section 141(o)(1)'' and inserting ''section 141(11)(A)'';

(III) in subparagraph (G) by striking ''in public agencies, nonprofit agencies, and other appropriate agencies, institutions, and organizations'';

(IV) by amending subparagraph (H) to read as follows:

''(H) such other training and transition services that assist disadvantaged youth in making the transition to employment or to postsecondary education or training, as determined appropriate by the local workforce development area; and'';

(V) by amending subparagraph (I) to read as follows:

''(I) summer employment opportunities that are directly linked to academic and occupational learning.''; and

(VI) by striking subparagraphs (J) through (L); and

(iii) in paragraph (2)—

(I) in subparagraph (A) to read as follows:

''(A) assessment, outreach, staff development, job development, and job search assistance activities;'';

(II) in subparagraph (C), by striking ''and'' at the end;

(III) in subparagraph (D)—

(aa) by striking ''cash''; and

(bb) by striking the period at the end and inserting ''; and''; and

(IV) by adding at the end the following:

''(E) peer-centered activities encouraging responsibility and other positive social behaviors during non-school hours.'';

(E) in subsection (c) (as redesignated)—

(i) in paragraph (1)—

(I) by striking ''service delivery'' and inserting ''workforce development'';

(II) by striking ''private industry council'' and inserting ''local board''; and

(III) by striking ''section 453(c)'' and inserting ''part D of title IV'';

(ii) in clauses (i) through (iii) of paragraph (2)(B), by striking ''service delivery'' each place it occurs and inserting ''workforce development'';

(iii) in paragraph (3)—

(I) in subparagraph (A)—

(aa) in the heading to read as follows:

''(A) WORK-RELATED ACTIVITIES.—'';

(bb) in the first sentence, by inserting after ''work maturity skills training'' the following: '', summer employment, job search assistance, job club activities, and other work-related activities'';

(cc) in the first sentence, by striking ''part'' and inserting ''title'';

(dd) in the first sentence, by striking ''by either work experience or other additional services'' and inserting ''by occupational and academic learning opportunities'';

(ee) in the first sentence, by striking ''basic education or occupational skills'' and inserting ''basic education and occupational skills''; and

(ff) in the second sentence, by striking '', including the Job Corps'';

(II) by striking subparagraph (B);

(III) by redesignating subparagraph (C) as subparagraph (B); and

(IV) in subparagraph (B) (as redesignated)—

(aa) by striking clause (i);

(bb) by redesignating clause (ii) as clause (i);

(cc) in clause (i) (as redesignated), by striking ''part'' and inserting ''title''; and

(dd) by redesignating clause (iii) as clause (ii);

(iv) in paragraph (5)—

(I) in the heading, by striking ''COUNSELING'' and inserting ''FOLLOW-UP, COUNSELING'';

(II) by striking ''part'' and inserting ''title''; and

(III) by striking ''for a period of up to 1 year'';

(v) by striking paragraph (6);

(vi) in paragraph (7), by striking ''service delivery'' and inserting ''workforce development'' and

(vii) by redesignating paragraph (7) as paragraph (6).

(f) SELECTION OF SERVICE PROVIDERS.—Title II of the Job Training Partnership Act (29 U.S.C. 1601 et seq.), as amended by this Act, is further amended by adding after section 206 (as redesignated), the following:

''SEC. 207. SELECTION OF SERVICE PROVIDERS.

''From funds made available under section 204(b) to a local workforce development area, the local board for such local area shall award grants, on a competitive basis, to eligible providers to carry out the disadvantaged youth programs described in section 206.''.

(g) EDUCATIONAL LINKAGES.—Title II of the Job Training Partnership Act (29 U.S.C. 1601 et seq.), as amended by this Act, is further amended—

(1) by redesignating section 265 as section 208; and

(2) in section 208 (as redesignated)—

(A) in subsection (a), by striking ''service delivery'' and inserting ''workforce development'';

(B) in subsection (b)—

(i) in the matter preceding paragraph (1), by striking ''service delivery'' and inserting ''workforce development''; and

(ii) in paragraph (6) to read as follows:

''(6) title I of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996;'';

(C) in subsection (c)—

(i) in the first sentence, by striking ''service delivery'' and inserting ''workforce development''; and

(ii) in the second sentence, by striking '', including programs conducted under part A''; and

(D) by striking subsection (d).

(h) TRANSFER OF FUNDS.—Title II of the Job Training Partnership Act (29 U.S.C. 1601 et seq.), as amended by this Act, is further amended by striking section 266.

TITLE III—AMENDMENTS TO EMPLOYMENT AND TRAINING PROGRAMS FOR ADULTS

SEC. 301. ADULT EMPLOYMENT AND TRAINING OPPORTUNITIES GRANTS.

Title III of the Job Training Partnership Act (29 U.S.C. 1651 et seq.) is amended to read as follows:

''TITLE III—ADULT EMPLOYMENT AND TRAINING OPPORTUNITIES GRANTS

''SEC. 301. PURPOSE.

''The purpose of this title is to establish a high-quality, efficient system of employment, job training, and related assistance that—

''(1) provides individuals with choice in the selection of employment and training options that will facilitate the transition of such individuals into productive, high skills, private sector jobs;

''(2) provides quality training of such individuals for the 21st century; and

''(3) drives resources and authority to States and local communities for the design of job training programs.

''PART A—ADULT EMPLOYMENT AND TRAINING OPPORTUNITIES GRANTS

''SEC. 311. AUTHORIZATION.

''(a) IN GENERAL.—In the case of each State that in accordance with the requirements of sections 101 and 102 submits to the Secretary of Labor (hereinafter in this title referred to as the 'Secretary') a State plan, the Secretary shall provide funds to the State for the purpose of providing employment, job training, and related assistance for adults and dislocated workers in the State, in accordance with this title.

''(b) AMOUNT.—The funds described in subsection (a) shall consist of the allotments determined for the State under section 312.

''SEC. 312. ALLOTMENT AMONG STATES.

''(a) IN GENERAL.—Of the amount appropriated pursuant to section 3(a)(2) to carry out this title for a fiscal year, the Secretary—

''(1) shall allot the total amount appropriated pursuant to section 3(a)(2)(A) in accordance with subsection (b)(1); and

''(2)(A) shall allot 80 percent of the amount appropriated pursuant to section 3(a)(2)(B) in accordance with the subsection (b)(2); and

''(B) shall reserve the remainder of the amount appropriated pursuant to section 3(a)(2)(B) for use under part B.

''(b) ALLOTMENT AMONG STATES.—

''(1) ADULT EMPLOYMENT AND TRAINING.—

''(A) RESERVATION FOR OUTLYING AREAS.—

''(i) IN GENERAL.—Of the amount allotted under subsection (a)(1), the Secretary shall allot not more than one quarter of one percent among the outlying areas.

''(ii) APPLICABILITY OF ADDITIONAL REQUIREMENTS.—Of the amount allotted under clause (i), the Secretary shall award grants to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the freely associated states in accordance with the requirements of section 203(b)(1).

''(B) STATES.—

''(i) IN GENERAL.—After determining the amount to be allotted under subparagraph

(A), the Secretary shall allot the remaining amount to the States pursuant to the formula contained in clause (ii).

''(ii) FORMULA.—Subject to the provisions of clause (iii), of the amounts allotted to States for adult employment and training under this title for each fiscal year—

''(I) 33⅓ percent shall be allotted on the basis of the relative number of unemployed individuals residing in areas of substantial unemployment within each State as compared to the total number of such unemployed individuals in all such areas of substantial unemployment in all States;

''(II) 33⅓ percent shall be allotted on the basis of the relative excess number of unemployed individuals within each State as compared to the total excess number of unemployed individuals in all States; and

''(III) 33⅓ percent shall be allotted on the basis of the relative number of economically disadvantaged adults within each State as compared to the total number of economically disadvantaged adults in all States.

''(iii) MINIMUM ALLOTMENT.—

''(I) MINIMUM PERCENTAGE.—No State shall be allotted less than 90 percent of its allotment percentage for the fiscal year preceding the fiscal year for which the determination is made.

''(II) MAXIMUM PERCENTAGE.—No State shall be allotted more than 130 percent of its allotment percentage for the fiscal year preceding the fiscal year for which the determination is made.

''(iv) SMALL STATE MINIMUM ALLOTMENT.—No State shall receive less than one-quarter of one percent of the amount available under this subparagraph for a fiscal year. Amounts necessary for increasing such payments to States to comply with the preceding sentence shall be obtained by ratably reducing the amounts to be paid to other States.

''(2) DISLOCATED WORKERS.—

''(A) RESERVATION FOR OUTLYING AREAS.—

''(i) IN GENERAL.—Of the amount allotted under subsection (a)(2)(A), the Secretary shall allot not more than one quarter of one percent among the outlying areas.

''(ii) APPLICABILITY OF ADDITIONAL REQUIREMENTS.—Of the amount allotted under clause (i), the Secretary shall award grants to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the freely associated states in accordance with the requirements of section 203(b)(1).

''(B) STATES.—

''(i) IN GENERAL.—After determining the amount to be allotted under subparagraph (A), the Secretary shall allot the remaining amount to the States pursuant to the formula contained in clause (ii).

''(ii) FORMULA.—Subject to the provisions of clause (iii), of the amounts allotted to States for dislocated worker employment and training under this title for each fiscal year—

''(I) 33⅓ percent shall be allotted among the States on the basis of the relative number of unemployed individuals who reside in each State as compared to the total number of unemployed individuals in all the States;

''(II) 33⅓ percent shall be allotted among the States on the basis of the relative excess number of unemployed individuals who reside in each State as compared to the total excess number of unemployed individuals in all the States (for purposes of this subclause, the term 'excess number' means the number which represents unemployed individuals in excess of 4.5 percent of the civilian labor force in the State); and

''(III) 33⅓ percent shall be allotted among the States on the basis of the relative number of individuals who have been unemployed for 15 weeks or more and who reside in each State as compared to the total number of such individuals in all the States.

''(iii) MINIMUM ALLOTMENT.—

''(I) MINIMUM PERCENTAGE.—No State shall be allotted less than 90 percent of its allotment percentage for the fiscal year preceding the fiscal year for which the determination is made.

''(II) MAXIMUM PERCENTAGE.—No State shall be allotted more than 130 percent of its allotment percentage for the fiscal year preceding the fiscal year for which the determination is made.

''(iv) SMALL STATE MINIMUM ALLOTMENT.—No State shall receive less than one-quarter of one percent of the amount available under this subparagraph for a fiscal year. Amounts necessary for increasing such payments to States to comply with the preceding sentence shall be obtained by ratably reducing the amounts to be paid to other States.

"SEC. 313. ALLOCATION WITHIN STATES.

''(a) RESERVATIONS FOR STATE ACTIVITIES.—

''(1) ADULT EMPLOYMENT AND TRAINING.—

''(A) IN GENERAL.—The Governor of the State shall reserve not more than 15 percent of the total amount allotted to the State under section 312(b)(1) for a fiscal year for statewide activities for employment, job training, and related assistance for adults.

''(B) ALLOWABLE ACTIVITIES.—Such activities may include—

''(i) subject to subparagraph (C), administration by the State of programs under this title;

''(ii) capacity building and technical assistance to local workforce development areas, full service employment and training delivery systems, and service providers including the development and training of staff and the development of exemplary program activities;

''(iii) incentives for program coordination and integration, performance awards, and research and demonstrations;

''(iv) implementation of innovative incumbent worker training programs, which may include the establishment and implementation of an employer loan program to assist in skills upgrading, and the establishment and implementation of programs targeted to empowerment zones;

''(v) implementation of experimentation, model activities, pilot projects, demonstration projects, and the provision of employment and training services which further the goals and purposes of this Act;

''(vi) additional assistance for the development and implementation of the full service employment and training delivery system established in accordance with section 123;

''(vii) support for a common management information system across employment, training, literacy, and human resource programs as identified in section 103;

''(viii) support for the identification of eligible training providers as required under section 124; and

''(ix) implementation of innovative programs for displaced homemakers and programs to increase the number of individuals training and placed in nontraditional employment.

''(C) LIMITATION.—Of the amount reserved by the Governor under subparagraph (A) not more than 5 percent of the total amount allotted to the State under section 312(b)(1) for a fiscal year may be used for administration by the State of programs under this part.

''(2) DISLOCATED WORKERS EMPLOYMENT AND TRAINING.—

''(A) IN GENERAL.—The Governor of the State shall reserve not more than 30 percent of the total amount allotted to the State under section 312(b)(2) for a fiscal year for statewide activities for employment, job training, and related assistance for dislocated workers.

''(B) REQUIRED ACTIVITIES.—Such activities shall include—

''(i) rapid response activities carried out by a designated State dislocated worker unit, working in conjunction with the local workforce development board and the chief elected official in an affected local workforce development area; and

''(ii) additional assistance to areas that experience disasters, mass layoffs or plant closings, or other events that precipitate substantial increases in the number of unemployed workers, working in conjunction with the local workforce development board and the chief elected official in affected local workforce development areas.

''(C) DISCRETIONARY ACTIVITIES.—Such activities may include those activities described in paragraph (1)(B).

''(D) LIMITATION.—Of the amount reserved by the Governor under subparagraph (A) not more than 10 percent of the total amount allotted to the State under section 312(b)(2) for a fiscal year may be used for activities described in paragraph (1)(B) and of that amount not more than 5 percent of the total amount allotted to the State under section 312(b)(2) for a fiscal year may be used for administration by the State of programs under this part.

''(b) WITHIN STATE ALLOCATION.—

''(1) ALLOCATION.—

''(A) IN GENERAL.—The Governor of the State shall allocate the remainder of the amounts allotted to the State under section 312 to workforce development areas designated under section 121 for the purpose of providing a single system of employment and training services for adults and dislocated workers in accordance with section 314.

''(B) ADDITIONAL REQUIREMENTS.—(i) Funds allocated under paragraph (2)(B), shall be used by a local workforce development area to contribute proportionately to the costs of the local full service employment and training delivery system, and to pay for services provided to adults, in the local area, consistent with section 314.

''(ii) Funds allocated under paragraph (2)(C), shall be used by a local workforce development area to contribute proportionately to the costs of the local full service employment and training delivery system, and to pay for services provided to dislocated workers, in the local area, consistent with section 314.

''(2) METHODS.—

''(A) IN GENERAL.—The Governor, through the collaborative process under section 102, and after consultation with local chief elected officials in the local workforce development areas, shall allocate the remainder of funds described in subsection (a)(1)(A) for adult employment and training in accordance with subparagraph (B), and the funds described in subsection (a)(2)(A) for dislocated workers in accordance with subparagraph (C).

''(B) ADULT EMPLOYMENT AND TRAINING ALLOCATIONS.—

''(i) ADULT EMPLOYMENT AND TRAINING FORMULA ALLOCATIONS.—Each State shall allocate not less than 70 percent of the remainder of funds described in subsection (a)(1)(A) to workforce development areas within the State pursuant to the formula contained in clause (ii) for the provision of adult employment and training services in accordance with section 314.

''(ii) FORMULA.—Of the amounts described in clause (i)—

''(I) 33⅓ percent shall be allocated on the basis of the relative number of unemployed individuals residing in areas of substantial unemployment in each workforce development area as compared to the total number of such unemployed individuals in all such areas of substantial unemployment in the State;

''(II) 33⅓ percent shall be allocated on the basis of the relative excess number of unem-

ployed individuals who reside in each workforce development area as compared to the total excess number of unemployed individuals in all workforce development areas in the State; and

''(III) 33⅓ percent shall be allocated on the basis of the relative number of economically disadvantaged adults in each workforce development area as compared to the total number of disadvantaged adults in all workforce development areas in the State.

''(iii) ADULT EMPLOYMENT AND TRAINING DISCRETIONARY ALLOCATION.—The State, through the collaborative process, is authorized to allocate not more than 30 percent of the remainder of funds described in subsection (a)(1)(A) to workforce development areas for the provision of adult employment and training services in accordance with section 314. Such funds shall be allocated to urban, rural, and suburban areas throughout the State and shall be allocated promptly in accordance with section 162(e).

''(C) DISLOCATED WORKER EMPLOYMENT AND TRAINING ALLOCATIONS.—

''(i) DISLOCATED WORKER EMPLOYMENT AND TRAINING FORMULA ALLOCATIONS.—Each State shall allocate not less than 70 percent of the remainder of funds described in subsection (a)(2)(A) to workforce development areas within the State pursuant to the formula contained in clause (ii) for the provision of employment and training services to dislocated workers in accordance with section 314.

''(ii) FORMULA.—Of the amounts described in clause (i)—

''(I) 33⅓ percent shall be allocated on the basis of the relative number of unemployed individuals residing in areas of substantial unemployment in each workforce development area as compared to the total number of such unemployed individuals in all such areas of substantial unemployment in the State;

''(II) 33⅓ percent shall be allocated on the basis of the relative excess number of unemployed individuals who reside in each workforce development area as compared to the total excess number of unemployed individuals in all workforce development areas in the State; and

''(III) 33⅓ percent shall be allocated on the basis of the relative number of individuals who have been unemployed for 15 weeks or more within each workforce development area of the State as compared to the total number of such individuals in all workforce development areas in the State.

''(iii) DISLOCATED WORKER EMPLOYMENT AND TRAINING DISCRETIONARY ALLOCATION.—The State, through the collaborative process, is authorized to allocate not more than 30 percent of the remainder of funds described in subsection (a)(2)(A) to workforce development areas for the provision employment and training services to dislocated workers in accordance with section 314. Such funds shall be allocated to urban, rural, and suburban areas throughout the State and shall be allocated promptly in accordance with section 162(e).

''(3) TRANSFER AUTHORITY.—A local workforce development area is authorized to transfer up to 20 percent of the funds received under this subsection between adult employment and training and dislocated worker allocations if such transfer is approved by the Governor.

"SEC. 314. USE OF AMOUNTS.

''(a) CORE SERVICES.—Amounts allocated for adults under section 313(b)(2)(B) and for dislocated workers under section 313(b)(2)(C) shall be used to provide core services described in section 123(d) to adults and dislocated workers, respectively, through a full service employment and training delivery system in accordance with such section.

''(b) INTENSIVE SERVICES.—

''(1) IN GENERAL.—Amounts allocated for adults under section 313(b)(2)(B) and for dislocated workers under section 313(b)(2)(C) shall be used to provide intensive services to adults and dislocated workers, respectively—

''(A)(i) who are unable to obtain employment through core services under subsection (a); and

''(ii) who have been determined to be in need of more intensive services in order to gain employment; or

''(B)(i) who are employed but are economically disadvantaged despite such employment; and

''(ii) who are determined to be in need of such intensive services in order to gain employment that allows for self-sufficiency.

''(2) DELIVERY OF SERVICES.—Such intensive services shall be provided—

''(A) directly through full service eligible providers identified pursuant to section 123(c); or

''(B) through contracts through full service employment and training delivery systems with service providers approved by the local workforce development board, which may include private, for-profit providers.

''(3) TYPES OF SERVICES.—Such intensive services may include the following:

''(A) Comprehensive and specialized assessments of the skill levels and service needs of adults, which may include—

''(i) diagnostic testing and other assessment tools; and

''(ii) in-depth interviewing and evaluation to identify employment barriers and appropriate employment goals.

''(B) Development of an individual employment plan, to identify the employment goals, appropriate achievement objectives, and the appropriate combination of services for the participant to achieve the employment goal.

''(C) Group counseling.

''(D) Individual counseling and career planning.

''(E) Case management for participants receiving training services under subsection (c).

''(F) Follow-up services for participants placed in training or employment, for up to 1 year, to assist in retention or advancement in employment.

''(c) TRAINING SERVICES.—

''(1) IN GENERAL.—Amounts allocated for adults under section 313(b)(2)(B) and for dislocated workers under section 313(b)(2)(C) shall be used to provide training services to adults and dislocated workers, respectively—

''(A) who are unable to obtain employment through core services under subsection (a);

''(B) who are in need of training services in order to gain employment as a result of determinations made through—

''(i) initial assessments under subsection (a); or

''(ii) comprehensive and specialized assessments under subsection (b)(3)(A); or

''(C)(i) who are employed but are economically disadvantaged despite such employment; and

''(ii) who are determined to be in need of such training services in order to gain employment that allows for self-sufficiency.

''(2) PARTICIPANT QUALIFICATION.—

''(A) REQUIREMENTS.—Except as provided in subparagraph (B), provision of such training services shall be limited to participants who—

''(i) are unable to obtain other grant assistance for such services, including Federal Pell Grants established under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.); or

''(ii) require assistance beyond the assistance made available under other grant assistance programs, including Federal Pell Grants.

''(B) REIMBURSEMENTS.—Training services may be provided under this subsection to an individual who otherwise meets the requirements of this subsection while an application for a Federal Pell Grant or other grant assistance is pending, except that if such individual is subsequently awarded a Federal Pell Grant or other grant assistance, appropriate reimbursement shall be made to the local workforce development area from such Federal Pell Grant or other grant assistance.

''(3) PROVIDER QUALIFICATION.—Such training services shall be provided through training providers identified under in accordance with section 124.

''(4) TYPES OF SERVICES.—Such training services may include the following:

''(A) Basic skills training, including remedial education, literacy training, and English literacy program instruction.

''(B) Occupational skills training, including training for nontraditional employment.

''(C) On-the-job training.

''(D) Programs that combine workplace training with related instruction, which may include cooperative education programs.

''(E) Training programs operated by the private sector.

''(F) Skill upgrading and retraining.

''(G) Entrepreneurial training.

''(H) Employability training to enhance basic workplace competencies.

''(I) Customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training.

''(5) INDIVIDUAL CHOICE REQUIREMENTS.—

''(A) IN GENERAL.—All training services under this section shall be provided through service delivery methods that, to the extent practicable, maximize consumer choice in the selection of eligible providers of training services.

''(B) INFORMATION ON ELIGIBLE PROVIDERS.—Each local workforce development board, through the full service employment and training delivery system, shall make available—

''(i) the list of eligible providers of training services required under section 124, with a description of the training courses available from such providers and a list of the names of on-the-job training providers; and

''(ii) the performance information described in section 124 relating to such providers.

''(C) PURCHASE OF SERVICES.—An individual eligible for training services under this section may select an eligible provider of training services from the list of providers described in subparagraph (B)(i). Upon such selection, the full service eligible provider shall, to the extent practicable, refer such individual to the selected eligible provider of training services and arrange for payment for such services.

''(6) ADDITIONAL REQUIREMENTS.—

''(A) USE OF SKILL GRANTS.—

''(i) IN GENERAL.—Except as provided in clause (ii) and clause (iii), training services under this section shall be provided through the use of skill grants in accordance with this subsection, and shall be distributed to eligible individuals through full service eligible providers or affiliated sites as described in section 123.

''(ii) EXCEPTIONS.—Training services authorized under this title may be provided pursuant to a contract for services in lieu of a skill grant if the requirements of paragraph (5) are met and if—

''(I) such services are on-the-job training provided by an employer;

''(II) the local workforce development board determines there are an insufficient number of qualified providers of training services in the workforce development area to accomplish the purposes of a skill grant system;

''(III) the local workforce development board determines that the qualified providers of training services in the workforce development area are unable to provide effective services to special participant populations; or

''(IV) the local workforce development board decides to enter into a direct training contract with a community based organization.

''(iii) TRANSITION.—Each State shall, not later than three years after the date of the enactment of the Employment, Training, and Literacy Enhancement Act of 1997, fully implement the requirements of clause (i). Nothing in this Act shall prohibit a State from beginning such implementation at an earlier date.

''(B) LINKAGE TO OCCUPATIONS IN DEMAND.—Training services under this subsection shall be directly linked to occupations for which there is a demand in the local workforce development area, or in another area to which an adult receiving such services is willing to relocate, except that a local workforce development board may approve training in occupations determined by the local board to be in sectors of the economy which have a high potential for sustained demand or growth in the local workforce development area.

''(d) ADDITIONAL USES OF AMOUNTS.—

''(1) SUPPORTIVE SERVICES.—Amounts allocated for adults under section 313(b)(2)(B) and for dislocated workers under section 313(b)(2)(C) may be used to provide supportive services for adults and dislocated workers, respectively—

''(A) who are receiving assistance under any of subsections (a) through (c); and

''(B) who are unable to receive such services through other programs providing such services.

''(2) NEEDS-RELATED PAYMENTS.—

''(A) IN GENERAL.—Amounts allocated under section 313(b) may be used to provide needs-related payments to adults and dislocated workers who are unemployed and do not qualify for (or have ceased to qualify for) unemployment compensation for the purpose of enabling such individuals to participate in training programs under subsection (c).

''(B) ADDITIONAL ELIGIBILITY REQUIREMENTS.—In addition to the requirements contained in subparagraph (A), a dislocated worker who has exhausted unemployment insurance benefits may be eligible to receive needs-related payments under this paragraph only if such worker was enrolled in training by the end of the 13th week of the worker's most recent layoff, or, if later, by the end of the 8th week after the worker is informed that a short-term layoff will in fact exceed 6 months.

''(e) PRIORITY.—From funds allocated to local workforce development areas for adult employment and training under section 313(b)(1)(B)(i), priority shall be given to welfare recipients and other economically disadvantaged individuals with multiple barriers to employment for receipt of intensive services and training services provided under subsections (b) and (c) of section 314, respectively.

''PART B—NATIONAL PROGRAMS

''SEC. 321. NATIONAL EMERGENCY GRANTS.

''(a) IN GENERAL.—From the amount reserved under section 312(a)(2), the Secretary of Labor is authorized to award national emergency grants in a timely manner—

''(1) to an entity described in subsection (b) to provide employment and training assistance to workers affected by major economic dislocations, such as plant closures, mass layoffs, or closures and realignments of military installations; and

''(2) to provide assistance to the Governor of any State within the boundaries of which is an area that has suffered an emergency or a major disaster as defined in paragraphs (1) and (2), respectively, of section 102 of The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122 (1) and (2)) (referred to in this section as the 'disaster area').

''(b) EMPLOYMENT AND TRAINING ASSISTANCE REQUIREMENTS.—

''(1) APPLICATION.—To be eligible to receive a grant under subsection (a)(1), an entity shall submit an application to the Secretary of Labor at such time, in such manner, and accompanied by such information, as the Secretary may reasonably require.

''(2) ELIGIBLE ENTITY.—For purposes of this section, the term 'entity' means a State, local workforce development board, employer or employer association, worker-management transition assistance committee or other employer-employee entity, representative of employees, community development corporation or community-based organization, or an industry consortia

''(c) DISASTER RELIEF EMPLOYMENT ASSISTANCE REQUIREMENTS.—

''(1) IN GENERAL.—Funds made available under subsection (a)(2)—

''(A) shall be used exclusively to provide employment on projects that provide food, clothing, shelter, and other humanitarian assistance for disaster victims, and projects regarding demolition, cleaning, repair, renovation, and reconstruction of damaged and destroyed structures, facilities, and lands located within the disaster area; and

''(B) may be expended through public and private agencies and organizations engaged in such projects.

''(2) ELIGIBILITY.—An individual shall be eligible to be offered disaster relief employment under this section if such individual is a dislocated worker or is temporarily or permanently laid off as a consequence of the disaster.

''(3) LIMITATIONS ON DISASTER RELIEF EMPLOYMENT.—No individual shall be employed under this part for more than 6 months for work related to recovery from a single natural disaster.''.

TITLE IV—AMENDMENTS TO FEDERALLY ADMINISTERED PROGRAMS

Subtitle A—Employment and Training Programs for Native Americans and Migrant and Seasonal Farmworkers

SEC. 401. NATIVE AMERICAN PROGRAM.

Section 401 of the Job Training Partnership Act (29 U.S.C. 1671) is amended to read as follows:

''SEC. 401. NATIVE AMERICAN PROGRAMS.

''(a) PURPOSE.—

''(1) IN GENERAL.—The purpose of this section is to support employment and training activities for Indian, Alaska Native, and Native Hawaiian individuals in order—

''(A) to develop more fully the academic, occupational, and literacy skills of such individuals;

''(B) to make such individuals more competitive in the workforce; and

''(C) to promote the economic and social development of Indian, Alaska Native, and Native Hawaiian communities in accordance with the goals and values of such communities.

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

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

''(1) ALASKA NATIVE.—The term 'Alaska Native' means a Native as such term is defined in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)).

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

''(3) NATIVE HAWAIIAN AND NATIVE HAWAIIAN ORGANIZATION.—The terms 'Native Hawaiian' and 'Native Hawaiian organization' have the meanings given such terms in paragraphs (1) and (3), respectively, of section 9212 of the Native Hawaiian Education Act (20 U.S.C. 7912).

''(c) PROGRAM AUTHORIZED.—The Secretary of Labor shall make grants to, or enter into contracts or cooperative agreements with, Indian tribes, tribal organizations, Alaska Native entities, Indian-controlled organizations serving Indians, or Native Hawaiian organizations to carry out the authorized activities described in subsection (d).

''(d) AUTHORIZED ACTIVITIES.—

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

''(A) are consistent with this section; and

''(B) are necessary to meet the needs of Indians or Native Hawaiians preparing to enter, renter, or retain unsubsidized employment.

''(2) EMPLOYMENT AND TRAINING ACTIVITIES AND SUPPLEMENTAL SERVICES.—

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

''(i) comprehensive workforce and career development activities for Indians or Native Hawaiians; or

''(ii) supplemental services for Indian or Native Hawaiian youth on or near Indian reservations and in Oklahoma, Alaska, or Hawaii.

''(B) SPECIAL RULE.—Notwithstanding any other provision of this section, individuals who were eligible to participate in programs under section 401 of the Job Training Partnership Act (29 U.S.C. 1671) (as such section was in effect on the day before the date of enactment of this Act) shall be eligible to participate in an activity assisted under subparagraph (A)(i).

''(e) PROGRAM PLAN.—In order to receive a grant or enter into a contract or cooperative agreement under this section an entity described in subsection (c) shall submit to the Secretary of Labor a plan that describes a 2-year strategy for meeting the needs of Indian or Native Hawaiian individuals, as appropriate, in the area served by such entity. Such plan—

''(1) shall be consistent with the purposes of this section;

''(2) shall identify the population to be served;

''(3) shall identify the education and employment needs of the population to be served and the manner in which the services to be provided will strengthen the ability of the individuals served to obtain or retain unsubsidized employment;

''(4) shall describe the services to be provided and the manner in which such services are to be integrated with other appropriate services; and

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

''(f) CONSOLIDATION OF FUNDS.—Each entity receiving assistance under this section may consolidate such assistance with assistance received from related programs in accordance with the provisions of the Indian Employment, Training and Related Services Demonstration Act of 1992 (25 U.S.C. 3401 et seq.).

''(g) NONDUPLICATIVE AND NONEXCLUSIVE SERVICES.—Nothing in this section shall be construed—

''(1) to limit the eligibility of any entity described in subsection (c) to participate in any activity offered by a State or local entity under this Act; or

''(2) to preclude or discourage any agreement, between any entity described in subsection (c) and any State or local entity, to facilitate the provision of services by such entity or to the population served by such entity.

''(h) ADMINISTRATIVE PROVISIONS.—

''(1) ORGANIZATIONAL UNIT ESTABLISHED.—The Secretary of Labor shall designate a single organizational unit that shall have as its primary responsibility the administration of the activities authorized under this section.

''(2) REGULATIONS.—The Secretary of Labor shall consult with the entities described in subsection (c)(1) in establishing regulations to carry out this section, including performance measures for entities receiving assistance under such subsection, taking into account the economic circumstances of such groups, and in developing a funding distribution plan that takes into consideration previous levels of funding.

''(3) TECHNICAL ASSISTANCE.—The Secretary of Labor, through the unit established under paragraph (1), are authorized to provide technical assistance to entities described in subsection (c) that receive assistance under this section to enable such entities to improve the workforce and career development activities provided by such entities.''.

SEC. 402. MIGRANT AND SEASONAL FARMWORKER PROGRAM.

Section 402 of the Job Training Partnership Act (29 U.S.C. 1672) is amended to read as follows:

''SEC. 402. MIGRANT AND SEASONAL FARMWORKER PROGRAM.

''(a) IN GENERAL.—The Secretary of Labor shall make grants to, or enter into contracts with, eligible entities to carry out the activities described in subsection (d).

''(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant or enter into a contract under this section, an entity shall have an understanding of the problems of migrant farmworkers and seasonal farmworkers, a familiarity with the area to be served, and the ability to demonstrate a capacity to administer effectively a diversified program of workforce and career development activities for migrant farmworkers and seasonal farmworkers.

''(c) PROGRAM PLAN.—

''(1) IN GENERAL.—To be eligible to receive a grant or enter into a contract under this section, an entity described in subsection (b) shall submit to the Secretary of Labor a plan that describes a 2-year strategy for meeting the needs of migrant farmworkers and seasonal farmworkers and their dependents in the area to be served by such entity.

''(2) CONTENTS.—Such plan shall—

''(A) identify the education and employment needs of the population to be served and the manner in which the services to be provided will strengthen the ability of the eligible farmworkers and dependents to obtain or be retained in unsubsidized employment or stabilize their unsubsidized employment;

''(B) describe the related assistance and supportive services to be provided and the manner in which such services are to be integrated and coordinated with other appropriate services; and

''(C) describe the goals and benchmarks to be used to assess the performance of such entity in carrying out the activities assisted under this section.

''(d) AUTHORIZED ACTIVITIES.—Funds made available under this section shall be used to carry out comprehensive workforce and career development activities and related services for migrant farmworkers and seasonal farmworkers which may include employment, training, educational assistance, literacy assistance, an English literacy program, worker safety training, housing, supportive services, and the continuation of the case management database on participating migrant farmworkers and seasonal farmworkers.

''(e) CONSULTATION WITH GOVERNORS AND LOCAL BOARDS.—In making grants and entering into contracts under this section, the Secretary of Labor shall consult with the Governors and local boards of the States in which the eligible entities will carry out the activities described in subsection (d).

''(f) REGULATIONS.—The Secretaries shall consult with migrant and seasonal farmworker groups and States in establishing regulations to carry out this section, including performance measures for eligible entities which take into account the economic circumstances of migrant farmworkers and seasonal farmworkers.

''(g) DEFINITIONS.—As used in this section:

''(1) MIGRANT FARMWORKER.—The term 'migrant farmworker' means a seasonal farmworker whose farm work requires travel such that the worker is unable to return to a permanent place of residence within the same day.

''(2) SEASONAL FARMWORKER.—The term 'seasonal farmworker' means a person who during the eligibility determination period (12 consecutive months out of 24 months prior to application)—

''(A) has been primarily employed in farm work that is characterized by chronic unemployment or under employment; and

''(B) is economically disadvantaged at the time of application.''.

Subtitle B—Job Corps

SEC. 411. STATEMENT OF PURPOSE.

Section 421 of the Job Training Partnership Act (29 U.S.C. 1691) is amended in the first sentence by inserting after ''a distinct national program'' the following: ''carried out in collaboration with States and localities''.

SEC. 412. INDIVIDUALS ELIGIBLE FOR THE JOB CORPS.

Section 423 of the Job Training Partnership Act (29 U.S.C. 1693) is amended—

(1) in paragraph (1), by striking ''14'' and inserting ''16'';

(2) in paragraph (2), by striking '', and who requires'' and all that follows and inserting a semicolon;

(3) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(4) by inserting after paragraph (2) the following:

''(3) is an individual who—

''(A) is deficient in basic skills;

''(B) is a school dropout;

''(C) is homeless or a runaway;

''(D) is a single parent; or

''(E) requires additional education, training, or intensive counseling and related assistance in order to secure and hold meaningful employment, participate successfully in regular school work, qualify for other suitable training programs, or satisfy Armed Forces requirements;''.

SEC. 413. SCREENING AND SELECTION OF APPLICANTS; GENERAL PROVISIONS.

Section 424(a) of the Job Training Partnership Act (29 U.S.C. 1694(a)) is amended—

(1) in the first sentence, by adding at the end before the period the following: ''after considering input from State, local, and community groups and other interested parties'';

(2) in the second sentence—

(A) by inserting after ''public employment offices,'' the following: ''full service eligible providers,''; and

(B) by striking ''and agencies'' and inserting ''and entities''; and

(3) in the third sentence, by inserting after ''The rules shall'' the following: ''require Job Corps applicants to pass background checks, conducted in accordance with procedures established by the Secretary, and''.

SEC. 414. JOB CORPS CENTERS.

Section 427 of the Job Training Partnership Act (29 U.S.C. 1697) is amended—

(1) in subsection (a)(1), by adding at the end the following: ''In selecting any entity to serve as an operator or to provide services for a Job Corps center, the Secretary shall take into consideration the previous performance of the entity, if any, relating to operating or providing services for a Job Corps center.'';

(2) in subsection (c) to read as follows:

''(c) The Secretary may select an entity to operate a Civilian Conservation Center on a competitive basis if such a center fails to meet performance criteria established by the Secretary.''; and

(3) by adding at the end the following:

''(d) Notwithstanding any other provision of law, any proceeds from the sale of Job Corps center facilities shall be retained by the Secretary to carry out the Job Corps program.

''(e) Prior to the closure of any Job Corps center, the Secretary shall ensure that—

''(1) the proposed decision to close the center is announced in advance to the general public through publication in the Federal Register or other appropriate means;

''(2) the establishment of a reasonable comment period, not to exceed 30 days, for interested individuals to submit written comments to the Secretary;

''(3) the Members of Congress who represent districts affected by the proposed decision to close the center are notified within a reasonable period of time in advance of any final decision to close the center; and

''(4) the geographic location of alternative Job Corps centers is among the factors taken into account in the decision to close the center.''.

SEC. 415. STANDARDS OF CONDUCT.

Section 430(a) of the Job Training Partnership Act (29 U.S.C. 1700(a)) is amended—

(1) in the first sentence, by adding at the end before the period the following: '', including a policy of zero tolerance for violence and illegal drugs under which enrollees will receive mandatory terminations for specific actions in accordance with regulations issued by the Secretary'';

(2) by inserting after the first sentence the following: ''As part of the zero tolerance policy, drug testing of all students shall be required in accordance with procedures established by the Secretary.''; and

(3) in the third sentence, by inserting after ''If violations'' the following: ''of center standards other than those covered by the zero tolerance policy''.

SEC. 416. COUNSELING AND JOB PLACEMENT.

Section 432(b) of the Job Training Partnership Act (29 U.S.C. 1702(b)) is amended in the first sentence by inserting after ''determine their capabilities and'' the following: '', based on these capabilities,''.

SEC. 417. EXPERIMENTAL AND DEVELOPMENTAL PROJECTS AND COORDINATION WITH OTHER PROGRAMS.

Section 433(c)(1) of the Job Training Partnership Act (29 U.S.C. 1703(c)(1)) is amended in the first sentence by striking ''disseminate information'' and inserting ''disseminate to Federal, State, and local workforce development programs information and best practices''.

Subtitle C—National Activities

SEC. 421. RESEARCH, DEMONSTRATION, EVALUATION, AND CAPACITY BUILDING.

Part D of the Job Training Partnership Act (29 U.S.C. 1731 et seq.) is amended by striking

sections 451 through 454 and inserting the following:

"SEC. 451. RESEARCH, DEMONSTRATION, EVALUATION, AND CAPACITY BUILDING.

''(a) IN GENERAL.—The Secretary is authorized to establish and carry out research, demonstration, evaluation, and capacity building activities described in subsections (b) through (f).

''(b) NATIONAL PARTNERSHIP AND SPECIAL TRAINING.—The Secretary may award special grants to eligible entities to carry out programs that are most appropriately administered at the national level. Such activities may include—

''(1) partnership programs with national organizations with special expertise in developing, organizing, and administering employment and training services at the national, State, and local levels, such as industry and labor associations, public interest groups, community-based organizations representative of groups that encounter special difficulties in the labor market, and other organizations with special knowledge or capabilities in education and training; and

''(2) activities that—

''(A) address industry-wide skill shortages;

''(B) meet training needs that are best addressed on a multi-state basis;

''(C) further the goals of increasing the competitiveness of the United States labor force;

''(D) require technical expertise available at the national level to serve the needs of particular client groups that encounter significant barriers to employment and who the Secretary determines require special assistance; or

''(E) promote and experiment with model activities, pilot projects, and demonstration projects which further the goals and purposes of this Act.

''(c) RESEARCH.—The Secretary is authorized to conduct continuing research, which may include studies and other methods and techniques, that will aid in the solution of the employment and training problems of the United States. Such studies may include the extent to which individuals who participate in programs established under this title achieve self-sufficiency as a result of such participation, including the identification by States and localities, to the extent practicable, of indicators measuring such self-sufficiency.

''(d) PILOT AND DEMONSTRATION PROGRAMS.—

''(1) IN GENERAL.—The Secretary is authorized to conduct pilot and demonstration programs for the purpose of developing and improving techniques and demonstrating the effectiveness of specialized methods in addressing employment and training needs which may include—

''(A) the establishment of advanced manufacturing technology skill centers developed through local partnerships of industry, labor, education, community-based organizations, and economic development organizations to meet unmet, high-tech skill needs of local communities;

''(B) projects that provide training to upgrade the skills of employed workers who reside and are employed in enterprise zones or empowerment communities;

''(C) programs conducted jointly with the Department of Defense to develop training programs utilizing computer-based and other innovative learning technologies;

''(D) projects that promote the use of distance learning, enabling students to take courses through the use of media technology such as videos, teleconferencing computers, and the Internet;

''(E) projects that assist in providing comprehensive services to increase the employment rates of out-of-school youth residing in targeted high poverty areas within empowerment zones and enterprise communities;

''(F) the establishment of partnerships with national organizations with special expertise in developing, organizing, and administering employment and training services for persons with disabilities at the national, State, and local levels;

''(G) projects to assist public housing authorities that provide to public housing residents job training programs that demonstrate successful job skills upgrading and employment; and

''(H) projects that assist local workforce development areas to develop and implement local self-sufficiency standards to evaluate the degree to which program participants are achieving self-sufficiency.

''(2) GRANTS AND CONTRACTS.—The Secretary may award grants and enter into contracts with entities to carry out this subsection.

''(3) EVALUATION AND EFFECTIVENESS.—Demonstration programs assisted under this subsection shall include a formal, rigorous evaluation component. Pilot programs assisted under this subsection shall include an appropriate evaluation component.

''(4) SPECIAL RULE.—A demonstration program under this subsection may not be assisted under this subsection for a period of more than 7 years. A pilot program under this subsection may not be assisted under this subsection for a period of more than 3 years.

''(e) EVALUATION.—

''(1) ACTIVITIES.—

''(A) JOB TRAINING.—The Secretary shall provide for the continuing evaluation of programs conducted under this Act.

''(B) OTHER PROGRAMS.—The Secretary may conduct evaluations of federally-funded employment-related activities under other provisions of law.

''(2) TECHNIQUES.—

''(A) METHODS.—Evaluations conducted under paragraph (1) shall utilize sound statistical methods and techniques for the behavioral and social sciences, including the use of control groups chosen by scientific random assignment methodologies when feasible.

''(B) EFFECTIVENESS.—The Secretary shall evaluate the effectiveness of programs authorized under this Act with respect to—

''(i) the statutory goals; and

''(ii) the cost effectiveness and return-on-investment of such programs based on the extent to which the programs—

''(I) enhance the employment and earnings of participants;

''(II) reduce income support costs (including the receipt of welfare assistance);

''(III) improve the employment competencies of participants in comparison to comparable persons who did not participate in such programs; and

''(IV) to the extent feasible, increase the level of total employment over the level that would have existed in the absence of such programs.

''(f) TECHNICAL ASSISTANCE, DISSEMINATION, AND REPLICATION ACTIVITIES.—The Secretary shall provide, coordinate, and support the development of, appropriate training, technical assistance, staff development, and other activities, including assistance in replicating programs of demonstrated effectiveness, to States and localities.

"SEC. 452. INCENTIVE GRANTS.

''From amounts authorized to be appropriated pursuant to section 3(a)(3) to carry out this part for a fiscal year, the Secretary is authorized to award incentive grants to States consistent with the requirements of section 156(a).''.

SEC. 422. NONTRADITIONAL EMPLOYMENT DEMONSTRATION PROGRAM.

Section 456 of the Job Training Partnership Act (29 U.S.C. 1737) is hereby repealed.

Subtitle D—Repealers

SEC. 451. REPEALERS.

Parts F, G, H, I, and J of title IV of the Job Training Partnership Act (29 U.S.C. 1771 et seq.) are hereby repealed.

TITLE V—AMENDMENTS TO ADULT EDUCATION PROGRAMS

SEC. 501. REPEAL OF JOBS FOR EMPLOYABLE DEPENDENT INDIVIDUALS INCENTIVE BONUS PROGRAM.

Title V of the Job Training Partnership Act (29 U.S.C. 1791 et seq.) is repealed.

SEC. 502. AMENDMENT TO ADULT EDUCATION ACT.

The Adult Education Act (20 U.S.C. 1201 et seq.) is amended to read as follows:

"TITLE III—ADULT EDUCATION AND FAMILY LITERACY PROGRAMS

"SEC. 301. SHORT TITLE.

''This title may be cited as the 'Adult Education and Family Literacy Act'.

"SEC. 302. STATEMENT OF PURPOSE.

''It is the purpose of this title to assist States and outlying areas to provide—

''(1) to adults, on a voluntary basis, the basic educational skills necessary for employment and self-sufficiency; and

''(2) to adults who are parents, on a voluntary basis, the educational skills necessary to be full partners in the educational development of their children.

"SEC. 303. DEFINITION.

''For purposes of this title:

''(1) ADULT EDUCATION.—The term 'adult education' means services or instruction below the postsecondary level for individuals—

''(A) who have attained 16 years of age;

''(B) who are not enrolled or required to be enrolled in secondary school under State law; and

''(C) who—

''(i) lack sufficient mastery of basic educational skills to enable the individuals to function effectively in society;

''(ii) do not have a certificate of graduation from a school providing secondary education and who have not achieved an equivalent level of education; or

''(iii) are unable to speak, read, or write the English language.

''(2) ADULT EDUCATION AND LITERACY ACTIVITIES.—The term 'adult education and literacy activities' has the meaning given such term in section 4 of the Employment, Training, and Literacy Enhancement Act.

''(3) COMMUNITY-BASED ORGANIZATION.—The term 'community-based organization' has the meaning given such term in section 4 of the Employment, Training, and Literacy Enhancement Act.

''(4) DIRECT AND EQUITABLE ACCESS.—The term 'direct and equitable access', when used with respect to the requirement in section 313(c)(2), means that—

''(A) all eligible providers are given the same opportunity to apply for and receive funds under part A; and

''(B) the same announcement and application process is used for all eligible providers.

''(5) ELIGIBLE AGENCY.—The term 'eligible agency' means—

''(A) the individual, entity, or agency in a State or an outlying area responsible for administering or setting policies for adult education and literacy services in such State or outlying area pursuant to the law of the State or outlying area; or

''(B) if no individual, entity, or agency is responsible for administering or setting such policies pursuant to the law of the State or outlying area, the individual, entity, or

agency in a State or outlying area responsible for administering or setting policies for adult education and literacy services in such State or outlying area on the date of the enactment of the Employment, Training, and Literacy Enhancement Act of 1997.

''(6) ELIGIBLE PROVIDER.—The term 'eligible provider', used with respect to adult education and literacy activities described in section 314(b), means a provider determined to be eligible for assistance in accordance with section 313.

''(7) ENGLISH LITERACY PROGRAM.—The term 'English literacy program' has the meaning given such term in section 4 of the Employment, Training, and Literacy Enhancement Act.

''(8) FAMILY LITERACY SERVICES.—The term 'family literacy services' has the meaning given such term in section 4 of the Employment, Training, and Literacy Enhancement Act.

''(9) INDIVIDUAL OF LIMITED ENGLISH PROFICIENCY.—The term 'individual of limited English proficiency' has the meaning given such term in section 4 of the Employment, Training, and Literacy Enhancement Act.

''(10) INDIVIDUAL WITH A DISABILITY.—The terms 'individual with a disability' and 'individuals with disabilities' have the meaning given such terms in section 4 of the Employment, Training, and Literacy Enhancement Act.

''(11) LITERACY.—The term 'literacy' has the meaning given such term in section 4 of the Employment, Training, and Literacy Enhancement Act.

''(12) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' has the meaning given such term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

''(13) OUTLYING AREA.—The term 'outlying area' has the meaning given such term in section 4 of the Employment, Training, and Literacy Enhancement Act.

''(14) POSTSECONDARY EDUCATIONAL INSTITUTION.—The term 'postsecondary educational institution' has the meaning given such term in section 4 of the Employment, Training, and Literacy Enhancement Act.

''(15) SECRETARY.—The term 'Secretary' means the Secretary of Education.

''(16) STATE.—The term 'State' has the meaning given such term in section 4 of the Employment, Training, and Literacy Enhancement Act.

"SEC. 304. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated to carry out this title such sums as may be necessary for fiscal years 1998 through 2003.

''(b) RESERVATION OF FUNDS FOR NATIONAL LEADERSHIP ACTIVITIES.—For any fiscal year, the Secretary shall reserve—

''(1) 1.5 percent of the amount appropriated under subsection (a) (but not more than $6,500,000) to carry out section 321; and

''(2) 1.5 percent of the amount appropriated under subsection (a) (but not more than $6,500,000) to establish and carry out the program of national leadership and evaluation activities described in section 322.

"SEC. 305. HOME SCHOOLS.

''Nothing in this title shall be construed to affect home schools, nor to compel a parent engaged in home schooling to participate in an English literacy program, family literacy services, or adult education.

"PART A—GRANTS TO ELIGIBLE AGENCIES

"SEC. 311. AUTHORITY TO MAKE GRANTS.

''(a) IN GENERAL.—In the case of each eligible agency that in accordance with section 101 of the Employment, Training, and Literacy Enhancement Act submits to the Secretary a plan, the Secretary shall make a grant for each fiscal year for which such plan is in effect to the eligible agency for the purpose specified in subsection (b). The grant shall consist of the initial and additional allotments determined for the eligible agency under section 312.

''(b) PURPOSE OF GRANTS.—The Secretary may make a grant under subsection (a) only if the applicant involved agrees to expend the grant for adult education and literacy activities in accordance with the provisions of this part.

"SEC. 312. ALLOTMENTS.

''(a) INITIAL ALLOTMENTS.—From the sums available for the purpose of making grants under this part for any fiscal year, the Secretary shall allot to each eligible agency that in accordance with section 101 of the Employment, Training, and Literacy Enhancement Act submits to the Secretary a plan for the year an initial amount as follows:

''(1) $100,000, in the case of an eligible agency of the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

''(2) $250,000, in the case of any other eligible agency.

''(b) ADDITIONAL ALLOTMENTS.—

''(1) IN GENERAL.—From the remainder available for the purpose of making grants under this part for any fiscal year after the application of subsection (a), the Secretary shall allot to each eligible agency that receives an initial allotment under such subsection an additional amount that bears the same relationship to such remainder as the number of qualifying adults in the State or outlying area of the agency bears to the number of such adults in all States and outlying areas.

''(2) QUALIFYING ADULT.—For purposes of this subsection, the term 'qualifying adult' means an adult who—

''(A) is at least 16 years of age, but less than 61 years of age;

''(B) is beyond the age of compulsory school attendance under the law of the State or outlying area;

''(C) does not have a certificate of graduation from a school providing secondary education and has not achieved an equivalent level of education; and

''(D) is not currently enrolled in secondary school.

''(c) SPECIAL RULE.—

''(1) IN GENERAL.—Using funds not to exceed the amount appropriated and reserved under the Adult Education Act for fiscal year 1997 for the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau, the Secretary shall award grants, from funds made available under subsections (a) and (b), to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau to carry out activities described in this part in accordance with the provisions of this part that the Secretary determines are not inconsistent with this subsection.

''(2) AWARD BASIS.—The Secretary shall award grants pursuant to paragraph (1) on a competitive basis and pursuant to recommendations from the Pacific Region Educational Laboratory in Honolulu, Hawaii.

''(3) TERMINATION OF ELIGIBILITY.—Notwithstanding any other provision of law, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau shall not receive any funds under this part for any fiscal year that begins after September 30, 2001.

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

''(d) HOLD-HARMLESS.—

''(1) IN GENERAL.—Notwithstanding subsection (a)—

''(A) for fiscal year 1998, no eligible agency shall receive an allotment that is less than 90 percent of the payments made to the State of the agency for fiscal year 1997 for programs for which funds were authorized to be appropriated under section 313 of the Adult Education Act (as such Act was in effect on the day before the date of the enactment of the Employment, Training, and Literacy Enhancement Act of 1997); and

''(B) for fiscal year 1999 and each succeeding fiscal year, no eligible agency shall receive an allotment that is less than 90 percent of the amount the agency received for the preceding fiscal year for programs under this Act.

''(2) RATABLE REDUCTION.—If for any fiscal year the amount available for allotment under this section is insufficient to satisfy the provisions of paragraph (1), the Secretary shall ratably reduce the payments to all eligible agencies, as necessary.

''(e) REALLOTMENT.—The portion of any eligible agency's allotment under subsection (a) or (b) for a fiscal year that the Secretary determines will not be required for the period such allotment is available for carrying out activities under this part, shall be available for reallotment from time to time, on such dates during such period as the Secretary shall fix, to other eligible agencies in proportion to the original allotments to such agencies under such subsection for such year.

"SEC. 313. USE OF FUNDS.

''(a) IN GENERAL.—Of the sum that is made available under this part to an eligible agency for any program year—

''(1) not less than 85 percent shall be made available to award grants in accordance with this section to carry out adult education and literacy activities; and

''(2) not more than 15 percent shall be made available to carry out activities described in section 314(a), of which not more than 5 percentage points, or $50,000, whichever is greater, shall be made available for administrative expenses at the State level (or the level of the outlying area).

''(b) GRANTS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), from the amount made available to an eligible agency for adult education and literacy under subsection (a)(1) for a program year, such agency shall award grants, on a competitive basis, to local educational agencies, correctional education agencies, community-based organizations of demonstrated effectiveness, volunteer literacy organizations, libraries, public or private nonprofit agencies, postsecondary educational institutions, public housing authorities, and other nonprofit institutions, that have the ability to provide literacy services to adults and families, or consortia of agencies, organizations, or institutions described in this subsection, to enable such agencies, organizations, institutions, and consortia to carry out adult education and literacy activities.

''(2) CONSORTIA.—An eligible agency may award a grant under this section to a consortium that includes a provider described in paragraph (1) and a for-profit agency, organization, or institution, if such agency, organization, or institution—

''(A) can make a significant contribution to carrying out the objectives of this title; and

''(B) enters into a contract with such provider to carry out adult education and literacy activities.

''(c) GRANT REQUIREMENTS.—

''(1) REQUIRED LOCAL ACTIVITIES.—An eligible agency shall require that each provider receiving a grant under this section use the grant in accordance with section 314(b).

''(2) EQUITABLE ACCESS.—Each eligible agency awarding a grant under this section for adult education and literacy activities shall ensure that the providers described in subsection (b) will be provided direct and equitable access to all Federal funds provided under this section.

''(3) SPECIAL RULE.—Each eligible agency awarding a grant under this section shall not use any funds made available under this title for adult education and literacy activities for the purpose of supporting or providing programs, services, or activities for individuals who are not individuals described in subparagraphs (A) and (B) of section 303(1), except that such agency may use such funds for such purpose if such programs, services, or activities are related to family literacy services.

''(4) CONSIDERATIONS.—In awarding grants under this section, the eligible agency shall consider—

''(A) the degree to which the provider will establish measurable goals for client outcomes, including the core indicators of performance pertaining to adult education set forth in section 154 of the Employment, Training, and Literacy Enhancement Act, that are tied to challenging State performance standards for literacy proficiency;

''(B) the past effectiveness of a provider in improving the literacy skills of adults and families, and, after the 1-year period beginning with the adoption of a State's core indicators and benchmarks under the Employment, Training, and Literacy Enhancement Act, the success of a provider receiving funding under this Act in meeting or exceeding such benchmarks, especially with respect to those adults with the lowest levels of literacy;

''(C) the degree to which the program is staffed by well-trained instructors and administrators;

''(D) the degree to which the provider will coordinate with other available resources in the community;

''(E) the commitment of the provider to serve individuals in the community who are most in need of literacy services, including individuals who are low income, who have minimal literacy skills, or both;

''(F) whether or not the program is of sufficient intensity and duration for participants to achieve substantial learning gains and uses instructional practices, such as phonemic awareness and systematic phonics, that research has proven to be effective in teaching individuals to read; and

''(G) the degree to which the provider will offer flexible schedules and necessary support services (such as child care and transportation) to enable individuals, including individuals with disabilities or other special needs, to participate in adult education and literacy activities.

''(d) LOCAL ADMINISTRATIVE COST LIMITS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), of the funds provided under this section by an eligible agency to a provider described in subsection (b), not less than 95 percent shall be expended for provision of adult education and literacy activities. The remainder shall be used for planning, administration, personnel development, and interagency coordination.

''(2) SPECIAL RULE.—In cases where the cost limits described in paragraph (1) will be too restrictive to allow for adequate planning, administration, personnel development, and interagency coordination supported under this section, the eligible agency shall negotiate with the provider described in subsection (b) in order to determine an adequate level of funds to be used for noninstructional purposes.

''SEC. 314. ADULT EDUCATION AND LITERACY ACTIVITIES.

''(a) PERMISSIBLE AGENCY ACTIVITIES.—An eligible agency may use funds made available to the eligible agency under section 313(a)(2) for activities that may include—

''(1) the establishment or operation of professional development programs to improve the quality of instruction provided pursuant to local activities required under subsection (b), including instruction incorporating phonemic awareness and systematic phonics and instruction provided by volunteers or by personnel of a State or outlying area;

''(2) the provision of technical assistance to eligible providers of activities authorized under this section;

''(3) the provision of technology assistance, including staff training, to eligible providers of activities authorized under this section to enable the providers to improve the quality of such activities;

''(4) the support of State or regional networks of literacy resource centers;

''(5) the monitoring and evaluation of the quality of, and the improvement in, activities and services authorized under this section;

''(6) incentives for—

''(A) program coordination and integration; and

''(B) performance awards;

''(7) developing and disseminating curricula, including curricula incorporating phonemic awareness ±and systematic phonics;

''(8) other activities of statewide significance that promote the purposes of this title; and

''(9) the provision of support services, such as transportation, child care, and other assistance designed to increase rates of enrollment in, and successful completion of, adult education and literacy activities, to adults enrolled in such activities.

''(b) REQUIRED LOCAL ACTIVITIES.—The eligible agency shall require that each eligible provider receiving a grant under section 313 use the grant to establish or operate 1 or more programs that provide instruction or services in 1 or more of the following categories:

''(1) Adult education and literacy services, including services provided on the work site.

''(2) Family literacy services.

''(3) English literacy programs.

''(c) STATE-IMPOSED REQUIREMENTS.—Whenever a State implements any rule or policy relating to the administration or operation of a program authorized under this title that has the effect of imposing a requirement that is not imposed under Federal law (including any rule or policy based on a State interpretation of a Federal statute, regulation, or guideline), it shall identify, to eligible providers, the rule or policy as being State-imposed.

''SEC. 315. FISCAL REQUIREMENTS AND RESTRICTIONS RELATED TO USE OF FUNDS.

''(a) SUPPLEMENT NOT SUPPLANT.—Funds made available under this part for adult education and literacy activities shall supplement, and may not supplant, other public funds expended to carry out activities described in section 314.

''(b) MAINTENANCE OF EFFORT.—

''(1) IN GENERAL.—

''(A) DETERMINATION.—An eligible agency may receive funds under this Act for any fiscal year if the Secretary finds that the fiscal effort per student or the aggregate expenditures of such eligible agency for adult education and literacy, in the second preceding fiscal year, was not less than 90 percent of the fiscal effort per student or the aggregate expenditures of such eligible agency for adult education and literacy, in the third preceding fiscal year.

''(B) PROPORTIONATE REDUCTION.—Subject to paragraphs (2), (3), and (4), for any program year with respect to which the Secretary determines under subparagraph (A) that the fiscal effort and the aggregate expenditures of an eligible agency for the preceding program year were less than such effort and expenditures for the second preceding program year, the Secretary—

''(i) shall determine the percentage decreases in such effort and in such expenditures; and

''(ii) shall decrease the payment made under this part for such program year to the agency for adult education and literacy activities by the lesser of such percentages.

''(2) COMPUTATION.—In computing the fiscal effort and aggregate expenditures under paragraph (1), the Secretary shall exclude capital expenditures and special one-time project costs.

''(3) DECREASE IN FEDERAL SUPPORT.—If the amount made available for adult education and literacy activities under this part for a fiscal year is less than the amount made available for adult education and literacy activities under this part for the preceding fiscal year, then the fiscal effort per student and the aggregate expenditures of an eligible agency required in order to avoid a reduction under paragraph (1)(B) shall be decreased by the same percentage as the percentage decrease in the amount so made available.

''(4) WAIVER.—The Secretary may waive the requirements of this subsection for 1 fiscal year only, if the Secretary determines that a waiver would be equitable due to exceptional or uncontrollable circumstances, such as a natural disaster or an unforeseen and precipitous decline in the financial resources of the State of the eligible agency. If the Secretary grants a waiver under the preceding sentence for a fiscal year, the level of effort required under paragraph (1) shall not be reduced in the subsequent fiscal year because of the waiver.

''(c) EXPENDITURES OF NON-FEDERAL FUNDS FOR ADULT EDUCATION AND LITERACY ACTIVITIES.—For any program year for which a grant is made to an eligible agency under this part, the eligible agency shall expend, on programs and activities relating to adult education and literacy activities, an amount, derived from sources other than the Federal Government, equal to 25 percent of the amount made available to the eligible agency under this part for adult education and literacy activities.

''PART B—NATIONAL PROGRAMS

''SEC. 321. NATIONAL INSTITUTE FOR LITERACY.

''(a) PURPOSE.—The National Institute for Literacy shall—

''(1) provide national leadership with respect to literacy in the United States;

''(2) coordinate literacy services; and

''(3) serve as a national resource for adult education and family literacy by providing the best and most current information available, including the work of the National Institute of Child Health and Human Development in the area of phonemic awareness and systematic phonics, and supporting the creation of new ways to offer services of proven effectiveness.

''(b) ESTABLISHMENT.—

''(1) IN GENERAL.—There is established the National Institute for Literacy (in this section referred to as the 'Institute'). The Institute shall be administered under the terms of an interagency agreement entered into by the Secretary of Education with the Secretary of Labor and the Secretary of Health and Human Services (in this section referred

to as the 'Interagency Group'). The Interagency Group may include in the Institute any research and development center, institute, or clearinghouse established within the Department of Education, the Department of Labor, or the Department of Health and Human Services whose purpose is determined by the Interagency Group to be related to the purpose of the Institute.

''(2) OFFICES.—The Institute shall have offices separate from the offices of the Department of Education, the Department of Labor, and the Department of Health and Human Services.

''(3) BOARD RECOMMENDATIONS.—The Interagency Group shall consider the recommendations of the National Institute for Literacy Advisory Board (in this section referred to as the 'Board') established under subsection (d) in planning the goals of the Institute and in the implementation of any programs to achieve such goals.

''(4) DAILY OPERATIONS.—The daily operations of the Institute shall be carried out by the Director of the Institute appointed under subsection (g).

''(c) DUTIES.—

''(1) IN GENERAL.—In order to provide leadership for the improvement and expansion of the system for delivery of literacy services, the Institute is authorized—

''(A) to establish, and make accessible, a national electronic data base of information that disseminates information to the broadest possible audience within the literacy and basic skills field, and that includes—

''(i) effective practices in the provision of literacy and basic skills instruction, including instruction in phonemic awareness and systematic phonics and the integration of literacy and basic skills instruction with occupational skills training;

''(ii) public and private literacy and basic skills programs and Federal, State, and local policies affecting the provision of literacy services at the national, State, and local levels;

''(iii) opportunities for technical assistance, meetings, conferences, and other opportunities that lead to the improvement of literacy and basic skills services; and

''(iv) a communication network for literacy programs, providers, social service agencies, and students;

''(B) to coordinate support for the provision of literacy and basic skills services across Federal agencies and at the State and local levels;

''(C) to coordinate the support of reliable and replicable research and development on literacy and basic skills in families and adults across Federal agencies, especially with the Office of Educational Research and Improvement in the Department of Education, and to carry out basic and applied research and development on topics that are not being investigated by other organizations or agencies, such as the special literacy needs of individuals with learning disabilities;

''(D) to collect and disseminate information on methods of advancing literacy that show great promise, including phonemic awareness and systematic phonics based on the work of the National Institute of Child Health and Human Development;

''(E) funding a network of State or regional adult literacy resource centers to assist State and local public and private nonprofit efforts to improve literacy by—

''(i) encouraging the coordination of literacy services;

''(ii) carrying out evaluations of the effectiveness of adult education and literacy activities;

''(iii) enhancing the capacity of State and local organizations to provide literacy services; and

''(iv) serving as a reciprocal link between the Institute and providers of adult education and literacy activities for the purpose of sharing information, data, research, expertise, and literacy resources;

''(F) to coordinate and share information with national organizations and associations that are interested in literacy and workforce development;

''(G) to inform the development of policy with respect to literacy and basic skills; and

''(H) to undertake other activities that lead to the improvement of the Nation's literacy delivery system and that complement other such efforts being undertaken by public and private agencies and organizations.

''(2) GRANTS, CONTRACTS, AND AGREEMENTS.—The Institute may make grants to, or enter into contracts or cooperative agreements with, individuals, public or private institutions, agencies, organizations, or consortia of such institutions, agencies, or organizations to carry out the activities of the Institute. Such grants, contracts, or agreements shall be subject to the laws and regulations that generally apply to grants, contracts, or agreements entered into by Federal agencies.

''(d) LITERACY LEADERSHIP.—

''(1) FELLOWSHIPS.—The Institute, in consultation with the Board, may award fellowships, with such stipends and allowances as the Director considers necessary, to outstanding individuals pursuing careers in adult education or literacy in the areas of instruction, management, reliable and replicable research, or innovation.

''(2) USE OF FELLOWSHIPS.—Fellowships awarded under this subsection shall be used, under the auspices of the Institute, to engage in research, education, training, technical assistance, or other activities to advance the field of adult education or literacy, including the training of volunteer literacy providers at the national, State, or local level.

''(3) INTERNS AND VOLUNTEERS.—The Institute, in consultation with the Board, may award paid and unpaid internships to individuals seeking to assist the Institute in carrying out its mission. Notwithstanding section 1342 of title 31, United States Code, the Institute may accept and use voluntary and uncompensated services as the Institute determines necessary.

''(e) NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD.—

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—There is established a National Institute for Literacy Advisory Board. The Board shall consist of 10 individuals, appointed by the Interagency Group, from individuals who—

''(i) are not otherwise officers or employees of the Federal Government; and

''(ii) are representative of entities or groups described in subparagraph (B).

''(B) ENTITIES OR GROUPS DESCRIBED.—The entities or groups referred to in subparagraph (A) are—

''(i) literacy organizations and providers of literacy services, including—

''(I) nonprofit providers of literacy services;

''(II) providers of programs and services involving English language instruction; and

''(III) providers of services receiving assistance under this title;

''(ii) businesses that have demonstrated interest in literacy programs;

''(iii) literacy students;

''(iv) experts in the area of literacy research;

''(v) State and local governments;

''(vi) representatives of employees; and

''(vii) State directors of adult education.

''(2) DUTIES.—The Board—

''(A) shall make recommendations concerning the appointment of the Director and staff of the Institute;

''(B) shall provide independent advice on the operation of the Institute; and

''(C) shall receive reports from the Interagency Group and the Director.

''(3) FEDERAL ADVISORY COMMITTEE ACT.—Except as otherwise provided, the Board established by this subsection shall be subject to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.).

''(4) TERMS.—

''(A) IN GENERAL.—Each member of the Board shall be appointed for a term of 3 years, except that the initial terms for members may be 1, 2, or 3 years in order to establish a rotation in which ⅓ of the members are selected each year. Any such member may be appointed for not more than 2 consecutive terms.

''(B) VACANCY APPOINTMENTS.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office. A vacancy in the Board shall be filled in the manner in which the original appointment was made. A vacancy in the Board shall not affect the powers of the Board.

''(5) QUORUM.—A majority of the members of the Board shall constitute a quorum but a lesser number may hold hearings. Any recommendation of the Board may be passed only by a majority of the Board's members present.

''(6) ELECTION OF OFFICERS.—The Chairperson and Vice Chairperson of the Board shall be elected by the members of the Board. The term of office of the Chairperson and Vice Chairperson shall be 2 years.

''(7) MEETINGS.—The Board shall meet at the call of the Chairperson or a majority of the members of the Board.

''(f) GIFTS, BEQUESTS, AND DEVISES.—The Institute may accept, administer, and use gifts or donations of services, money, or property, both real and personal.

''(g) MAILS.—The Board and the Institute may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

''(h) DIRECTOR.—The Interagency Group, after considering recommendations made by the Board, shall appoint and fix the pay of a Director.

''(i) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Director and staff of the Institute may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the maximum rate payable under section 5376 of title 5, United States Code.

''(j) EXPERTS AND CONSULTANTS.—The Board and the Institute may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

''(k) REPORT.—The Institute shall submit a report biennially to the committees of the United States House of Representatives and the Senate having jurisdiction over this title. Each report submitted under this subsection shall include—

''(1) a comprehensive and detailed description of the Institute's operations, activities, financial condition, and accomplishments in the field of literacy for the period covered by the report;

''(2) a description of how plans for the operation of the Institute for the succeeding two fiscal years will facilitate achievement of the goals of the Institute and the goals of the literacy programs within the Department of Education, the Department of Labor, and the Department of Health and Human Services; and

''(3) any additional minority, or dissenting views submitted by members of the Board.

''(l) FUNDING.—Any amounts appropriated to the Secretary of Education, the Secretary of Labor, or the Secretary of Health and Human Services for purposes that the Institute is authorized to perform under this section may be provided to the Institute for such purposes.

''SEC. 322. NATIONAL LEADERSHIP ACTIVITIES.

''The Secretary shall establish and carry out a program of national leadership activities to enhance the quality of adult education and family literacy programs nationwide. Such activities may include the following:

''(1) Providing technical assistance to recipients of assistance under part A in developing and using benchmarks and performance measures for improvement of adult education and literacy activities, including family literacy services.

''(2) Awarding grants, on a competitive basis, to a postsecondary educational institution, a public or private organization or agency, or a consortium of such institutions, organizations, or agencies to carry out research and technical assistance—

''(A) for the purpose of developing, improving, and identifying the most successful methods and techniques for addressing the education needs of adults, including instructional practices using phonemic awareness and systematic phonics based on the work of the National Institute of Child Health and Human Development; and

''(B) to increase the effectiveness of, and improve the quality of, adult education and literacy activities, including family literacy services.

''(3) Providing for the conduct of an independent evaluation and assessment of adult education and literacy activities, through studies and analyses conducted independently through grants and contracts awarded on a competitive basis. Such evaluation and assessment shall include descriptions of—

''(A) the effect of benchmarks, performance measures, and other measures of accountability on the delivery of adult education and literacy activities, including family literacy services;

''(B) the extent to which the adult education and literacy activities, including family literacy services, increase the literacy skills of adults (and of children, in the case of family literacy services), lead the participants in such activities to involvement in further education and training, enhance the employment and earnings of such participants, and, if applicable, lead to other positive outcomes, such as reductions in recidivism in the case of prison-based adult education and literacy services;

''(C) the extent to which the provision of support services to adults enrolled in adult education and family literacy programs increases the rates of enrollment in, and successful completion of, such programs; and

''(D) the extent to which eligible agencies have distributed funds under part A to meet the needs of adults through community-based organizations.

''(4) Carrying out demonstration programs, replicating model programs, disseminating best practices information, and providing technical assistance, for the purposes of developing, improving, and identifying the most successful methods and techniques for providing the activities assisted under part A, and based on scientific evidence, where available.

''(5) Other activities designed to enhance the quality of adult education and literacy nationwide, such as providing incentive grants to States consistent with section 156 of the Employment, Training, and Literacy Enhancement Act.

''SEC. 323. BUY-AMERICAN REQUIREMENTS.

''(a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

''(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

''(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

''(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

''(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a 'Made in America' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.''.

SEC. 503. REPEAL OF NATIONAL LITERACY ACT OF 1991.

The National Literacy Act of 1991 (Public Law 102–73; 105 Stat. 333) is hereby repealed.

SEC. 504. CONFORMING AMENDMENTS.

(a) REFUGEE EDUCATION ASSISTANCE ACT.—Subsection (b) of section 402 of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note) is hereby repealed.

(b) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—

(1) SECTION 1206 OF ESEA.—Section 1206(a)(1)(A) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6366(a)(1)(A)) is amended by striking ''an adult basic education program'' and inserting ''adult education and literacy activities''.

(2) SECTION 3113 OF ESEA.—Section 3113(1) of such Act (20 U.S.C. 6813(1)) is amended by striking ''section 312 of the Adult Education Act;'' and inserting ''section 303 of the Adult Education and Family Literacy Act;''.

(3) SECTION 9161 OF ESEA.—Section 9161(2) of such Act (20 U.S.C. 7881(2)) is amended by striking ''section 312(2) of the Adult Education Act.'' and inserting ''section 303 of the Adult Education and Family Literacy Act.''.

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. REPEALERS.

(a) AMENDMENTS TO THE WAGNER-PEYSER ACT.—Section 601 of the Job Training Partnership Act is hereby repealed.

(b) AMENDMENTS TO PART C OF TITLE IV OF THE SOCIAL SECURITY ACT.—Section 602 of the Job Training Partnership Act is hereby repealed.

(c) EARNINGS DISREGARD.—Section 603 of the Job Training Partnership Act is hereby repealed.

(d) SAVINGS PROVISION.—The repeals made by subsections (a), (b), and (c), of any provision of law described in any such subsection that amended or repealed another provision of law does not in any way affect that amendment or repeal.

SEC. 602. CONFORMING AMENDMENTS.

(a) ENFORCEMENT OF MILITARY SELECTIVE SERVICE ACT.—Section 604 of the Job Training Partnership Act (29 U.S.C. 1504) is amended—

(1) by redesignating such section as section 182 of such Act; and

(2) by inserting such section after section 181 of such Act.

(b) STATE JOB BANK SYSTEMS.—Section 605 of such Act (29 U.S.C. 1505) is amended—

(1) by striking subsection (a);

(2) in subsection (b), by striking ''shall make such'' and inserting ''may make'';

(3) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively;

(4) by redesignating such section as section 466 of such Act; and

(5) by adding such section after section 465 of such Act.

(c) STATE LABOR MARKET INFORMATION PROGRAMS.—Section 125 of such Act (29 U.S.C. 1535) is amended—

(1) by redesignating such section as section 467; and

(2) by inserting such section after section 466.

TITLE VII—AMENDMENTS TO STATE HUMAN RESOURCE INVESTMENT COUNCIL

SEC. 701. AMENDMENTS TO COUNCIL.

(a) ESTABLISHMENT AND FUNCTIONS.—Section 701 of the Job Training Partnership Act (29 U.S.C. 1792) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''shall review'' and inserting ''reviews''; and

(ii) by striking ''advise'' and inserting ''advises'';

(B) in paragraph (2), by striking ''shall advise'' and inserting ''advises'';

(C) in paragraph (3), by striking ''shall carry'' and inserting ''carries'';

(D) by striking paragraph (4);

(E) in paragraph (5), by striking ''may recommend'' and inserting ''recommends'';

(F) in paragraph (6), to read as follows:

''(6) prepares and recommends to the Governor a strategy to be included as part of the State plan under section 101 that would accomplish the goals developed pursuant to paragraph (4);'';

(G) in paragraph (7)—

(i) by striking ''may monitor'' and inserting ''monitors''; and

(ii) by striking the period at the end and inserting ''; and'';

(H) by adding at the end the following:

''(8) may serve as the collaborative process described in section 102.''; and

(I) by redesignating paragraphs (5) through (8) (as amended or added, as the case may be) as paragraphs (4) through (7), respectively; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''(A) Except as provided in subparagraph (B), for purposes'' and inserting ''For purposes''; and

(ii) by striking subparagraph (B); and

(B) in paragraph (2)—

(i) by striking ''applicable Federal human resource programs'' and all that follows through ''may include'' and inserting ''applicable Federal human resource programs may include'';

(ii) in clause (v), by striking the ''and'' at the end;

(iii) in clause (vii)—

(I) by adding at the end before the semicolon the following: ''and title I of the Per-

sonal Responsibility and Work Opportunity Reconciliation Act of 1996''; and

(II) by redesignating such clause as clause (vi);

(iv) in subparagraph (B)—

(I) by striking ''may not include programs authorized under''; and

(II) by redesignating such subparagraph as clause (vii); and

(v) by redesignating clauses (i) through (vii) as subparagraphs (A) through (G), respectively, and moving the margin for each such subparagraph two ems to the left.

(b) COMPOSITION.—Section 702 of such Act (29 U.S.C. 1792a) is amended—

(1) by striking subsections (a), (b), and (c); and

(2) by inserting the following:

''Each State Council shall be composed of the individuals and entities described in section 102(a).''.

(c) ADMINISTRATION.—Section 703 of such Act (29 U.S.C. 1792b) is amended—

(1) in subsection (a)(2)—

(A) by inserting ''for State administrative expenses'' after ''funds otherwise available''; and

(B) by striking '', including funds available'' and all that follows through ''such Act'';

(2) by striking subsection (c); and

(3) by redesignating subsection (d) as subsection (c).

SEC. 702. TRANSFER OF COUNCIL.

Title VII of the Job Training Partnership Act (29 U.S.C. 1792 et seq.), as amended by section 701, is transferred to the end of part A of title I of such Act, as amended by section 111 of this Act.

SEC. 703. CONFORMING AMENDMENTS.

(a) IN GENERAL.—Title VII of the Job Training Partnership Act (29 U.S.C. 1792 et seq.), as transferred to the end of part A of title I of such Act by section 702, is amended—

(1) by amending the title heading to read as follows:

''SEC. 103. STATE HUMAN RESOURCE INVESTMENT COUNCIL.'';

(2) by redesignating sections 701 through 703 as subsections (a) through (c), respectively, of section 103 (as redesignated by paragraph (1)) and conforming the subsection headings and margins accordingly;

(3) by redesignating each subsection, paragraph, and subparagraph of sections 701 through 703 (as such sections existed immediately prior to the amendments made by paragraph (2)) as a paragraph, subparagraph, and clause, respectively, of section 103 (as redesignated by paragraph (1)) and conforming the headings and margins accordingly; and

(4) in subsection (a)(2)(B) (as redesignated), by striking ''paragraph (1)'' and inserting ''subparagraph (A)''.

(b) ADDITIONAL AMENDMENT.—Section 103 of the Job Training Partnership Act, as redesignated by subsection (a)(2), is amended by striking ''title'' each place it appears (except in subsection (a)(2)(B)(vi) of such section) and inserting ''section''.

TITLE VIII—AMENDMENTS TO WAGNER-PEYSER ACT

SEC. 801. DEFINITIONS.

Section 2 of the Wagner-Peyser Act (29 U.S.C. 49a) is amended—

(1) in paragraph (1), by striking ''Job Training Partnership Act'' and inserting ''Employment, Training, and Literacy Enhancement Act'';

(2) by striking paragraphs (2) and (4);

(3) by redesignating paragraphs (3) and (5) as paragraphs (5) and (6), respectively;

(4) by inserting after paragraph (1) the following:

''(2) the term 'local workforce development area' means a local workforce development area designated under section 121 of the Employment, Training, and Literacy Enhancement Act;

''(3) the term 'local workforce development board' means a local workforce development board established under section 122 of the Employment, Training, and Literacy Enhancement Act;

''(4) the term 'full service employment and training delivery system' means a system established under section 123 of the Employment, Training, and Literacy Enhancement Act;''; and

(5) in paragraph (5) (as redesignated by paragraph (3)), by striking the semicolon and inserting ''; and''.

SEC. 802. FUNCTIONS.

(a) IN GENERAL.—Section 3(a) of the Wagner-Peyser Act (29 U.S.C. 49b(a)) is amended to read as follows:

''(a) The Secretary of Labor—

''(1) shall assist in the coordination and development of a nationwide system of labor exchange services for the general public, provided as part of the full service employment and training delivery systems of the States;

''(2) shall assist in the development of continuous improvement models for such nationwide system that ensure private sector satisfaction with the system and meet the demands of jobseekers relating to the system; and

''(3) shall ensure, for individuals otherwise eligible to receive unemployment compensation, the continuation of any activities in which the individuals are required to participate to receive the compensation.''.

(b) CONFORMING AMENDMENTS.—Section 508(b) of the Unemployment Compensation Amendments of 1976 (42 U.S.C. 603a) is amended—

(1) by striking ''the third sentence of section 3(a)'' and inserting ''section 3(b)''; and

(2) by striking ''49b(a)'' and inserting ''49b(b))''.

SEC. 803. DESIGNATION OF STATE AGENCIES.

Section 4 of the Wagner-Peyser Act (29 U.S.C. 49c) is amended—

(1) by striking '', through its legislature,'' and inserting ''pursuant to State statute'';

(2) by inserting after ''the provisions of this Act and'' the following: '', in accordance with such State statute, the Governor shall''; and

(3) by striking ''United States Employment Service'' and inserting ''Secretary''.

SEC. 804. APPROPRIATIONS.

Section 5(c) of the Wagner-Peyser Act (29 U.S.C. 49d(c)) is amended by striking paragraph (3).

SEC. 805. DISPOSITION OF ALLOTTED FUNDS.

Section 7 of the Wagner-Peyser Act (29 U.S.C. 49f) is amended—

(1) in subsection (b)(2), by striking ''private industry council'' and inserting ''local workforce development board'';

(2) in subsection (c)(2)(B), to read as follows:

''(B) Title III of the Employment, Training, and Literacy Enhancement Act.'';

(3) in subsection (d), by striking ''Job Training Partnership Act'' and inserting ''Employment, Training, and Literacy Enhancement Act''; and

(4) by adding at the end the following:

''(e) All job search, placement, recruitment, labor market information, and other labor exchange services authorized under subsections (a) and (b) shall be provided as part of the full service employment and training delivery system established by the State.''.

SEC. 806. STATE PLANS.

Section 8 of the Wagner-Peyser Act (29 U.S.C. 49g) is amended—

(1) in subsection (a) to read as follows:

''(a) Any State desiring to receive assistance under this Act shall submit to the Secretary, as part of the State plan submitted under section 101 of the Employment, Training, and Literacy Enhancement Act, detailed plans for carrying out the provisions of this Act within such State.'';

(2) by striking subsections (b), (c), and (e); and

(3) by redesignating subsection (d) as subsection (b).

SEC. 807. FEDERAL ADVISORY COUNCIL.

Section 11 of the Wagner-Peyser Act (29 U.S.C. 49j) is hereby repealed.

SEC. 808. REGULATIONS.

Section 12 of the Wagner-Peyser Act (29 U.S.C. 49k) is amended by striking ''The Director, with the approval of the Secretary of Labor,'' and inserting ''The Secretary''.

SEC. 809. EFFECTIVE DATE.

The amendments made by this title shall take effect on July 1, 1998.

TITLE IX—TECHNICAL AND CONFORMING AMENDMENTS

Subtitle A—Amendments to the Job Training Partnership Act

SEC. 901. SHORT TITLE; TABLE OF CONTENTS.

Section 1 of the Job Training Partnership Act (29 U.S.C. 1501 note) is amended to read as follows:

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

''(a) SHORT TITLE.—This Act may be cited as the 'Employment, Training, and Literacy Enhancement Act'.

''(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

''Sec. 1. Short title; table of contents.
''Sec. 2. Statement of purpose.
''Sec. 3. Authorization of appropriations.
''Sec. 4. Definitions.

''TITLE I—STATE AND LOCAL ADMINISTRATIVE PROVISIONS

''PART A—STATE ADMINISTRATIVE PROVISIONS

''Sec. 101. State plan.
''Sec. 102. Collaborative process.
''Sec. 103. State Human Resource Investment Council.

''PART B—LOCAL ADMINISTRATIVE PROVISIONS

''Sec. 121. Local workforce development areas.
''Sec. 122. Local workforce development boards.
''Sec. 123. Full service employment and training delivery system.
''Sec. 124. Identification of training providers.

''PART C—PROGRAM AND FISCAL PROVISIONS

''SUBPART 1—GENERAL PROVISIONS

''Sec. 141. General program requirements.
''Sec. 142. Benefits.
''Sec. 143. Labor standards.
''Sec. 144. Grievance procedure.
''Sec. 145. Prohibition against Federal control of education.
''Sec. 146. Identification of additional imposed requirements.
''Sec. 147. Authority of State legislature.
''Sec. 148. Interstate agreements.

''SUBPART 2—PERFORMANCE ACCOUNTABILITY PROVISIONS

''Sec. 151. Performance accountability system.
''Sec. 152. Indicators of performance.
''Sec. 153. State adjusted benchmarks.
''Sec. 154. Core indicators of performance.
''Sec. 155. Report on performance.
''Sec. 156. Incentive grants and sanctions.

''SUBPART 3—OTHER PROVISIONS

''Sec. 161. Program year.
''Sec. 162. Prompt allocation of funds.
''Sec. 163. Monitoring.
''Sec. 164. Fiscal controls; sanctions.
''Sec. 165. Reports; recordkeeping; investigations.
''Sec. 166. Administrative Adjudication.

''Sec. 167. Nondiscrimination.
''Sec. 168. Administrative provisions.
''Sec. 169. Utilization of services and facilities.
''Sec. 170. Obligational authority.
''Sec. 171. Limitation on certain costs.
''Sec. 172. Buy-American requirements.
''PART D—MISCELLANEOUS PROVISIONS
''Sec. 181. Reference.
''Sec. 182. Enforcement of Military Selective Service Act.
''TITLE II—DISADVANTAGED YOUTH EMPLOYMENT AND TRAINING OPPORTUNITIES GRANTS
''Sec. 201. Statement of purpose.
''Sec. 202. Authorization.
''Sec. 203. Allotment and allocation among States.
''Sec. 204. Allocation within States.
''Sec. 205. Eligibility for services.
''Sec. 206. Use of funds.
''Sec. 207. Selection of service providers.
''Sec. 208. Linkages.
''TITLE III—ADULT EMPLOYMENT AND TRAINING OPPORTUNITIES GRANTS
''Sec. 301. Purpose.
''PART A—ADULT EMPLOYMENT AND TRAINING OPPORTUNITIES GRANTS
''Sec. 311. Authorization.
''Sec. 312. Allotment among States.
''Sec. 313. Allocation within States.
''Sec. 314. Use of amounts.
''PART B—NATIONAL PROGRAMS
''Sec. 321. National emergency grants.
''TITLE IV—FEDERALLY ADMINISTERED PROGRAMS
''PART A—EMPLOYMENT AND TRAINING PROGRAMS FOR NATIVE AMERICANS AND MIGRANT AND SEASONAL FARMWORKERS
''Sec. 401. Native American programs.
''Sec. 402. Migrant and seasonal farmworker program.
''PART B—JOB CORPS
''Sec. 421. Statement of purpose.
''Sec. 422. Establishment of the Job Corps.
''Sec. 423. Individuals eligible for the Job Corps.
''Sec. 424. Screening and selection of applicants: general provisions.
''Sec. 425. Screening and selection: special limitations.
''Sec. 426. Enrollment and assignment.
''Sec. 427. Job Corps centers.
''Sec. 428. Program activities.
''Sec. 429. Allowances and support.
''Sec. 430. Standards of conduct.
''Sec. 431. Community participation.
''Sec. 432. Counseling and job placement.
''Sec. 433. Experimental and developmental projects and coordination with other programs.
''Sec. 433A. Job Corps centers for homeless families.
''Sec. 434. Advisory boards and committees.
''Sec. 435. Participation of the States.
''Sec. 436. Application of provisions of Federal law.
''Sec. 437. Special provisions.
''Sec. 438. General provisions.
''Sec. 439. Donations.
''PART C—VETERANS' EMPLOYMENT PROGRAMS
''Sec. 441. Authorization of programs.
''PART D—NATIONAL ACTIVITIES
''Sec. 451. Research, demonstration, evaluation, and capacity building.
''Sec. 452. Incentive grants.
''Sec. 453. Uniform reporting requirements.
''PART E—LABOR MARKET INFORMATION
''Sec. 461. Labor market information; availability of funds.
''Sec. 462. Cooperative labor market information program.
''Sec. 463. Special federal responsibilities.
''Sec. 464. National Occupational Information Coordinating Committee.
''Sec. 465. Job bank program.
''Sec. 466. State job bank systems.
''Sec. 467. State labor market information programs.''.

SEC. 902. DEFINITIONS.

Section 4 of such Act (29 U.S.C. 1503), as amended by section 103, is further amended, as follows:

(1) By striking the heading and the matter preceding paragraph (1) and inserting the following:

''SEC. 4. DEFINITIONS.

''As used in this Act, the following definitions apply:''.

(2) In paragraph (3), by striking ''The term'' and inserting ''AREA OF SUBSTANTIAL UNEMPLOYMENT.—The term''.

(3) In paragraph (7), by striking ''The term'' and inserting ''ECONOMIC DEVELOPMENT AGENCIES.—The term''.

(4) In paragraph (8), by striking ''The term'' and inserting ''ECONOMICALLY DISADVANTAGED.—The term''.

(5) In paragraph (9), by striking ''The term'' and inserting ''GOVERNOR.—The term''.

(6) In paragraph (12), by striking ''The term'' and inserting ''INSTITUTION OF HIGHER EDUCATION.—The term''.

(7) In paragraph (13), by striking ''The term'' and inserting ''LABOR MARKET AREA.—The term''.

(8) In paragraph (14), by striking ''The term'' and inserting ''LOCAL EDUCATIONAL AGENCY.—The term''.

(9) In paragraph (15), by striking ''The term'' and inserting ''LOW-INCOME LEVEL.—The term''.

(10) In paragraph (16), by striking ''The term'' and inserting ''LOWER LIVING STANDARD INCOME LEVEL.—The term''.

(11) In paragraph (17), by striking ''The term'' and inserting ''OFFENDER.—The term''.

(12) In paragraph (18), by striking ''The term'' and inserting ''POSTSECONDARY INSTITUTION.—The term''.

(13) In paragraph (20), by striking ''The term'' and inserting ''PUBLIC ASSISTANCE.—The term''.

(14) In paragraph (23), by striking ''The term'' and inserting ''STATE EDUCATIONAL AGENCY.—The term''.

(15) In paragraph (25), by striking ''The term'' and inserting ''UNEMPLOYED INDIVIDUALS.—The term''.

(16) In paragraph (26), by striking ''The term'' and inserting ''UNIT OF GENERAL LOCAL GOVERNMENT.—The term''.

(17) In paragraph (28), by striking ''The term'' and inserting ''VOCATIONAL EDUCATION.—The term''.

(18) In paragraph (29), by striking ''The term'' and inserting ''DISPLACED HOMEMAKER.—The term''.

(19) In paragraph (30), by striking ''The term'' and inserting ''NONTRADITIONAL EMPLOYMENT.—The term''.

(20) In paragraph (31), by striking ''The term'' and inserting ''BASIC SKILLS DEFICIENT.—The term''.

(21) In paragraph (32), by striking ''The term'' and inserting ''CASE MANAGEMENT.—The term''.

(22) In paragraph (33), by striking ''The term'' and inserting ''CITIZENSHIP SKILLS.—The term''.

(23) In paragraph (34), by striking ''The term'' and inserting ''FAMILY.—The term''.

(24) In paragraph (37), by striking ''The term'' and inserting ''PARTICIPANT.—The term''.

(25) In paragraph (38), by striking ''The term'' and inserting ''SCHOOL DROPOUT.—The term''.

(26) In paragraph (39), by striking ''The term'' and inserting ''TERMINATION.—The term''.

(27) In paragraph (40), by striking ''The term'' and inserting ''YOUTH CORPS PROGRAM.—The term''.

(28) By redesignating paragraphs (31), (32), (4), (33), (5), (6), (29), (7), (8), (41), (42), (34), (43), (44), (9), (45), (46), (10), (12), (13), (47), (48), (49), (14), (50), (15), (16), (30), (17), (51), (52), (37), (18), (20), (53), (54), (38), (21), (55), (22), (57), (56), (23), (58), (24), (39), (25), (26), (27), (28), and (40) as paragraphs (4) through (54), respectively.

SEC. 903. AMENDMENTS TO TITLE I.

(a) HEADING.—The heading of title I of the Job Training Partnership Act (29 U.S.C. 1501 et seq.) is amended to read as follows:

''TITLE I—STATE AND LOCAL ADMINISTRATIVE PROVISIONS''.

(b) PART B.—Part B of title I of such Act (29 U.S.C. 1531 et seq.), as amended by this Act, is further amended in the heading of such part to read as follows:

''PART B—LOCAL ADMINISTRATIVE PROVISIONS''.

(c) PART C.—

(1) HEADINGS.—Part C of title I of such Act (29 U.S.C. 1551 et seq.), as amended by this Act, is further amended—

(A) in the heading of such part to read as follows:

''PART C—PROGRAM AND FISCAL PROVISIONS'';

(B) by inserting after the heading for such part the following:

''Subpart 1—General Provisions'';

(C) by inserting after section 148, as amended by this Act, the following:

''Subpart 2—Performance Accountability Provisions'';

and

(D) by inserting after section 156 (as amended by this Act) the following:

''Subpart 3—Other Provisions''.

(2) SECTION 141.—Section 141 of such Act (29 U.S.C. 1551), as amended by this Act, is further amended—

(A) in the section heading to read as follows:

''SEC. 141. GENERAL PROGRAM REQUIREMENTS.'';

and

(B)(i) by redesignating subsections (a), (b), (c), (e), (g), (h), (j), and (l) through (t) as paragraphs (1) through (16), respectively, and moving the margin for each such paragraph two ems to the right; and

(ii) by redesignating each paragraph and subparagraph of such subsections (a), (b), (c), (e), (g), (h), (j), and (l) through (t) (as such subsections existed before the amendment made by clause (i)) as a subparagraph and clause, respectively.

(3) SECTION 142.—Section 142 of such Act (29 U.S.C. 1552), as amended by this Act, is further amended—

(A) in the section heading to read as follows:

''SEC. 142. BENEFITS.'';

(B) in subsection (a)(2) (as redesignated), by striking ''References'' and inserting ''REFERENCES.—References''; and

(C) in subsection (b), by striking ''Allowances'' and inserting ''ADDITIONAL REQUIREMENT.—Allowances''.

(4) SECTION 145.—Section 145 of such Act (29 U.S.C. 1555) is amended in the section heading to read as follows:

''SEC. 145. PROHIBITION AGAINST FEDERAL CONTROL OF EDUCATION.''.

(5) SECTION 146.—Section 146 of such Act (as redesignated) is amended—

(A) in the section heading to read as follows:

"SEC. 146. IDENTIFICATION OF ADDITIONAL IMPOSED REQUIREMENTS.";

and

(B) by striking ''service delivery area'' each place it appears and inserting ''workforce development area''.

(6) SECTION 147.—Section 147 of such Act (as redesignated) is amended in the section heading to read as follows:

"SEC. 147. AUTHORITY OF STATE LEGISLATURE.".

(7) SECTION 148.—Section 148 of such Act (as redesignated) is amended in the section heading to read as follows:

"SEC. 148. INTERSTATE AGREEMENTS.".

(d) PART D.—

(1) HEADING.—Part D of title I of such Act is amended by striking the heading for such part.

(2) SECTION 161.—Section 161 of such Act (29 U.S.C. 1571), as amended by this Act, is further amended—

(A) in the section heading to read as follows:

"SEC. 161. PROGRAM YEAR.";

(B) in subsection (a), by striking ''(a)'' and inserting the following:

''(a) PROGRAM YEAR.—''; and

(C) in subsection (b), by striking ''(b)'' and inserting the following:

''(b) AVAILABILITY.—''.

(3) SECTION 162.—Section 162 of such Act (29 U.S.C. 1572), as amended by this Act, is further amended—

(A) in the section heading to read as follows:

"SEC. 162. PROMPT ALLOCATION OF FUNDS.";

(B) in subsection (a), by striking ''(a)'' and inserting ''(a) ALLOTMENTS AND ALLOCATIONS BASED ON LATEST AVAILABLE DATA.—'';

(C) in subsection (b), by striking ''(b)'' and inserting ''(b) PUBLICATION IN FEDERAL REGISTER RELATING TO MANDATORY FUNDS.—'';

(D) in subsection (c), by striking ''(c)'' and inserting ''(c) REQUIREMENT FOR FUNDS DISTRIBUTED BY FORMULA.—'';

(E) in subsection (d), by striking ''(d)'' and inserting ''(d) PUBLICATION IN FEDERAL REGISTER RELATING TO DISCRETIONARY FUNDS.—''; and

(F) in subsection (e)—

(i) by striking ''(e)'' and inserting ''(e) AVAILABILITY OF FUNDS.—''; and

(ii) by striking ''service delivery area'' and inserting ''local workforce development area''.

(4) SECTION 163.—Section 163 of such Act (29 U.S.C. 1573) is amended—

(A) in the section heading to read as follows:

"SEC. 163. MONITORING.";

(B) in subsection (a), by striking ''(a)'' and inserting ''(a) IN GENERAL.—'';

(C) in subsection (b), by striking ''(b)'' and inserting ''(b) INVESTIGATIONS.—''; and

(D) in subsection (c), by striking ''(c)'' and inserting ''(c) ADDITIONAL REQUIREMENT.—''.

(5) SECTION 164.—Section 164 of such Act (29 U.S.C. 1574) is amended—

(A) in the section heading to read as follows:

"SEC. 164. FISCAL CONTROLS; SANCTIONS.";

(B) in subsection (a)—

(i) by striking ''(a)(1)'' and inserting the following:

''(a) ESTABLISHMENT OF FISCAL CONTROLS BY STATES.—

''(1) IN GENERAL.—''; and

(ii) in paragraph (2), by striking ''(2)'' and inserting ''(2) REGULATIONS.—'' and moving such paragraph two ems to the right;

(C) in subsection (e)—

(i) by striking ''(e)(1)'' and inserting the following:

''(e) REPAYMENT OF AMOUNTS.—

''(1) IN GENERAL.—'';

(ii) in paragraph (2), by striking ''(2)'' and inserting ''(2) FACTORS IN IMPOSING SANCTIONS.—'' and moving such paragraph two ems to the right; and

(iii) in paragraph (3), by striking ''(3)'' and inserting ''(3) WAIVER.—'' and moving such paragraph two ems to the right;

(D) in subsection (f), by striking ''(f)'' and inserting ''(f) IMMEDIATE TERMINATION OR SUSPENSION OF ASSISTANCE IN EMERGENCY SITUATIONS.—'';

(E) in subsection (g), by striking ''(g)'' and inserting ''(g) DISCRIMINATION AGAINST PARTICIPANTS.—''; and

(F) by redesignating subsections (d), (e), (f), (g) as subsections (c), (d), (e), and (f), respectively.

(6) SECTION 165.—Section 165 of such Act (29 U.S.C. 1575) is amended—

(A) in the section heading to read as follows:

"SEC. 165. REPORTS; RECORDKEEPING; INVESTIGATIONS.";

(B) in subsection (a)—

(i) by striking ''(a)(1)'' and inserting the following:

''(a) REPORTS.—

''(1) IN GENERAL.—'';

(ii) in paragraph (2), by striking ''(2)'' and inserting ''(2) SUBMISSION TO THE SECRETARY.—'' and moving such paragraph two ems to the right; and

(iii) in paragraph (3), by striking ''(3)'' and inserting ''(3) MAINTENANCE OF STANDARDIZED RECORDS.—'' and moving such paragraph two ems to the right; and

(iv) in paragraph (4)—

(I) by striking ''(4)(A)'' and inserting ''(4) AVAILABILITY TO THE PUBLIC.—(A)'' and moving such paragraph two ems to the right;

(II) in subparagraph (B), by striking ''(B)'' and inserting ''(B) EXCEPTION.—'' and moving such subparagraph two ems to the right; and

(III) in subparagraph (C), by striking ''(C)'' and inserting ''(C) FEES TO RECOVER COSTS.—'' and moving such subparagraph two ems to the right;

(C) in subsection (b)—

(i) by striking ''(b)(1)(A)'' and inserting the following:

''(b) INVESTIGATIONS OF USE OF FUNDS.—

''(1) IN GENERAL.—(A)'';

(ii) in subparagraph (B) of paragraph (1), by moving such subparagraph two ems to the right;

(iii) in paragraph (2), by striking ''(2)'' and inserting ''(2) PROHIBITION.—'' and moving such paragraph two ems to the right; and

(iv) in paragraph (3)—

(I) by striking ''(3)(A)'' and inserting the following:

''(3) AUDITS.—

''(A) IN GENERAL.—'';

(II) in subparagraph (B), by striking ''(B)'' and inserting ''(B) NOTIFICATION REQUIREMENT.—'' and moving such subparagraph two ems to the right;

(III) in subparagraph (C), by striking ''(C)'' and inserting ''(C) ADDITIONAL REQUIREMENT.—'' and moving such subparagraph two ems to the right; and

(IV) in subparagraph (D), by striking ''(D)'' and inserting ''(D) RULE OF CONSTRUCTION.—'' and moving such subparagraph two ems to the right;

(D) in subsection (c)—

(i) by striking ''(c)'' and inserting ''(c) ACCESSIBILITY OF REPORTS.—''; and

(ii) in paragraph (2), by striking ''service delivery area'' and inserting ''local workforce development area'';

(E) in subsection (d)—

(i) by striking ''(d)(1)'' and inserting the following;

''(d) INFORMATION TO BE INCLUDED IN REPORTS.—

''(1) IN GENERAL.—''; and

(ii) in paragraph (2), by striking ''(2)'' and inserting ''(2) ADDITIONAL REQUIREMENT.—'' and moving such paragraph two ems to the right;

(F) in subsection (e), by striking ''(e)'' and inserting ''(e) RETENTION OF RECORDS.—'';

(G) in subsection (f)—

(i) by striking ''(f)(1)'' and inserting the following:

''(f) QUARTERLY FINANCIAL REPORTS.—

''(1) IN GENERAL.—'';

(ii) by striking ''service delivery area'' and inserting ''local workforce development area''; and

(iii) in paragraph (2), by striking ''(2)'' and inserting ''(2) ADDITIONAL REQUIREMENT.—'' and moving such paragraph two ems to the right; and

(H) in subsection (g), by striking ''(g)'' and inserting ''(g) MAINTENANCE OF ADDITIONAL RECORDS.—''.

(7) SECTION 166.—Section 166 of such Act (29 U.S.C. 1576) is amended—

(A) in the section heading to read as follows:

"SEC. 166. ADMINISTRATIVE ADJUDICATION.";

(B) in subsection (a), by striking ''(a)'' and inserting the following:

''(a) IN GENERAL.—'';

(C) in subsection (b), by striking ''(b)'' and inserting the following:

''(b) APPEAL.—'';

(D) in subsection (c), by striking ''(c)'' and inserting the following:

''(c) TIME LIMIT.—''; and

(E) in subsection (d), by striking ''(d)'' and inserting the following:

''(d) ADDITIONAL REQUIREMENT.—'';

(8) SECTION 169.—Section 169 of such Act (29 U.S.C. 1579) is amended—

(A) in the section heading to read as follows:

"SEC. 169. ADMINISTRATIVE PROVISIONS.";

(B) in subsection (a), by striking ''(a)'' and inserting ''(a) IN GENERAL.—'';

(C) in subsection (b), by striking ''(b)'' and inserting ''(b) ACQUISITION OF CERTAIN PROPERTY AND SERVICES.—'';

(D) in subsection (c), by striking ''(c)'' and inserting ''(c) AUTHORITY TO ENTER INTO CERTAIN AGREEMENTS AND TO MAKE CERTAIN EXPENDITURES.—''; and

(E) in subsection (d), by striking ''(d)'' and inserting ''(d) ANNUAL REPORT.—''.

(9) SECTION 170.—Section 170 of such Act (29 U.S.C 1580) is amended—

(A) in the section heading to read as follows:

"SEC. 170. UTILIZATION OF SERVICES AND FACILITIES.";

and

(B) in the first sentence, by striking ''section 169(c)'' and inserting ''section 168(c)''.

(10) SECTION 171.—Section 171 of such Act (29 U.S.C 1581) is amended in the section heading to read as follows:

"SEC. 171. OBLIGATIONAL AUTHORITY.".

(11) REDESIGNATION.—Sections 169, 170, 171, 172, and 173 of the Job Training Partnership Act (29 U.S.C. 1579, 1580, and 1581), as amended or added by this Act, as the case may be, are further amended by redesignating such sections as sections 168, 169, 170, 171, and 172 of such Act, respectively.

(e) PART E.—

(1) HEADING.—The heading for part E of title I of such Act is amended by redesignating such heading as the heading for part D of title I of such Act (and conforming the typeface for such heading in a manner similar to the typeface for the heading for part C of title I of such Act (as amended by subsection (b)(1)(A)).

(2) SECTION 183.—Section 183 of such Act (29 U.S.C. 1592), as amended by this Act, is further amended by redesignating such section as section 181.

SEC. 904. AMENDMENTS TO TITLE IV.

(a) PART HEADINGS.—The following part headings of title IV of the Job Training Partnership Act (29 U.S.C. 1671 et seq.) are amended as follows:

(1) The heading for part A of title IV of such Act is amended to read as follows:

"PART A—EMPLOYMENT AND TRAINING PROGRAMS FOR NATIVE AMERICANS AND MIGRANT AND SEASONAL FARMWORKERS".

(2) The heading for part B of title IV of such Act is amended to read as follows:

"PART B—JOB CORPS".

(3) The heading for part C of title IV of such Act is amended to read as follows:

"PART C—VETERANS' EMPLOYMENT PROGRAMS".

(4) The heading for part D of title IV of such Act is amended to read as follows:

"PART D—NATIONAL ACTIVITIES".

(5) The heading for part E of title IV of such Act is amended to read as follows:

"PART E—LABOR MARKET INFORMATION".

(b) SECTION 441.—Section 441 of such Act (29 U.S.C. 1721) is amended—

(1) in the section heading to read as follows:

"SEC. 441. AUTHORIZATION OF PROGRAMS.";

(2) in subsection (a)—

(A) by striking ''(a)(1)'' and inserting the following:

''(a) AUTHORIZATION.—

''(1) IN GENERAL.—'';

(B) in paragraph (2), by striking ''(2)'' and inserting ''(2) CONDUCT OF PROGRAMS.—'' and moving such paragraph two ems to the right; and

(C) in paragraph (3), by striking ''(3)'' and inserting ''(3) REQUIRED ACTIVITIES.—'' and moving such paragraph two ems to the right; and

(3) in subsection (b)—

(A) by striking ''(b)(1)'' and inserting the following:

''(b) ADMINISTRATION OF PROGRAMS.—

''(1) IN GENERAL.—''; and

(B) in paragraph (2), by striking ''(2)'' and inserting ''(2) ADDITIONAL RESPONSIBILITIES.—'' and moving such paragraph two ems to the right.

(c) SECTION 455.—Section 455 of such Act (29 U.S.C. 1735) is amended—

(1) in the section heading to read as follows:

"SEC. 455. UNIFORM REPORTING REQUIREMENTS.";

and

(2) by redesignating such section as section 453.

(d) SECTION 461.—Section 461 of such Act (29 U.S.C. 1751) is amended—

(1) in the section heading to read as follows:

"SEC. 461. LABOR MARKET INFORMATION; AVAILABILITY OF FUNDS.";

(2) in subsection (a), by striking ''(a)'' and inserting ''(a) SET-ASIDE OF FUNDS.—'';

(3) in subsection (b)—

(A) by striking ''(b)'' and inserting ''(b) AVAILABILITY FOR ADDITIONAL PURPOSE.—''; and

(B) by striking ''section 125'' and inserting ''section 467''; and

(4) in subsection (c), by striking ''(c)'' and inserting ''(c) AVAILABILITY OF OTHER FUNDS.—''.

(e) SECTION 462.—Section 462 of such Act (29 U.S.C. 1752) is amended—

(1) in the section heading to read as follows:

"SEC. 462. COOPERATIVE LABOR MARKET INFORMATION PROGRAM.";

(2) in subsection (a), by striking ''(a)'' and inserting ''(a) DATA ON CURRENT EMPLOYMENT.—'';

(3) in subsection (b), by striking ''(b)'' and inserting ''(b) MAINTENANCE OF DESCRIPTIONS OF JOB DUTIES AND RELATED INFORMATION.—'';

(4) in subsection (c), by striking ''(c)'' and inserting ''(c) ADDITIONAL REQUIREMENTS.—'';

(5) in subsection (d)—

(A) by striking ''(d)(1)'' and inserting the following:

''(d) DATA FOR ANNUAL STATISTICAL MEASURE OF LABOR MARKET RELATED ECONOMIC HARDSHIP.—

''(1) IN GENERAL.—'';

(B) in paragraph (2), by striking ''(2)'' and inserting ''(2) HOUSEHOLD BUDGET DATA.—'' and moving such paragraph two ems to the right; and

(C) in paragraph (3), by striking ''(3)'' and inserting ''(3) REPORT.—'' and moving such paragraph two ems to the right;

(6) in subsection (e), by striking ''(e)'' and inserting ''(e) STATISTICAL DATA RELATING TO PERMANENT LAY-OFFS AND PLANT CLOSINGS.—''

(7) in subsection (f)—

(A) by striking ''(f)(1)'' and inserting the following:

''(f) DATA RELATING TO PERMANENT DISLOCATION OF FARMERS AND RANCHERS.—

''(1) IN GENERAL.—'';

(B) in paragraph (1), by moving subparagraphs (A) through (E) two ems to the right; and

(C) in paragraph (2), by striking ''(2)'' and inserting ''(2) REPORT.—'' and moving such paragraph two ems to the right; and

(8) by striking subsection (g).

(f) SECTION 463.—Section 463 of such Act (29 U.S.C. 1753) is amended—

(1) in the section heading to read as follows:

"SEC. 463. SPECIAL FEDERAL RESPONSIBILITIES.";

(2) in subsection (a), by striking ''(a)'' and inserting ''(a) REVIEW AND APPLICATION OF LABOR MARKET INFORMATION.—'';

(3) in subsection (b), by striking ''(b)'' and inserting ''(b) INTEGRATED OCCUPATIONAL SUPPLY AND DEMAND INFORMATION SYSTEM.—''; and

(4) in subsection (c), by striking ''(c)'' and inserting ''(c) SUFFICIENT FUNDS FOR STAFFING.—''.

(g) SECTION 464.—Section 464 of such Act (29 U.S.C. 1754) is amended—

(1) in the section heading to read as follows:

"SEC. 464. NATIONAL OCCUPATIONAL INFORMATION COORDINATING COMMITTEE.";

(2) in subsection (a)—

(A) by striking ''(a)(1)'' and inserting the following:

''(a) RESERVATION.—

''(1) IN GENERAL.—'';

(B) in paragraph (2), by striking ''(2)'' and inserting ''(2) ADDITIONAL MEMBERS.—'' and moving such paragraph two ems to the right; and

(C) in paragraph (3), by striking ''(3)'' and inserting ''(3) ADDITIONAL REQUIREMENT.—'' and moving such paragraph two ems to the right;

(3) in subsection (b), by striking ''(b)'' and inserting ''(b) ADDITIONAL RESPONSIBILITIES.—''; and

(4) in subsection (c), by striking ''(c)'' and inserting ''(c) USE OF FUNDS.—''.

(h) SECTION 465.—Section 465 of such Act (29 U.S.C. 1755) is amended in the section heading to read as follows:

"SEC. 465. JOB BANK PROGRAM.".

(i) SECTION 466.—Section 466 of such Act (as redesignated) is amended—

(1) in the section heading to read as follows:

"SEC. 466. STATE JOB BANK SYSTEMS.";

(2) in subsection (a) (as redesignated), by striking ''(a)'' and inserting ''(a) IN GENERAL.—''; and

(3) in subsection (b) (as redesignated), by striking ''(b)'' and inserting ''(b) COMPUTERIZED DATA SYSTEMS.—''.

(j) SECTION 467.—Section 467 of such Act (as redesignated) is amended—

(1) in the section heading to read as follows:

"SEC. 467. STATE LABOR MARKET INFORMATION PROGRAMS.";

(2) in subsection (a), by striking ''(a)'' and inserting the following:

''(a) IN GENERAL.—'';

(3) in subsection (b), by striking ''(b)'' and inserting the following:

''(b) ADDITIONAL REQUIREMENTS.—'';

(4) in subsection (c), by striking ''(c)'' and inserting the following:

''(c) REIMBURSEMENTS.—''; and

(5) in subsection (d), by striking ''(d)'' and inserting the following:

''(d) COMBINATION OR CONSOLIDATION OF CERTAIN REPORTING REQUIREMENTS.—''.

SEC. 905. AMENDMENTS TO TITLE VI.

The Job Training Partnership Act (29 U.S.C. 1501 et seq.) is amended by striking the heading for title VI of such Act.

SEC. 906. CLARIFICATION.

Nothing in this Act, the amendments made by this Act, or any law amended by this Act shall be construed to supplant or modify the requirements for registration of an apprenticeship program under the National Apprenticeship Act.

Subtitle B—Amendments to Other Acts

SEC. 911. AMENDMENTS TO OTHER ACTS.

The following Acts are amended as follows:

(1) TITLE 5, UNITED STATES CODE.—Section 3502(d) of title 5, United States Code, is amended—

(A) in paragraph (3)—

(i) in subparagraph (A)(i), by striking ''or units (referred to in section 311(b)(2) of the Job Training Partnership Act)'' and inserting ''referred to in section 313(a)(2)(B)(i) of the Employment, Training, and Literacy Enhancement Act''; and

(ii) in subparagraph (B)(iii), by striking ''Job Training Partnership Act'' and inserting ''Employment, Training, and Literacy Enhancement Act''; and

(B) in paragraph (4), in the second sentence, by striking ''Job Training Partnership Act'' and inserting ''Employment, Training, and Literacy Enhancement Act''.

(2) FOOD STAMP ACT OF 1977.—

(A) SECTION 5.—Section 5(l) of the Food Stamp Act of 1977 (7 U.S.C. 2014(l)) is amended by striking ''section 142(b) of the Job Training Partnership Act (29 U.S.C. 1552(b))'' and inserting ''title II, III, or IV of the Employment, Training, and Literacy Enhancement Act''.

(B) SECTION 6.—Section 6 of the Food Stamp Act of 1977 (7 U.S.C. 2015) is amended—

(i) in subsection (d)(4)(M), by striking ''Job Training Partnership Act'' and inserting ''Employment, Training, and Literacy Enhancement Act''; and

(ii) in subsection (e)(3), by striking subparagraph (A) and inserting the following:

''(A) a program under title II, III, or IV of the Employment, Training, and Literacy Enhancement Act;''.

(C) SECTION 17.—The second sentence of section 17(b)(2) of the Food Stamp Act of 1977 (7 U.S.C. 2026(b)(2)) is amended—

(i) by striking ''to accept an offer of employment from a political subdivision or a prime sponsor pursuant to the Comprehensive Employment and Training Act of 1973, as amended (29 U.S.C. 812),'' and inserting ''to accept an offer of employment from a service provider carrying out employment and training activities through a program carried out under title II, III, or IV of the Employment, Training, and Literacy Enhancement Act,''; and

(ii) by striking '': *Provided*, That all of the political subdivision's'' and all that follows

and inserting ", if all of the jobs supported under the program have been made available to participants in the program before the service provider providing the jobs extends an offer of employment under this paragraph, and if the service provider, in employing the person, complies with the requirements of Federal law that relate to the program.".

(3) IMMIGRATION AND NATIONALITY ACT.—Section 245A(h)(4)(F) of the Immigration and Nationality Act (8 U.S.C. 1255a(h)(4)(F)) is amended by striking "The Job Training Partnership Act." and inserting "The Employment, Training, and Literacy Enhancement Act.".

(4) REFUGEE EDUCATION ASSISTANCE ACT OF 1980.—Section 402(a)(4) of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note) is amended by striking "the Comprehensive Employment and Training Act of 1973" and inserting "the Employment, Training, and Literacy Enhancement Act".

(5) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1993.—

(A) SECTION 3161.—Section 3161(c)(6) of the National Defense Authorization Act for Fiscal Year 1993 (42 U.S.C. 7274h(c)(6)) is amended by striking "Job Training Partnership Act (29 U.S.C. 1501 et seq.)" and inserting "title II, III, or IV of the Employment, Training, and Literacy Enhancement Act".

(B) SECTION 4461.—Section 4461(1) of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 1143 note) is amended by striking "The Job Training Partnership Act (29 U.S.C. 1501 et seq.)." and inserting "The Employment, Training, and Literacy Enhancement Act.".

(C) SECTION 4471.—Section 4471 of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 2501 note) is amended—

(i) in subsection (c)(2), by striking "section 311(b)(2) of the Job Training Partnership Act (29 U.S.C. 1661(b)(2))" and inserting "313(a)(2)(B)(i) of the Employment, Training, and Literacy Enhancement Act";

(ii) in subsection (d)—

(I) in the first sentence, by striking "for training, adjustment assistance, and employment services" and all that follows through "except where" and inserting "to participate in employment and training activities carried out under the Employment, Training, and Literacy Enhancement Act, except in a case in which"; and

(II) by striking the second sentence; and

(iii) in subsection (e), by striking "for training," and all that follows through "beginning" and inserting "to participate in employment and training activities under the Employment, Training, and Literacy Enhancement Act beginning".

(6) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1991.—Section 4003(5)(C) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2391 note) is amended by inserting before the period the following: ", as in effect on the day before the date of the enactment of the Employment, Training, and Literacy Enhancement Act of 1997".

(7) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994.—Section 1333(c)(2)(B) of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 2701 note) is amended by striking "Private industry councils (as described in section 102 of the Job Training Partnership Act (29 U.S.C. 1512))." and inserting "Local workforce development boards established under section 122 of the Employment, Training, and Literacy Enhancement Act.".

(8) SMALL BUSINESS ACT.—The fourth sentence of section 7(j)(13)(E) of the Small Business Act (15 U.S.C. 636(j)(13)(E)) is amended by striking "under the Job Training Partnership Act (29 U.S.C. 1501 et seq.)" and inserting "under section 124 of the Employment, Training, and Literacy Enhancement Act".

(9) EMPLOYMENT ACT OF 1946.—Section 4(f)(2)(B) of the Employment Act of 1946 (15 U.S.C. 1022a(f)(2)(B)) is amended by striking "and include these in the annual Employment and Training Report of the President required under section 705(a) of the Comprehensive Employment and Training Act of 1973 (hereinafter in this Act referred to as 'CETA')" and inserting "and prepare and submit to the President an annual report containing the recommendations".

(10) FULL EMPLOYMENT AND BALANCED GROWTH ACT OF 1978.—

(A) SECTION 206.—Section 206 of the Full Employment and Balanced Growth Act of 1978 (15 U.S.C. 3116) is amended—

(i) in subsection (b)—

(I) in the matter preceding paragraph (1), by striking "CETA" and inserting "the Employment, Training, and Literacy Enhancement Act"; and

(II) in paragraph (1), by striking "(including use of section 110 of CETA when necessary)"; and

(ii) in subsection (c)(1), by striking "through the expansion of CETA and other".

(B) SECTION 401.—Section 401(d) of the Full Employment and Balanced Growth Act of 1978 (15 U.S.C. 3151(d)) is amended by striking "include, in the annual Employment and Training Report of the President provided under section 705(a) of CETA," and inserting "include, in the annual report referred to in section 4(f)(2)(B) of the Employment Act of 1946 (15 U.S.C. 1022a(f)(2)(B)),".

(11) TITLE 18, UNITED STATES CODE.—Subsections (a), (b), and (c) of section 665 of title 18, United States Code are amended by striking "or the Job Training Partnership Act" and inserting "the Job Training Partnership Act, or the Employment, Training, and Literacy Enhancement Act".

(12) TRADE ACT OF 1974.—Section 239(e) of the Trade Act of 1974 (19 U.S.C. 2311(e)) is amended by striking "Job Training Partnership Act" and inserting "Employment, Training, and Literacy Enhancement Act".

(13) HIGHER EDUCATION ACT OF 1965.—Section 480(b)(14) of the Higher Education Act of 1965 (20 U.S.C. 1087vv(b)(14)) is amended by striking "Job Training Partnership Act" and inserting "received through participation under title II, III, or IV of the Employment, Training, and Literacy Enhancement Act".

(14) INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—Section 626 of the Individuals with Disabilities Education Act (20 U.S.C. 1425) is amended—

(A) in the first sentence of subsection (a), by striking "(including the State job training coordinating councils and service delivery area administrative entities established under the Job Training Partnership Act)" and inserting "(including the State collaborative process under of section 102 of the Employment, Training, and Literacy Enhancement Act and local workforce development boards established under section 122 of such Act)";

(B) in subsection (e)—

(i) in paragraph (3)(C), by striking "local Private Industry Councils (PICS) authorized by the Job Training Partnership Act (JTPA)," and inserting "local workforce development boards established under section 122 of the Employment, Training, and Literacy Enhancement Act,";

(ii) in paragraph (4)(A)(iii), by striking "local Private Industry Councils (PICS) authorized by the JTPA," and inserting "local workforce development boards established under section 122 of the Employment, Training, and Literacy Enhancement Act,"; and

(iii) in clauses (iii), (iv), (v), and (vii) of paragraph (4)(B), by striking "PICS authorized by the JTPA" and inserting "local workforce development boards established under section 122 of the Employment, Training, and Literacy Enhancement Act"; and

(C) in subsection (g), by striking "the Job Training Partnership Act (JTPA)," and inserting "the Employment, Training, and Literacy Enhancement Act,".

(15) DEPARTMENT OF EDUCATION ORGANIZATION ACT.—Subsection (a) of section 302 of the Department of Education Organization Act (20 U.S.C. 3443(a)) (as redesignated in section 271(a)(2) of the Improving America's Schools Act of 1994) is amended by striking "under section 303(c)(2) of the Comprehensive Employment and Training Act" and inserting "relating to such education".

(16) NATIONAL SKILL STANDARDS ACT OF 1994.—

(A) SECTION 504.—Section 504(c)(3) of the National Skill Standards Act of 1994 (20 U.S.C. 5934(c)(3)) is amended by striking "the Capacity Building and Information and Dissemination Network established under section 453(b) of the Job Training Partnership Act (29 U.S.C. 1733(b)) and".

(B) SECTION 508.—Section 508(1) of the National Skill Standards Act of 1994 (20 U.S.C. 5938(1)) is amended to read as follows:

"(1) COMMUNITY-BASED ORGANIZATION.—The term 'community-based organization' means a private nonprofit organization of demonstrated effectiveness that is representative of a community or a significant segment of a community and that provides workforce and career development activities, as defined in section 4 of the Employment, Training, and Literacy Enhancement Act.".

(17) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—

(A) SECTION 1205.—Section 1205(8)(B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6365(8)(B)) is amended by striking ", the Adult Education Act, the Individuals with Disabilities Education Act, and the Job Training Partnership Act" and inserting "the Individuals with Disabilities Education Act, and the Employment, Training, and Literacy Enhancement Act".

(B) SECTION 1414.—Section 1414(c)(8) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6434(c)(8)) is amended by striking "programs under the Job Training Partnership Act," and inserting "activities under the Employment, Training, and Literacy Enhancement Act,".

(C) SECTION 1423.—Section 1423(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6453(9)) is amended by striking "programs under the Job Training and Partnership Act" and inserting "activities under the Employment, Training, and Literacy Enhancement Act".

(D) SECTION 1425.—Section 1425(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6455(9)) is amended by striking ", such as funds under the Job Training Partnership Act," and inserting ", such as funds made available under the Employment, Training, and Literacy Enhancement Act,".

(18) FREEDOM SUPPORT ACT.—The last sentence of section 505 of the FREEDOM Support Act (22 U.S.C. 5855) is amended by striking ", through the Defense Conversion" and all that follows through "or through" and inserting "or through".

(19) EMERGENCY JOBS AND UNEMPLOYMENT ASSISTANCE ACT OF 1974.—

(A) SECTION 204.—Section 204(b) of the Emergency Jobs and Unemployment Assistance Act of 1974 (26 U.S.C. 3304 note) is amended by striking "designate as an area" and all that follows and inserting "designate as an area under this section an area that is a local workforce development area under the Employment, Training, and Literacy Enhancement Act.".

(B) SECTION 223.—Section 223 of the Emergency Jobs and Unemployment Assistance Act of 1974 (26 U.S.C. 3304 note) is amended—

(i) in paragraph (3), by striking ''assistance provided'' and all that follows and inserting ''assistance provided under the Employment, Training, and Literacy Enhancement Act;''; and

(ii) in paragraph (4), by striking ''funds provided'' and all that follows and inserting ''funds provided under the Employment, Training, and Literacy Enhancement Act;''.

(20) JOB TRAINING REFORM AMENDMENTS OF 1992.—Section 701 of the Job Training Reform Amendments of 1992 (29 U.S.C. 1501 note) is repealed.

(21) PUBLIC LAW 98–524.—Section 7 of Public Law 98–524 (29 U.S.C. 1551 note) is repealed.

(22) VETERANS' BENEFITS AND PROGRAMS IMPROVEMENT ACT OF 1988.—Section 402 of the Veterans' Benefits and Programs Improvement Act of 1988 (29 U.S.C. 1721 note) is amended—

(A) in subsection (a), by striking ''title III of the Job Training Partnership Act (29 U.S.C. 1651 et seq.)'' and inserting ''the Employment, Training, and Literacy Enhancement Act'';

(B) in subsection (c), by striking ''Training, in consultation with the office designated or created under section 322(b) of the Job Training Partnership Act,'' and inserting ''Training''; and

(C) in subsection (d)—

(i) in paragraph (1), by striking ''under—'' and all that follows through ''the Veterans'' and inserting ''under the Veterans''''; and

(ii) in paragraph (2), by striking ''Employment and training'' and all that follows and inserting ''Employment, training, and literacy activities under the Employment, Training, and Literacy Enhancement Act.''.

(23) VETERANS' JOB TRAINING ACT.—

(A) SECTION 13.—Section 13(b) of the Veterans' Job Training Act (29 U.S.C. 1721 note) is amended by striking ''assistance under the Job Training Partnership Act (29 U.S.C. 1501 et seq.)'' and inserting ''assistance under the Employment, Training, and Literacy Enhancement Act''.

(B) SECTION 14.—Section 14(b)(3)(B)(i)(II) of the Veterans' Job Training Act (29 U.S.C. 1721 note) is amended by striking ''under part C of title IV of the Job Training Partnership Act (29 U.S.C. 1501 et seq.)'' and inserting ''under the Employment, Training, and Literacy Enhancement Act''.

(C) SECTION 15.—Section 15(c)(2) of the Veterans' Job Training Act (29 U.S.C. 1721 note) is amended—

(i) in the second sentence, by striking ''part C of title IV of the Job Training Partnership Act (29 U.S.C. 1501 et seq.)'' and inserting ''the Employment, Training, and Literacy Enhancement Act''; and

(ii) in the third sentence, by striking ''title III of''.

(24) WORKER ADJUSTMENT AND RETRAINING NOTIFICATION ACT.—Section 3(a)(2) of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2102(a)(2)) is amended by striking ''title III of the Job Training Partnership Act'' and inserting ''title II, III, or IV of the Employment, Training, and Literacy Enhancement Act''.

(25) TITLE 31, UNITED STATES CODE.—Section 6703(a) of title 31, United States Code, is amended by striking paragraph (4) and inserting the following:

''(4) Programs under title III or IV of the Employment, Training, and Literacy Enhancement Act.''.

(26) VETERANS' REHABILITATION AND EDUCATION AMENDMENTS OF 1980.—Section 512 of the Veterans' Rehabilitation and Education Amendments of 1980 (38 U.S.C. 4101 note) is amended by striking ''the Comprehensive Employment and Training Act (29 U.S.C. et seq.),'' and inserting ''the Employment, Training, and Literacy Enhancement Act,''.

(27) TITLE 38, UNITED STATES CODE.—

(A) SECTION 4102A.—Section 4102A(d) of title 38, United States Code, is amended by striking ''the Job Training Partnership Act'' and inserting ''the Employment, Training, and Literacy Enhancement Act''.

(B) SECTION 4103A.—Section 4103A(c)(4) of title 38, United States Code, is amended by striking ''Job Training Partnership Act (29 U.S.C. 1501 et seq.))'' and inserting ''Employment, Training, and Literacy Enhancement Act)''.

(C) SECTION 4213.—Section 4213 of title 38, United States Code, is amended by striking ''Job Training Partnership Act (29 U.S.C. 1501 et seq.),'' and inserting ''Employment, Training, and Literacy Enhancement Act,''.

(28) UNITED STATES HOUSING ACT OF 1937.—Section 23 of the United States Housing Act of 1937 (42 U.S.C. 1437u) is amended—

(A) in subsection (b)(2)(A), by striking ''the Job Training'' and all that follows through ''or the'' and inserting ''the Employment, Training, and Literacy Enhancement Act or the'';

(B) in the first sentence of subsection (f)(2), by striking ''programs under the'' and all that follows through ''and the'' and inserting ''programs under title II, III, or IV of the Employment, Training, and Literacy Enhancement Act and the''; and

(C) in subsection (g)—

(i) in paragraph (2), by striking ''programs under the'' and all that follows through ''and the'' and inserting ''programs under title II, III, or IV of the Employment, Training, and Literacy Enhancement Act and the''; and

(ii) in paragraph (3)(H), by striking ''program under'' and all that follows through ''and any other'' and inserting ''program under title II, III, or IV of the Employment, Training, and Literacy Enhancement Act and any other''.

(29) HOUSING ACT OF 1949.—Section 504(c)(3) of the Housing Act of 1949 (42 U.S.C. 1474(c)(3)) is amended by striking ''pursuant to'' and all that follows through ''or the'' and inserting ''pursuant to the Employment, Training, and Literacy Enhancement Act or the''.

(30) OLDER AMERICANS ACT OF 1965.—

(A) SECTION 203.—Section 203 of the Older Americans Act of 1965 (42 U.S.C. 3013) is amended—

(i) in subsection (a)(2), by striking the last sentence and inserting the following: ''In particular, the Secretary of Labor and the Secretary of Education shall consult and cooperate with the Assistant Secretary in carrying out the Employment, Training, and Literacy Enhancement Act of 1997.''; and

(ii) in subsection (b), by striking paragraph (1) and inserting the following:

''(1) the Employment, Training, and Literacy Enhancement Act,''.

(B) SECTION 502.—Section 502 of the Older Americans Act of 1965 (42 U.S.C. 3056) is amended—

(i) in subsection (b)(1)(N)(i), by striking ''the Job Training Partnership Act (29 U.S.C. 1501 et seq.)'' and inserting ''the Employment, Training, and Literacy Enhancement Act''; and

(ii) in subsection (e)(2)(C), by striking ''programs carried out under section 124 of the Job Training Partnership Act (29 U.S.C. 1534)'' and inserting ''employment and training activities carried out under title III of the Employment, Training, and Literacy Enhancement Act''.

(C) SECTION 503.—Section 503(b)(1) of the Older Americans Act of 1965 (42 U.S.C. 3056a(b)(1)) is amended by striking ''the Job Training Partnership Act,'' each place it appears and inserting ''the Employment, Training, and Literacy Enhancement Act,''.

(31) OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968.—Section 1801(b)(3) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ee(b)(3)) is amended by striking ''Job Training Partnership Act (relating to Job Corps) (29 U.S.C. 1691 et seq.)'' and inserting ''Employment, Training, and Literacy Enhancement Act''.

(32) ENVIRONMENTAL PROGRAMS ASSISTANCE ACT OF 1984.—The second sentence of section 2(a) of the Environmental Programs Assistance Act of 1984 (42 U.S.C. 4368a(a)) is amended by striking ''Job Training Partnership Act'' and inserting ''Employment, Training, and Literacy Enhancement Act''.

(33) DOMESTIC VOLUNTEER SERVICE ACT OF 1973.—

(A) SECTION 103.—Section 103(d) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4953(d)) is amended in the second sentence to read as follows: ''Whenever feasible, such efforts shall be coordinated with a local workforce development board established under section 122 of the Employment, Training, and Literacy Enhancement Act.''.

(B) SECTION 109.—Subsections (c)(2) and (d)(2) of section 109 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4959) is amended by striking ''Job Training Partnership Act'' and inserting ''Employment, Training, and Literacy Enhancement Act''.

(34) AGE DISCRIMINATION ACT OF 1975.—Section 304(c)(1) of the Age Discrimination Act of 1975 (42 U.S.C. 6103(c)(1)) is amended by striking ''the Comprehensive Employment and Training Act of 1974 (29 U.S.C. 801, et seq.), as amended,'' and inserting ''the Employment, Training, and Literacy Enhancement Act''.

(35) ENERGY CONSERVATION AND PRODUCTION ACT.—Section 414(b)(3) of the Energy Conservation and Production Act (42 U.S.C. 6864(b)(3)) is amended by striking ''the Comprehensive Employment and Training Act of 1973'' and inserting ''the Employment, Training, and Literacy Enhancement Act''.

(36) NATIONAL ENERGY CONSERVATION POLICY ACT.—Section 233 of the National Energy Conservation Policy Act (42 U.S.C. 6873) is amended, in the matter preceding paragraph (1), by striking ''the Comprehensive Employment and Training Act of 1973'' and inserting ''the Employment, Training, and Literacy Enhancement Act''.

(37) COMMUNITY ECONOMIC DEVELOPMENT ACT OF 1981.—Section 617(a)(3) of the Community Economic Development Act of 1981 (42 U.S.C. 9806(a)(3)) is amended by striking ''activities such as those described in the Comprehensive Employment and Training Act'' and inserting ''employment and training activities described in the Employment, Training, and Literacy Enhancement Act''.

(38) STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT.—Section 103(b)(2) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11302(b)(2)) is amended by striking ''the Job Training Partnership Act'' and inserting ''the Employment, Training, and Literacy Enhancement Act''.

(39) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—

(A) SECTION 177.—Section 177(d) of the National and Community Service Act of 1990 (42 U.S.C. 12637(d)) is amended by striking ''Job Training Partnership Act'' each place it appears and inserting ''Employment, Training, and Literacy Enhancement Act''.

(B) SECTION 198C.—Section 198C of the National and Community Service Act of 1990 (42 U.S.C. 12653c) is amended—

(i) in subsection (b)(1), by striking ''a military installation described in section 325(e)(1) of the Job Training Partnership Act (29 U.S.C. 1662d(e)(1)).'' and inserting ''a military installation being closed or realigned under—

''(A) the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note); and

''(B) title II of the Defense Authorization Amendments and Base Closure and Realign-

ment Act (Public Law 100–526; 10 U.S.C. 2687 note).''; and

(ii) in subsection (e)(1)(B)(iii), by striking ''Job Training Partnership Act (29 U.S.C. 1693)'' and inserting ''Employment, Training, and Literacy Enhancement Act''.

(C) SECTION 199L.—Section 199L(a) of the National and Community Service Act of 1990 (42 U.S.C. 12655m(a)) is amended by striking ''the Job Training Partnership Act (29 U.S.C. 1501 et seq.)'' and inserting ''the Employment, Training, and Literacy Enhancement Act''.

(40) CRANSTON-GONZALEZ NATIONAL AFFORDABLE HOUSING ACT.—

(A) SECTION 454.—Subparagraphs (H) and (M) of subsection (c)(2), and subsection (d)(7), of section 454 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12899c) are amended by striking ''the Job Training Partnership Act'' and inserting ''the Employment, Training, and Literacy Enhancement Act''.

(B) SECTION 456.—The first sentence of section 456(e) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12899e(e)) is amended by striking ''the Job Training Partnership Act'' each place it appears and inserting ''the Employment, Training, and Literacy Enhancement Act''.

(41) VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994.—Section 31113(a)(4)(C) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13823(a)(4)(C)) is amended by inserting after ''the Job Training Partnership Act (29 U.S.C. 1501 et seq.)'' the following: '', title II, III, or IV of the Employment, Training, and Literacy Enhancement Act,''.

(42) PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996.—Section 403(c)(2)(K) and section 423(d)(11) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(c)(2)(K) and 1138a note) are amended by striking ''Job Training Partnership Act'' each place it appears and inserting ''Employment, Training, and Literacy Enhancement Act''.

TITLE X—EFFECTIVE DATE AND TRANSITION PROVISIONS

SEC. 1001. EFFECTIVE DATE.

This division and the amendments made by this division shall take effect on July 1, 1998.

SEC. 1002. TRANSITION PROVISIONS.

(a) IN GENERAL.—The Secretary of Education and the Secretary of Labor, as appropriate, shall take such steps as such Secretaries determine to be appropriate to provide for the orderly transition from any authority under provisions of law amended or repealed by this division or any related authority under the provisions of this division.

(b) EXTENDED TRANSITION PERIOD.—

(1) IN GENERAL.—If, on or before July 1, 1997, a State has enacted a State statute that provides for the establishment or conduct of three or more of the programs, projects, or activities described in subparagraphs (A) through (E) or paragraph (2), the State shall not be required to comply with provisions of this Act that conflict with such State statute for the period ending three years after the date of enactment of this Act.

(2) PROGRAMS, PROJECTS, AND ACTIVITIES DESCRIBED.—The programs, projects, and activities described in this paragraph are the following:

(A) Establishment of human resource investment councils or substate councils.

(B) Reorganization or consolidation of State agencies with responsibility for State employment and training programs.

(C) Reorganization or consolidation of State employment and training programs.

(D) Restructuring of local delivery systems for State employment and training programs.

(E) Development or restructuring of State accountability or oversight systems to focus on performance.

DIVISION B—VOCATIONAL REHABILITATION PROGRAMS

TITLE XXI—AMENDMENTS TO GENERAL PROVISIONS

SEC. 2101. REHABILITATION SERVICES ADMINISTRATION.

Section 3 of the Rehabilitation Act of 1973 (29 U.S.C. 702) is amended—

(1) in subsection (b), by striking '', as well as unexpended appropriations for carrying out the Vocational Rehabilitation Act (29 U.S.C. 31–42),''; and

(2) by striking subsection (c).

SEC. 2102. DEFINITIONS.

Section 7 of the Rehabilitation Act of 1973 (29 U.S.C. 706) is amended—

(1) in paragraph (5), by inserting after ''supported employment'' the following: ''and self-employment or business ownership'';

(2) by striking paragraph (12);

(3) in paragraph (15)(A), by inserting a comma after ''subparagraph (B) or (C)'';

(4) by adding at the end the following:

''(36) The term 'administrative costs' means—

''(A) expenditures not incurred by the State unit for—

''(i) rehabilitation counselors;

''(ii) rehabilitation case coordinators; or

''(iii) other direct service personnel; and

''(B) notwithstanding subparagraph (A) includes expenditures incurred by the State unit in the performance of administrative functions under the vocational rehabilitation program, including expenses related to program planning, development, monitoring, and evaluation, including—

''(i) quality assurance;

''(ii) budgeting, accounting, financial management, information systems, and related data processing;

''(iii) providing information about the program to the public;

''(iv) technical assistance to other State agencies, private nonprofit organizations, and businesses and industries;

''(v) the State Rehabilitation Advisory Council and other advisory committees;

''(vi) professional organization membership dues for State unit employees;

''(vii) the removal architectural barriers in State vocational rehabilitation agency offices and State operated rehabilitation facilities;

''(viii) operating and maintaining State unit facilities, equipment, and grounds;

''(ix) supplies;

''(x) administration of the comprehensive system of personnel development, including personnel administration, administration of affirmative action plans, and training and staff development, administrative salaries, including clerical and other support staff salaries, in support of these functions;

''(xi) travel costs related to carrying out the program, other than travel costs related to the provision of services;

''(xii) costs incurred in conducting reviews of rehabilitation counselor or coordinator determinations; and

''(xiii) legal expenses required in the administration of the program.''; and

(5) by redesignating paragraphs (36), (22), (23), (24), (25), (1), (2), (3), (26), (4), (5), (6), (27), (7), (28), (29), (30), (20), (21), (8), (31), (15), (32), (9), (10), (33), (11), (19), (13), (14), (16), (18), (34), (35), and (17) as paragraphs (1) through (35), respectively.

SEC. 2103. REPORTS.

Section 13 of the Rehabilitation Act of 1973 (29 U.S.C. 712) is amended by inserting after the third sentence ''The Commissioner shall also annually collect information with respect to the title I, vocational rehabilitation services program, on administrative costs and other expenditures under the program.''.

SEC. 2104. BUY-AMERICAN REQUIREMENTS.

(a) IN GENERAL.—The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) is amended by inserting after section 21 the following:

''SEC. 22. BUY-AMERICAN REQUIREMENTS.

''(a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

''(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

''(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

''(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

''(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a 'Made in America' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.''.

(b) CONFORMING AMENDMENT.—The table of contents of such Act (29 U.S.C. 701 note) is amended by inserting after the item relating to section 21 the following:

''Sec. 172. Buy-American requirements.''.

TITLE XXII—AMENDMENTS TO VOCATIONAL REHABILITATION SERVICES

Subtitle A—General Provisions

SEC. 2201. DECLARATION OF POLICY; AUTHORIZATION OF APPROPRIATIONS.

(a) DECLARATION OF POLICY.—Section 100(a)(3)(C) of the Rehabilitation Act of 1973 (29 U.S.C. 720(a)(3)(C)) is amended to read as follows:

''(C) Applicants and eligible individuals must be active and full partners in the vocational rehabilitation process, making meaningful and informed choices—

''(i) during assessments to determine eligibility and vocational rehabilitation needs; and

''(ii) in the selection of the employment goal, services needed to achieve the goal, entities providing such services, and the methods used to procure such services.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 100(b) of the Rehabilitation Act of 1973 (29 U.S.C. 720(b)) is amended in each of paragraphs (1) and (2) by striking ''fiscal years 1993 through 1997'' and inserting ''fiscal years 1998, 1999, and 2000''.

SEC. 2202. STATE PLANS.

Section 101(a) of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)) is amended—

(1) in paragraph (4)—

(A) by striking '', except that in the case'' and inserting '', except that—

''(A) in the case'';

(B) by striking ''to the extent permitted by such regulations,'';

(C) by inserting ''and'' after the semicolon; and

(D) by adding at the end the following:

''(B) in the case of earmarked funds used as the State match for Federal funds, where such funds are earmarked for particular geographic areas within a State;'';

(2) in paragraph (7)(A) to read as follows:

''(A) include a description, consistent with the purposes of this Act, of a comprehensive system of personnel development, which, at a minimum, shall consist of—

''(i) a description of the procedures and activities the State agency will undertake to address the current and projected training needs of all personnel in the designated State unit to ensure that they are adequately trained and prepared;

''(ii) a plan to coordinate and facilitate efforts between the designated State unit and institutions of higher education and professional institutions to recruit, prepare, and retain qualified personnel, including personnel from minority backgrounds and personnel who are individuals with disabilities; and

''(iii) the development and maintenance of a system for determining on an annual basis the number and type of personnel that are employed by the State agency in the provision of vocational rehabilitation services, including ratios of counselors to clients;'';

(3) in paragraph (11)(A)—

(A) by inserting ''the Rural Development Administration of the Department of Agriculture,'' after ''the Department of Veterans Affairs,'';

(B) by striking ''(20 U.S.C. 2301 et seq.), and'' and inserting ''(20 U.S.C. 2301 et seq.),''; and

(C) by inserting after ''(41 U.S.C. 46 et seq.)'' the following: '', and State use contracting programs'';

(4) by striking paragraph (13);

(5) by striking paragraph (17);

(6) in paragraph (24)—

(A) in the matter preceding subparagraph (A), by striking ''students who are individuals'' and inserting ''students''; and

(B) in subparagraph (B), by striking ''individualized written rehabilitation program'' and inserting ''individualized education program'';

(7) in paragraph (25), by striking ''Secretary'' and inserting ''Commissioner'';

(8) in paragraph (28), by adding at the end before the semicolon the following: ''and State use contracting programs'';

(9) by striking paragraph (30);

(10) in paragraph (33), by striking ''and working relationships'';

(11) in paragraph (35), by striking ''and'' at the end;

(12) in paragraph (36)—

(A) in subparagraph (B)(i), by moving the margin two ems to the left;

(B) in clauses (i), (ii), and (iii) of subparagraph (C) (including subclause (II) of each of such clauses (ii) and (iii)), by moving the margin two ems to the left; and

(C) by striking the period at the end and inserting ''; and'';

(13) by adding at the end the following:

''(37) provide assurances that the State, or any recipient of funds made available to the State under this title, will comply with the guidelines established under section 508(a) of this Act.''; and

(14) by redesignating paragraphs (14), (15), (16), (18) through (22), (24) through (29), and (31) through (37) as paragraphs (13) through (33), respectively.

SEC. 2203. INDIVIDUALIZED PLAN FOR EMPLOYMENT.

(a) SECTION HEADING.—Section 102 of the Rehabilitation Act of 1973 (29 U.S.C. 722) is amended in the section heading by striking ''individualized written rehabilitation program'' and inserting ''individualized plan for employment''.

(b) ASSESSMENT.—Section 102(b) of such Act (29 U.S.C. 722(b)) is amended to read as follows:

''(b)(1) As soon as a determination has been made that an individual is eligible for vocational rehabilitation services, the designated State unit shall complete the assessment described in subparagraphs (B) and (C) of section 7(2), if such assessment is necessary, and ensure that an individualized plan for employment is—

''(A) either—

''(i) at the request of the individual, developed by the individual or, as appropriate, the eligible individual's representative and approved by the vocational rehabilitation counselor; or

''(ii) developed and approved by the individual or, as appropriate, by a parent, a family member, a guardian, an advocate, or an authorized representative of such individual (hereafter referred to in this subsection as the 'eligible individual's representative') and the vocational rehabilitation counselor;

''(B) based on the findings of the assessment to determine the individual's eligibility and vocational rehabilitation needs described in section 7(2);

''(C) written, and, as appropriate, otherwise documented, and provided to the individual or, as appropriate, to the eligible individual's representative in the native language or mode of communication of the individual or, as appropriate, of the eligible individual's representative;

''(D) implemented in a timely manner;

''(E) reviewed at least annually by the vocational rehabilitation counselor and the individual or, as appropriate, the eligible individual's representative; and

''(F) amended, as necessary, by the individual or, as appropriate, the eligible individual's representative, in collaboration with the counselor, when there are substantive changes in the employment goal, the services to be provided, or the service providers (such revisions or amendments shall not take effect until agreed to and signed by the individual or, as appropriate, by the eligible individual's representative, and the vocational rehabilitation counselor).

''(2) The individual plan for employment shall be developed and implemented in a manner that affords eligible individuals the opportunity to exercise informed choice in selecting the employment goal, the specific vocational rehabilitation services to be provided, the entity or entities that will provide the vocational rehabilitation services, and the methods used to procure the services, consistent with the informed choice provisions in subsection (e).

''(3) The individualized plan for employment shall identify—

''(A) the specific employment goal that is chosen by the individual, consistent with the unique strengths, resources, priorities, concerns, abilities, capabilities, and informed choice of the individual, and is, to the maximum extent appropriate, in an integrated setting;

''(B) the specific vocational rehabilitation services that are—

''(i) needed to achieve the employment goal, including, as appropriate, assistive technology devices and services, and personal assistance services, including training in the management of such services; and

''(ii) provided in the most integrated setting that is appropriate to the service being provided and is consistent with the informed choice of the individual;

''(C) the entity or entities chosen by the individual or, as appropriate, the eligible individual's representative, that will provide the vocational rehabilitation services and the methods used to procure such services;

''(D) timelines for the achievement of the employment goal and for the initiation of services;

''(E) the terms and conditions of the individualized plan for employment, including—

''(i) the responsibilities of the designated State unit and the individual under such plan, including participation in the costs of the plan;

''(ii) criteria to evaluate progress toward achievement of the employment goal; and

''(iii) the use of comparable services and benefits under such plan, in accordance with section 101(a)(8);

''(F) prior to the determination that the individual has achieved an employment outcome, the expected need for post-employment services; and

''(G) the rights and remedies available to the individual as provided in subsection (d), including notification of the availability of assistance from the client assistance program under section 112 of this Act.

''(4) For an individual with the most severe disabilities for whom an employment goal in a supported employment setting has been determined to be appropriate, the individualized plan for employment shall, in addition to the requirements identified in subsection (b)(3), identify—

''(A) the extended services needed by the individual;

''(B) the source of extended services or, to the extent that the sources to provide the extended services cannot be identified at the time of the development of the individualized plan for employment, a description of the basis for concluding that there is a reasonable expectation that such sources will become available; and

''(C) in cases in which multiple extended service providers are available to the individual, the providers of such services chosen by the individual or, as appropriate, the eligible individual's representative.''.

(c) INFORMED CHOICE.—Section 102 of such Act (29 U.S.C. 722) is amended by adding at the end the following:

''(e) Each State agency, in consultation with its State Rehabilitation Advisory Council, if it has one, shall, consistent with section 100(a)(3)(C), develop and implement written policies and procedures that enable each individual to exercise informed choice throughout the vocational rehabilitation process, including policies and procedures that require the State agency—

''(1) to inform each applicant and eligible individual (including students with disabilities who are making the transition from programs under the responsibility of an educational agency to programs under the responsibility of the designated State unit), through appropriate modes of communication, about the availability of, and opportunities to exercise, informed choice, including the availability of support services for individuals with cognitive or other disabilities who require assistance in exercising informed choice;

''(2) to assist applicants and eligible individuals to exercise informed choice in decisions related to the provision of assessment services;

''(3) to develop and implement flexible procurement policies and methods that facilitate the provision of services and that afford eligible individuals meaningful choices among the methods used to procure services;

''(4) to provide or assist eligible individuals in acquiring information that enables those individuals to exercise informed choice in the selection of—

''(A) the employment goal;

''(B) the specific services needed to achieve the individual's employment goal;

''(C) the providers of the selected services;

''(D) the employment setting and the settings in which services are provided; and

''(E) the methods available for procuring the selected services; and

''(5) to ensure that the availability and scope of informed choice under this section is consistent with the State agency's obligations under section 12(e).''.

(d) CONFORMING AMENDMENT.—Section 102 of such Act (29 U.S.C. 722) is amended by striking ''individualized written rehabilitation program'' each place it appears and inserting ''individualized plan for employment''.

SEC. 2204. SCOPE OF VOCATIONAL REHABILITATION SERVICES.

Section 103(a) of the Rehabilitation Act of 1973 (29 U.S.C. 723(a)) is amended—

(1) by striking paragraph (7); and

(2) by redesignating paragraphs (8) through (16) as paragraphs (7) through (15), respectively.

SEC. 2205. STATE REHABILITATION ADVISORY COUNCIL.

Section 105 of the Rehabilitation Act of 1973 (29 U.S.C. 725) is amended by striking subsection (i).

SEC. 2206. EVALUATION STANDARDS AND PERFORMANCE INDICATORS.

Section 106(a) of the Rehabilitation Act of 1973 (29 U.S.C. 726(a)) is amended in paragraph (1) by adding at the end the following: ''After such date, the Commissioner shall review and, if necessary, revise the evaluation standards and performance indicators every three years. Any necessary revisions shall be developed with input from State vocational rehabilitation agencies, related professional and consumer organizations, recipients of vocational rehabilitation services, and other interested parties. Any proposed revisions shall be subject to the notice, publication, and comment provisions described in paragraph (3).''.

SEC. 2207. MONITORING AND REVIEW.

Section 107(a) of the Rehabilitation Act of 1973 (29 U.S.C. 727(a)) is amended by adding at the end the following:

''(5) MONITORING AND REVIEW REPORTS.—Any reports detailing the findings of the annual reviews and periodic on-site monitoring visits shall be made available to the State Rehabilitation Advisory Council for use in the development and modification of the State plan.''.

Subtitle B—Basic Vocational Rehabilitation Services

SEC. 2211. STATE ALLOTMENTS.

Section 110(d)(2) of the Rehabilitation Act of 1973 (29 U.S.C. 730(d)(2)) is amended—

(1) by striking ''the Secretary—'' and all that follows through ''(B) not less than'' and inserting ''the Secretary, not less than''; and

(2) by striking ''fiscal years 1995, 1996, and 1997'' and inserting ''fiscal years 1998, 1999, and 2000''.

SEC. 2212. PAYMENTS TO STATES.

Section 111(a)(2)(B) of the Rehabilitation Act of 1973 (29 U.S.C. 731(a)(2)(B)) is amended—

(1) by striking clause (i); and

(2) by striking ''(ii)''.

SEC. 2213. CLIENT ASSISTANCE PROGRAM.

Section 112(h) of the Rehabilitation Act of 1973 (29 U.S.C. 732(h)) is amended by striking ''fiscal years 1993 through 1997'' and inserting ''fiscal years 1998, 1999, and 2000''.

TITLE XXIII—AMENDMENTS TO RESEARCH AND TRAINING

SEC. 2221. AUTHORIZATION OF APPROPRIATIONS.

Section 201(a) of the Rehabilitation Act of 1973 (29 U.S.C. 761(a)) is amended—

(1) in paragraph (1), by striking ''each of fiscal years 1993 through 1997'' and inserting ''fiscal years 1998, 1999, and 2000''; and

(2) in paragraph (2), by striking ''each of fiscal years 1993 through 1997'' and inserting ''fiscal years 1998, 1999, and 2000''.

SEC. 2222. NATIONAL INSTITUTE ON DISABILITY AND REHABILITATION RESEARCH.

Section 202(c) of the Rehabilitation Act of 1973 (29 U.S.C. 761a(c)) is amended—

(1) in paragraph (1)—

(A) by striking '', except that'' and all that follows through ''continue to serve as Director''; and

(B) by striking the third and fourth sentences;

(2) by striking paragraph (2);

(3) in paragraph (3)—

(A) by striking ''ncessary'' and inserting ''necessary''; and

(B) by redesignating such paragraph as paragraph (2); and

(4) by redesignating paragraph (4) as paragraph (3).

TITLE XXIV—AMENDMENTS TO TRAINING AND DEMONSTRATION PROJECTS

Subtitle A—Training Programs and Community Rehabilitation Programs

SEC. 2231. DECLARATION OF PURPOSE.

Section 301(1)(A) of the Rehabilitation Act of 1973 (29 U.S.C. 770(1)(A)) is amended by inserting after ''independent living services programs'' the following: '', through community economic or business development programs''.

SEC. 2232. TRAINING.

Section 302 of the Rehabilitation Act of 1973 (29 U.S.C. 771a) is amended—

(1) in subsection (a)(1)—

(A) by striking ''and (E)'' and inserting ''(E)'';

(B) by striking the period at the end and inserting the following: '', and (F) personnel specifically trained to deliver services to individuals whose vocational goal is self-employment or business ownership.'';

(2) in subsection (b)(1)(B)—

(A) in clause (ii)—

(i) by redesignating subclauses (IV) and (V) as subclauses (V) and (VI), respectively; and

(ii) by inserting after subclause (III) the following:

''(IV) assistance and support to individuals pursuing self-employment or business ownership as their rehabilitation goal;''; and

(B) in clause (iv), by moving the margin two ems to the left;

(3) by striking subsection (e);

(4) in subsection (g)(3)(A)—

(A) in clause (ii), by adding ''and'' at the end;

(B) in clause (iii), by striking ''; and'' and inserting a period; and

(C) by striking clause (iv); and

(5) in subsection (h), by striking ''fiscal years 1993 through 1997'' and inserting ''fiscal years 1998, 1999, and 2000''; and

(6) by redesignating subsections (f) through (i) as subsections (e) through (h), respectively.

SEC. 2233. REPEALERS.

(a) IN GENERAL.—Sections 303, 304, 305, and 306 of the Rehabilitation Act of 1973 (29 U.S.C. 772, 773, 775, and 776) are hereby repealed.

(b) CONFORMING AMENDMENT.—The table of contents of such Act (29 U.S.C. 701 note) is amended by striking the items relating to sections 303, 304, 305, and 306.

SEC. 2234. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 310 of the Rehabilitation Act of 1973 (29 U.S.C. 777) is amended—

(1) by striking ''each of fiscal years 1993 through 1997'' and inserting ''fiscal years 1998, 1999, and 2000'';

(2) by redesignating such section as section 303; and

(3) by inserting such section after section 302.

(b) CONFORMING AMENDMENT.—The table of contents of such Act (29 U.S.C. 701 note) is amended—

(1) by striking the item relating to section 310 (as such section was in effect prior to the redesignation of such section under subsection (a)(2)); and

(2) by inserting after the item relating to section 302 the following:

''Sec. 303. Authorization of appropriations.''.

Subtitle B—Special Projects and Supplementary Services

SEC. 2241. SPECIAL DEMONSTRATION PROGRAMS.

Section 311 of the Rehabilitation Act of 1973 (29 U.S.C. 777a) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''Subject to the provisions of section 306, the'' and inserting ''The'';

(B) in paragraph (3), by striking ''and'' at the end;

(C) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(5) establishing programs for supporting the effects of vocational rehabilitation programs to promote self-employment or business ownership goals of people with disabilities.''.

(2) by striking subsection (b);

(3) in subsections (c) and (d), by striking ''fiscal years 1993 through 1997'' each place it appears and inserting ''fiscal years 1998, 1999, and 2000''

(4) by striking subsection (e); and

(5) by redesignating subsections (c), (d), and (f) as subsections (b), (c), and (d), respectively.

SEC. 2242. MIGRATORY WORKERS.

Section 312(b) of the Rehabilitation Act of 1973 (29 U.S.C. 777b(b)) is amended by striking ''fiscal years 1993 through 1997'' and inserting ''fiscal years 1998, 1999, and 2000''.

SEC. 2243. REPEALERS.

(a) IN GENERAL.—Sections 314 and 315 of the Rehabilitation Act of 1973 (29 U.S.C. 777d and 777e) are hereby repealed.

(b) CONFORMING AMENDMENT.—The table of contents of such Act (29 U.S.C. 701 note) is amended by striking the items relating to sections 314 and 315.

SEC. 2244. SPECIAL RECREATIONAL PROGRAMS.

(a) IN GENERAL.—Section 316 of the Rehabilitation Act of 1973 (29 U.S.C. 777f) is amended—

(1) in subsection (b), by striking ''fiscal years 1993 through 1997'' and inserting ''fiscal years 1998, 1999, and 2000'';

(2) by redesignating such section as section 313; and

(3) by inserting such section after section 312, as amended by this Act.

(b) CONFORMING AMENDMENT.—The table of contents of such Act (29 U.S.C. 701 note) is amended—

(1) by striking the item relating to section 316 (as such section was in effect prior to the redesignation of such section under subsection (a)(2)); and

(2) by inserting after the item relating to section 312 the following:

''Sec. 313. Special recreational programs.''.

TITLE XXV—AMENDMENTS TO NATIONAL COUNCIL ON DISABILITY

SEC. 2251. AUTHORIZATION OF APPROPRIATIONS.

Section 405 of the Rehabilitation Act of 1973 (29 U.S.C. 785) is amended by striking ''fiscal years 1993 through 1997'' and inserting ''fiscal years 1998, 1999, and 2000''.

TITLE XXVI—AMENDMENTS TO RIGHTS AND ADVOCACY

SEC. 2261. EMPLOYMENT OF INDIVIDUALS WITH DISABILITIES.

Section 501(a) of the Rehabilitation Act of 1973 (29 U.S.C. 791(a)) is amended in the third

sentence by striking ''the Handicapped'' and inserting ''People With Disabilities''.

SEC. 2262. ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD.

Section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792) is amended—

(1) in subsection (a), by striking ''Chairperson'' and inserting ''chairperson''; and

(2) in subsection (g)(2), by striking ''Committee on Education and Labor'' and inserting ''Committee on Education and the Workforce''.

SEC. 2263. PROTECTION AND ADVOCACY OF INDIVIDUAL RIGHTS.

Section 509 of the Rehabilitation Act of 1973 (29 U.S.C. 794e) is amended—

(1) by redesignating subsection (n) as subsection (i);

(2) in subsection (l), by striking ''Committee on Education and Labor'' and inserting ''Committee on Education and the Workforce''; and

(3) in subsection (m), by striking ''each of the fiscal years 1993, 1994, 1995, 1996, and 1997'' and inserting ''each of the fiscal years 1998, 1999, and 2000''.

SEC. 2264. REQUIREMENT THAT FEDERAL AGENCIES PROVIDE CERTIFICATION OF COMPLIANCE WITH ELECTRONIC AND INFORMATION TECHNOLOGY ACCESSIBILITY GUIDELINES.

Section 508(b) of the Rehabilitation Act of 1973 (29 U.S.C 794d(b)) is amended to read as follows:

''(b) COMPLIANCE.—

''(1) IN GENERAL.—Each Federal agency shall comply with the guidelines established under this section.

''(2) CERTIFICATION.—

''(A) ESTABLISHMENT OF CERTIFICATION PROCEDURES.—The Director of the Office of Management and Budget shall establish uniform procedures under which the head of each Federal agency shall submit to the Director a written certification, containing such information as the Director may reasonably require, that such agency is in compliance with the guidelines established under this section.

''(B) SUBMISSION OF CERTIFICATION.—Not later than September 30 of each year, the head of each Federal agency shall submit to the Director of the Office of Management and Budget a written certification in accordance with the procedures established under subparagraph (A).

''(C) REVIEW OF CERTIFICATION.—The Director of the Office of Management and Budget—

''(i) shall review each certification submitted by each Federal agency under subparagraph (B); and

''(ii) shall provide notice to each such Federal agency that such agency is either in compliance or not in compliance with the guidelines established under this section, as the case may be.

''(D) ASSISTANCE FOR AND MONITORING OF AGENCIES NOT IN COMPLIANCE.—In the case of a Federal agency that is not in compliance with the guidelines established under this section, the Director of the Office of Management and Budget—

''(i) shall assist such agency in its efforts to comply with such guidelines; and

''(ii) shall monitor the progress of such agency to comply with such guidelines.''.

TITLE XXVII—AMENDMENTS TO EMPLOYMENT OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES

SEC. 2271. AUTHORIZATION OF APPROPRIATIONS.

Sections 622 and 638 of the Rehabilitation Act of 1973 (29 U.S.C. 795i and 795q) are each amended by striking ''each of fiscal years 1993 through 1997'' and inserting ''each of the fiscal years 1998, 1999, and 2000''.

SEC. 2272. REPEALERS.

(a) IN GENERAL.—Parts A and D of title VI of the Rehabilitation Act of 1973 (29 U.S.C. 795 et seq. and 795r) are hereby repealed.

(b) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Parts B and C of title VI of such Act (29 U.S.C. 795g et seq. and 795k et seq.) are redesignated as parts A and B of title VI of such Act, respectively.

(2) TABLE OF CONTENTS.—The table of contents of such Act (29 U.S.C. 701 note) is amended—

(A) by striking the items relating to parts A and D of title VI (as such parts were in effect prior to the repeal of such parts under subsection (a)); and

(B) by redesignating the items relating to parts B and C of title VI (as such parts were in effect prior to the redesignation of such parts under paragraph (1)) as items relating to parts A and B of title VI of such Act, respectively.

TITLE XXVIII—AMENDMENTS TO INDEPENDENT LIVING SERVICES AND CENTERS FOR INDEPENDENT LIVING

SEC. 2281. AUTHORIZATION OF APPROPRIATIONS.

(a) SECTIONS 714 AND 727.—Sections 714 and 727 of the Rehabilitation Act of 1973 (29 U.S.C. 796e–3 and 796f–6) are amended by striking ''each of the fiscal years 1993, 1994, 1995, 1996, and 1997'' and inserting ''each of the fiscal years 1998, 1999, and 2000''.

(b) SECTION 753.—Section 753 of such Act (29 U.S.C. 796l) is amended by striking ''each of the fiscal years 1993 through 1997'' and inserting ''each of the fiscal years 1998, 1999, and 2000''.

SEC. 2282. PROGRAM AUTHORIZATION FOR CENTERS FOR INDEPENDENT LIVING.

Section 721(c)(1)(A) of the Rehabilitation Act of 1973 (29 U.S.C. 796f(c)(1)(A)) is amended by striking ''.'' and inserting a comma.

TITLE XXIX—AMENDMENTS TO SPECIAL DEMONSTRATIONS AND TRAINING PROJECTS

SEC. 2291. AUTHORIZATION OF APPROPRIATIONS.

Section 801 of the Rehabilitation Act of 1973 (29 U.S.C. 797) is amended by striking ''1993 through 1997.'' each place such term appears and inserting ''1998 through 2000.''.

SEC. 2292. DEMONSTRATION ACTIVITIES.

Section 802 of the Rehabilitation Act of 1973 (29 U.S.C. 797a) is amended to read as follows:

''SEC. 802. DEMONSTRATION PROJECTS TO INCREASE CLIENT CHOICE.

''(a) GRANTS.—The Commissioner may make grants to States and public or nonprofit agencies and organizations to pay all or part of the costs of projects to demonstrate ways to increase client choice in the rehabilitation process, including the selection of providers of vocational rehabilitation services.

''(b) USE OF FUNDS.—An entity that receives a grant under this section shall use the grant only—

''(1) for activities that are directly related to planning, operating, and evaluating the demonstration projects; and

''(2) to supplement, and not supplant, funds made available from Federal and non-Federal sources for such projects.

''(c) APPLICATION.—Any eligible entity that desires to receive a grant under this section shall submit an application at such time, in such manner, and containing such information and assurances as the Commissioner may require, including—

''(1) a description of—

''(A) how the applicant intends to promote increased client choice in the rehabilitation process, including a description, if appropriate, of how an applicant will determine the cost of any service or product offered to an eligible client;

''(B) how the applicant intends to ensure that any vocational rehabilitation service or related service is provided by a qualified provider who is accredited or meets such other quality assurance and cost-control criteria as the State may establish; and

''(C) the outreach activities to be conducted by the applicant to obtain eligible clients; and

''(2) assurances that a written plan will be established with the full participation of the client, which plan shall, at a minimum, include—

''(A) a statement of the vocational rehabilitation goals to be achieved;

''(B) a statement of the specific vocational rehabilitation services to be provided, the projected dates for their initiation, and the anticipated duration of each such service; and

''(C) objective criteria, an evaluation procedure, and a schedule, for determining whether such goals are being achieved.

''(d) AWARD OF GRANTS.—In selecting entities to receive grants under subsection (a), the Commissioner shall take into consideration the—

''(1) diversity of strategies used to increase client choice, including selection among qualified service providers;

''(2) geographic distribution of projects; and

''(3) diversity of clients to be served.

''(e) RECORDS.—Entities that receive grants under subsection (a) shall maintain such records as the Commissioner may require and comply with any request from the Commissioner for such records.

''(f) DIRECT SERVICES.—At least 80 percent of the funds awarded for any project under this section shall be used for direct services, as specifically chosen by eligible clients.

''(g) EVALUATION.—The Commissioner shall conduct an evaluation of the demonstration projects with respect to the services provided, clients served, client outcomes obtained, implementation issues addressed, the cost effectiveness of the project, and the effects of increased choice on clients and service providers. The Commissioner may reserve funds for the evaluation for a fiscal year from the amounts appropriated to carry out projects under this section for the fiscal year.

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

''(1) DIRECT SERVICES.—The term 'direct services' means vocational rehabilitation services, as described in section 103(a).

''(2) ELIGIBLE CLIENT.—The term 'eligible client' means an individual with a disability, as defined in section 7(8)(A), who is not currently receiving services under an individualized written rehabilitation program established through a designated State unit.''.

SEC. 2293. TRAINING ACTIVITIES.

(a) IN GENERAL.—Section 803 of the Rehabilitation Act of 1973 (29 U.S.C. 797b) is amended—

(1) by striking subsections (d) and (e) and redesignating subsection (f) as subsection (d);

(2) in subsection (d) (as so redesignated by paragraph (1))—

(A) by striking ''(g)'' and inserting ''(f)''; and

(B) by striking the last sentence; and

(3) by striking subsection (a) and redesignating subsections (b) through (d) (as so redesignated by paragraph (1)) as subsections (a) through (c).

(b) EFFECTIVE DATES.—

(1) PARAGRAPHS (1) AND (2).—The amendments made by paragraphs (1) and (2) of subsection (a) shall take effect on October 1, 1997.

(2) SUBSECTION (A)(3).—The amendment made by paragraph (3) of subsection (a) shall take effect on October 1, 1998.

TITLE XXX—AMENDMENTS TO THE HELEN KELLER NATIONAL CENTER ACT

SEC. 2295. AUTHORIZATION OF APPROPRIATIONS.

Section 205(a) of the Helen Keller National Center Act (29 U.S.C. 1904(a)) and section 208(h) of such Act (29 U.S.C. 1907(h)) are each amended by striking ''1993 through 1997'' and inserting ''1998, 1999, and 2000''.

TITLE XXXI—EFFECTIVE DATE

SEC. 2297. EFFECTIVE DATE.

Except as provided in section 2293, this division and the amendments made by this division shall take effect on October 1, 1997.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. COLLINS, announced that the yeas had it.

Mr. CLAY objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas ..... 343 / Nays ..... 60 }

¶50.8 [Roll No. 138]

YEAS—343

Abercrombie	Cooksey	Gilman
Allen	Costello	Gonzalez
Archer	Coyne	Goodlatte
Armey	Cramer	Goodling
Bachus	Cubin	Gordon
Baesler	Cummings	Graham
Baldacci	Cunningham	Granger
Barcia	Danner	Green
Barrett (NE)	Davis (FL)	Greenwood
Barrett (WI)	Davis (VA)	Gutknecht
Bartlett	Deal	Hall (OH)
Bass	DeFazio	Hamilton
Bateman	Delahunt	Hansen
Becerra	DeLauro	Harman
Bentsen	DeLay	Hastert
Bereuter	Dellums	Hastings (FL)
Berman	Deutsch	Hastings (WA)
Berry	Diaz-Balart	Herger
Bilbray	Dicks	Hill
Bilirakis	Dingell	Hilleary
Bishop	Dixon	Hilliard
Blagojevich	Doggett	Hinchey
Bliley	Dooley	Hinojosa
Blumenauer	Doyle	Hobson
Blunt	Dreier	Hoekstra
Boehner	Dunn	Holden
Bonilla	Edwards	Hooley
Bonior	Ehlers	Horn
Bono	Ehrlich	Houghton
Borski	Engel	Hoyer
Boswell	English	Hunter
Boucher	Ensign	Inglis
Boyd	Eshoo	Jackson (IL)
Brady	Etheridge	Jackson-Lee (TX)
Brown (CA)	Evans	Jenkins
Brown (FL)	Ewing	John
Bryant	Farr	Johnson (CT)
Bunning	Fattah	Johnson (WI)
Burr	Fawell	Johnson, E.B.
Buyer	Fazio	Johnson, Sam
Calvert	Filner	Kanjorski
Camp	Foglietta	Kaptur
Canady	Foley	Kasich
Capps	Forbes	Kelly
Cardin	Ford	Kennedy (MA)
Carson	Fowler	Kennedy (RI)
Castle	Fox	Kennelly
Chabot	Frank (MA)	Kildee
Chambliss	Franks (NJ)	Kilpatrick
Christensen	Frelinghuysen	Kim
Clay	Frost	Kind (WI)
Clayton	Furse	Kleczka
Clement	Gallegly	Klug
Clyburn	Ganske	Knollenberg
Coburn	Gejdenson	Kolbe
Combest	Gekas	Kucinich
Condit	Gibbons	LaFalce
Conyers	Gilchrest	
Lampson	Northup	Sherman
Lantos	Norwood	Shimkus
Largent	Nussle	Shuster
Latham	Oberstar	Sisisky
LaTourette	Obey	Skaggs
Lazio	Olver	Skeen
Leach	Ortiz	Slaughter
Levin	Owens	Smith (MI)
Lewis (CA)	Oxley	Smith (NJ)
Lewis (GA)	Pallone	Smith (OR)
Linder	Parker	Smith (TX)
Lipinski	Pascrell	Smith, Adam
Livingston	Pastor	Snowbarger
Lofgren	Paxon	Snyder
Lowey	Payne	Souder
Lucas	Pease	Spence
Luther	Pelosi	Spratt
Maloney (CT)	Peterson (MN)	Stabenow
Maloney (NY)	Peterson (PA)	Stark
Markey	Pickering	Stenholm
Martinez	Pickett	Stokes
Mascara	Pitts	Strickland
Matsui	Pomeroy	Stupak
McCarthy (MO)	Porter	Sununu
McCarthy (NY)	Portman	Tanner
McCollum	Poshard	Tauscher
McCrery	Price (NC)	Tauzin
McDade	Pryce (OH)	Taylor (NC)
McDermott	Rahall	Thomas
McGovern	Ramstad	Thompson
McHale	Rangel	Thornberry
McHugh	Regula	Thurman
McInnis	Reyes	Tiahrt
McIntosh	Riggs	Tierney
McIntyre	Rivers	Torres
McKeon	Rodriguez	Traficant
McKinney	Roemer	Turner
McNulty	Rogers	Upton
Meehan	Rohrabacher	Velazquez
Meek	Ros-Lehtinen	Vento
Menendez	Rothman	Visclosky
Mica	Roukema	Walsh
Millender-McDonald	Roybal-Allard	Waters
Miller (FL)	Rush	Watt (NC)
Minge	Ryun	Waxman
Mink	Sabo	Weldon (PA)
Moakley	Sanchez	Weller
Mollohan	Sanders	Wexler
Moran (KS)	Sandlin	Weygand
Moran (VA)	Sawyer	White
Morella	Saxton	Whitfield
Myrick	Schaffer, Bob	Wise
Nadler	Schumer	Wolf
Neal	Scott	Woolsey
Nethercutt	Serrano	Wynn
Ney	Shaw	Yates
	Shays	Young (AK)

NAYS—60

Aderholt	Goss	Radanovich
Barr	Hall (TX)	Riley
Burton	Hayworth	Rogan
Callahan	Hefley	Royce
Campbell	Hostettler	Salmon
Cannon	Hulshof	Sanford
Chenoweth	Hutchinson	Scarborough
Coble	Hyde	Schaefer, Dan
Collins	Jones	Sensenbrenner
Cook	King (NY)	Sessions
Cox	Kingston	Shadegg
Crane	LaHood	Smith, Linda
Crapo	Lewis (KY)	Solomon
Davis (IL)	Manzullo	Stearns
Dickey	Metcalf	Stump
Doolittle	Neumann	Talent
Duncan	Pappas	Taylor (MS)
Emerson	Paul	Thune
Everett	Petri	Wamp
Goode	Pombo	Weldon (FL)

NOT VOTING—30

Ackerman	Gillmor	Murtha
Andrews	Gutierrez	Packard
Baker	Hefner	Quinn
Ballenger	Istook	Schiff
Barton	Jefferson	Skelton
Boehlert	Klink	Towns
Brown (OH)	LoBiondo	Watkins
DeGette	Manton	Watts (OK)
Flake	Miller (CA)	Wicker
Gephardt	Molinari	Young (FL)

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶50.9 CLERK TO CORRECT ENGROSSMENT

On motion of Mr. MCKEON, by unanimous consent,

Ordered, That in the engrossment of the foregoing bill the Clerk be authorized to make technical corrections and conforming changes as may be necessary to reflect the actions of the House in amending the bill.

¶50.10 EMERGENCY SUPPLEMENTAL APPROPRIATIONS, FY 1997

On motion of Mr. LIVINGSTON, by unanimous consent, the bill (H.R. 1469) making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes; together with the amendment of the Senate thereto, was taken from the Speaker's table.

When on motion of Mr. LIVINGSTON, it was,

Resolved, That the House disagree to the amendment of the Senate and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the Clerk notify the Senate thereof.

¶50.11 MOTION TO INSTRUCT CONFEREES—H.R. 1469

Ms. KAPTUR moved that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on H.R. 1469 be instructed to insist on the House position with respect to funding for the Special Supplemental Nutrition Program for Women, Infants and Children (WIC), providing a funding level of $76,000,000, to ensure no reduction in the number of participants being served by this program.

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. HASTINGS of Washington, announced that the yeas had it.

So the motion to instruct the managers on the part of the House was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶50.12 APPOINTMENT OF CONFEREES—H.R. 1469

Thereupon, the SPEAKER pro tempore, Mr. HASTINGS of Washington, by unanimous consent, appointed Messrs. LIVINGSTON, MCDADE, YOUNG of Florida, REGULA, LEWIS of California, PORTER, ROGERS, SKEEN, WOLF, KOLBE, PACKARD, CALLAHAN, WALSH, TAYLOR of North Carolina, OBEY, YATES, STOKES, MURTHA, SABO, FAZIO, HOYER, MOLLOHAN, MSES. KAPTUR and PELOSI, as managers on the part of the House at said conference.